

## **EN BANC**

**[ A.M. No. 04-5-118-MTCC, July 29, 2004 ]**

**RE: COMPLIANCE OF JUDGE MAXWEL S. ROSETE, MUNICIPAL TRIAL COURT IN CITIES (MTCC) SANTIAGO CITY, ISABELA.**

### **R E S O L U T I O N**

**DAVIDE JR., CJ.:**

On 16 September 2002, Judge Maxwell S. Rosete, Presiding Judge of the Municipal Trial Court in Cities (MTCC) of Santiago City, Isabela, wrote Deputy Court Administrator (DCA) Jose P. Perez of the Office of the Court Administrator (OCA), requesting that he be designated as acting judge to any vacant sala within Metro Manila. In support of his request, Judge Rosete stated in his letter that he had "only a handful of cases pending for trial before his sala numbering to a little more than one hundred."

Acting on Judge Rosete's request, DCA Perez directed Judge Ruben Plata, Executive Judge of the Municipal Circuit Trial Court, Branch 1, Santiago City, and Judge Fe Albano-Madrid, Executive Judge of the Regional Trial Court, Branch 21, Santiago City, to comment on Judge Rosete's request. Both Judge Plata and Judge Albano-Madrid offered no objection to Judge Rosete's request as stated in their respective letters both dated 12 November 2002.

In a memorandum dated 20 January 2003 addressed to Chief Justice Hilario G. Davide, Jr., DCA Perez recommended the denial of the request of Judge Rosete. According to DCA Perez, contrary to Judge Rosete's representation that he had "only a handful of cases pending for trial before his sala numbering to a little more than one hundred," the records of the OCA showed that, as of October 2002, Judge Rosete had 326 pending cases in Branch 2, MTCC of Santiago City, Isabela, where he is the Presiding Judge, and 212 pending cases in the Municipal Trial Court (MTC) of Cordon, Isabela, where he is the Acting Presiding Judge. The records of the OCA likewise showed that at the time of Judge Rosete's request, there were no vacant courts in the National Capital Region. In contrast, there was a scarcity of judges in the Province of Isabela at the time. Lastly, an assignment in the National Capital Region is considered a promotion, and Judge Rosete's record does not show any exemplary performance warranting such reassignment.

In a memorandum addressed to Judge Rosete dated 24 February 2003, the Chief Justice denied his request for transfer. Further, Judge Rosete was directed to show cause why no disciplinary action should be taken against him for what appears to be a misrepresentation with respect to the volume of cases pending before his sala. Judge Rosete was required to submit to the OCA within thirty days from receipt of the said memorandum a list of pending cases in Branch 2, MTCC of Santiago City and the MTC of Cordon, Isabela, including information on the date of filing of the cases, last hearing dates, and their current status.

In compliance with the said memorandum, Judge Rosete submitted on 28 April 2003 a docket inventory of cases pending in his regular sala, Branch 2, MTCC of Santiago City, Isabela, and in the MTC of Cordon, Isabela, where he is the acting presiding judge.

The OCA found that a total of 254 cases were pending in Branch 2, MTCC of Santiago City, Isabela; and 105 cases, in the MTC of Cordon, Isabela. It observed that a comparison of the number of cases pending as of October 2002 and 24 April 2003 showed a significant decrease in the number of pending cases in the courts presided by Judge Rosete. Noting that there were 177 pending cases for trial in the courts presided by Judge Rosete at the time he made the statement on 16 September 2000, the OCA surmised that he was referring to this figure when he stated that he had only a little more than 100 cases pending for trial. Thus, the OCA discerned that Judge Rosete did not commit any apparent misrepresentation on the number of cases pending before his courts.

We, however, find that Judge Rosete committed an act of dishonesty and lack of candor in reporting to the Court that he had only an insignificant number of cases pending for trial in support of his request for reassignment.

At the time the said statement was made on 6 September 2000, the number of cases pending before the courts presided by Judge Rosete was 326 in the MTCC of Santiago City and 212 in the MTC of Cordon, Isabela.<sup>[1]</sup> Six months thereafter, the number of cases pending before the MTCC of Santiago City was reduced to 254, or a decrease of 72 cases; while the number of cases pending before the MTC, Cordon, Isabela, was likewise reduced to 107, or a decrease of 105 cases.<sup>[2]</sup> Despite the decrease, the pending cases at the trial stage in the MTCC of Santiago City and MTC of Cordon, Isabela, numbered 172 and 42, respectively.

