

## **EN BANC**

**[ A.M. No. 03-1515-MTJ (formerly A.M. OCA IPI No. 98-591-MTJ), November 19, 2004 ]**

**DOLORES IMBANG, COMPLAINANT, VS. JUDGE DEOGRACIAS K. DEL ROSARIO, MUNICIPAL CIRCUIT TRIAL COURT, PATNONGON, ANTIQUE, RESPONDENT.**

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

**CALLEJO, SR., J.:**

The instant administrative matter arose when Dolores Imbang charged Judge Deogracias K. del Rosario, Municipal Circuit Trial Court, Patnongon, Bugasong, Valderama, Antique, with failure to decide Civil Case No. 318 for collection of sum of money in a sworn Letter-Complaint dated July 31, 1998. The complaint was docketed as OCA IPI No. 98-591-MTJ. In a 1st Indorsement dated February 9, 1999, the Office of the Court Administrator (OCA) referred the matter to the respondent and required the latter to comment within ten (10) days from receipt thereof. The OCA thereafter issued a 1st Tracer on February 3, 2000 reiterating its order requiring the respondent to submit his comment. The respondent failed to comply. The Court Administrator reiterated the previous orders in a Letter dated August 10, 2001, and warned the respondent that the OCA would recommend to the Court that he be cited for contempt in case of failure to comply therewith.

In a Letter dated September 6, 2001, the respondent judge requested for an extension of ten (10) days within which to file his comment. The OCA granted the request, and advised the respondent that no further extension would be given. The respondent judge failed to file his comment within the period given.

In a Decision dated February 3, 2004, this Court resolved to impose a fine on Judge Deogracias K. del Rosario in the amount of Ten Thousand Pesos (P10,000) for failing to comment on a complaint against him despite repeated directives to do so. He was, likewise, directed to show cause within ten (10) days from receipt of such decision why he should not be dismissed from the service for his refusal to file his Comment as directed by the Court.

The respondent judge complied with the Court's directive and paid the required fine on April 30, 2004.

In his Manifestation with Show Cause Explanation dated March 24, 2004, the respondent averred that he had no intention to defy the orders/directives of the Court, thus:

... [B]ecause of his poor time management, said orders/directives were overlooked by him and during this period respondent has been suffering from several ailments, as shown in the medical certificates issued to him by his attending physicians which were attached to

his sick leave applications, to wit: (1) Medical Certificate dated October 10, 1998 issued by Dr. Rene Juaneza for his confinement at the Iloilo Doctors' Hospital from August 26, 1998 to August 30, 1998 for gastritis, diabetes mellitus II and Koch's IV, a machine copy is attached hereto as Annex "A" hereof; (2) Medical Certificate dated February 26, 1999 issued by Dr. Gregorio P. Tirador for his confinement at the same hospital from February 7, 1999 to February 9, 1999 for Diabetes Mellitus II, Degenerative Osteoarthritis with Cervical Spasm and Hypertensive Cardiovascular Disease, a machine copy is attached hereto as Annex "B" hereof; (3) Medical Certificate dated April 17, 1999 issued by Dr. Jose Y. Soriano when respondent was under his medical care from February 22, 1999 to March 6, 1999 for cervical spondylosis etc., a machine copy is attached hereto as Annex "C" hereof, and for the year 2001 respondent was also hospitalized for which he filed his sick leave application from June 29 to July 27, 2001, as shown in his application for leave, a machine copy is hereto attached as Annex "D" hereof;

5. That, indeed, said ailments have greatly affected respondent's efficiency and competence, and he is no longer fit to continue in the judiciary for his inefficiency;
6. That furthermore, Dr. Louie S. Tirador, his attending cardiologist, issued the Cardiological Evaluation dated March 23, 2004 certifying that respondent is a "diagnose[d] case of Diabetes Mellitus Type II, Coronary artery disease, s/p non-q wave myocardial infarction, and hypertensive cardiovascular disease" and that he "still experienced chest pains on ordinary activity associated with shortness of breath despite taking medications religiously" for which Dr. Tirador recommends "that he takes early retirement to avoid stress," which evaluation is attached hereto as Annex "E" hereof.

The respondent alleged that his poor health condition affected his competency and efficiency, and that he found it difficult to travel three (3) times a week from San Jose, Antique, to his regular station in Patnongon, Antique, a distance of 25 kilometers, and two (2) times a week to the 4th Municipal Circuit Trial Court of Barbaza, Antique, of which he has been Judge Designate since 1997. The respondent judge humbly pleaded to the Court that he be allowed to retire from the service, as he is now sixty (60) years old and has been with the government service since July 1984.

In compliance with the Resolution of the Court dated July 20, 2004 directing it to make an evaluation, report, and recommendation on the instant administrative matter, the OCA opined, thus:

We find the explanation of Judge Del Rosario to be unsatisfactory. His excuses, viz, poor time management and poor health conditions – are not sufficient justifications for his failure to comply with the directives of this Court. Assuming that he was burdened with heavy workload and is suffering from numerous health problems, we find it wrong that such lawful orders of this Court could have been ignored by him.