A total, therefore, of 214 cases were still pending for trial before the MTCC of Santiago City and MTC of Cordon, Isabela. Even if Judge Rosete's statement that "there were only a little more than 100 cases pending for trial" referred to the 172 cases pending for trial in the MTCC of Santiago City the statement was a blatant lie.

Worse, if indeed the figures he cited merely referred to the cases pending for trial in the MTCC of Santiago City, he evidently suppressed information with respect to the cases pending before the MTC, Cordon, Isabela.

Plainly, the statement was made with no other intention than to deceive the Court as to the number of pending cases for trial handled by Judge Rosete for the sole purpose of justifying his desire to be reassigned to a court of his choice. Such deportment and actuation by no less than a member of the Judiciary towards the Court is, regrettably, an outward manifestation of an attitude which does not put service above oneself.

While the act for which respondent Judge is being disciplined is not in connection with his dealings with litigants, the lack of candor he has shown by the misrepresentation which he made before the Court is incongruent with the primordial character which a magistrate must possess, especially so in this case where the act of dishonesty was committed against the Court. A member of the bar owes candor, fairness, and good faith to the Court. He must not do any falsehood or

consent to the doing of any in court; neither shall he mislead or allow the Court to be misled by any artifice.<sup>[3]</sup> The moral standard of honesty is equally, if not much more, expected from members of the Judiciary, as they are the agents through which the Court ensures that the end of justice is served. Dishonesty is anathema to the very nature of functions which a magistrate performs.

This conclusion is further bolstered by the fact that Judge Rosete failed to adequately explain in his compliance to the memorandum of the Chief Justice his claim that he had only a handful of cases when the records of the OCA, as well as the docket inventory he submitted, clearly indicated that the number of cases he was handling for trial was more than double the number he initially reported.

In addition to Judge Rosete's apparent misrepresentation, the OCA also brought to our attention the slow movement of cases in his courts. In the MTCC of Santiago City, Isabela, where Judge Rosete is the Presiding Judge, 31 cases were filed before the year 2000. Of these 31 cases, the only civil case is still at the trial stage; while of the criminal cases, 28 are in the trial stage and 2 are at the arraignment stage. Of these 31 cases, 4 are governed by the Rules on Summary Procedure.

At the MTC of Cordon, Isabela, where Judge Rosete is the Acting Presiding Judge, a total of 27 cases were filed prior to the year 2000. Of these cases, 26 are in the trial stage and 1 is at the pre-trial stage. Eleven of the 27 cases are within the coverage of the Rules on Summary Procedure. Apparently, all these cases remained unresolved as of 24 April 2003.

Thus, the OCA recommended that Judge Rosete should be held liable for non-observance of the Rules on Summary Procedure and the 90-day limit for mandatory continuous trial. It then recommended that Judge Rosete be imposed a fine of P10,000 for the "slow movement of cases" in the courts where he is the presiding judge. He was likewise directed to take appropriate action on the cases pending in his sala, especially those whose disposition are already beyond the reglementary period under the Rules of Summary Procedure and the Revised Rules of Criminal Procedure. The OCA further noted that Judge Rosete is now facing seven administrative cases, and that he was previously fined in an administrative case and warned that the commission of similar acts would be dealt with more severely.

We agree with the OCA with respect to its findings that the movement of cases in the courts presided by Judge Rosete is very slow. Indeed, we cannot, in conscience, turn a blind eye on the apparent slow movement of the considerable number of cases in Judge Rosete's salas, which as indicated in the docket inventory, have remained unresolved for several years. We note, however, that the information contained in the docket inventory, especially with respect to the MTC of Cordon, Isabela, is incomplete to be able to determine whether there have been violations of the Rules on Summary Procedure and the rule on mandatory continuous trial. For instance, with respect to criminal cases pending before the MTC of Cordon, Isabela, the docket inventory did not indicate the date of arraignment of the accused. Such information is material in determining whether there has been unjustifiable delay attributable to the judge.

Truly, judges play an active role in ensuring that cases are resolved with speed and dispatch so as not to defeat the cause of the litigants.<sup>[4]</sup> A judge should administer