

THIRD DIVISION

[A.M. No. MTJ-99-1232, February 19, 2003]

ROSARIO D. ADRIANO, COMPLAINANT, VS. JUDGE FRANCISCO D. VILLANUEVA, METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY, RESPONDENT.

DECISION

PANGANIBAN, J.:

Even after judges have retired from the service, they may still be held administratively accountable for lapses and offenses committed during their incumbency. Although they may no longer be dismissed or suspended, they may still be meted out fines that can be deducted from their retirement benefits.

The Case and the Facts

This administrative case stems from a sworn Letter-Complaint^[1] filed by Rosario D. Adriano, charging Judge Francisco D. Villanueva of the Metropolitan Trial Court (MeTC) of Quezon City, Branch 36, with gross ignorance of the law, knowingly rendering an unjust judgment, grave abuse of discretion and conduct unbecoming a trial judge.

The material averments in the Complaint are summarized by the Office of the Court Administrator (OCA) in this wise:

"Complainant is the complaining witness in Criminal Case No. 31285, People versus Fe Floro Valino, for violation of Act No. 3753 (Civil Registry Law), as amended by P.D. No. 651, for having made false statements in the death certificate of the late Atty. Lope Adriano. The case was decided on May 20, 1997 acquitting the accused in the decision rendered by respondent Judge, which was promulgated on August 6, 1997.

"Complainant is the wife of the late Atty. Lope E. Adriano who died while she and her children were abroad. Accused Fe Floro Valino in the criminal case (the live-in partner of the deceased for several years) representing herself as the wife of the deceased in the death certificate was able to have the remains of the deceased interred at the Manila Memorial Park without the complainant's consent, thus denying her and her children the right to view him, pay their last respect and have him buried at the Holy Cross Memorial Park, Q.C. where the deceased had bought burial lots. Hence the criminal case that was filed against accused Fe Floro Valino.

"Complainant avers that respondent Judge repeatedly delayed the decision in the criminal case that was submitted to him since February 23, 1996. According to her, respondent Judge set several conferences

between the parties for a possible amicable settlement instead of rendering judgment within the ninety-day period. And before promulgation of the decision respondent Judge, in open court, advised both parties to settle their dispute, an act which is a clear violation of the law.

"She alleges further that respondent Judge showed his ignorance when he acquitted the accused stating, among others, that she (accused) did not intend to falsify the death certificate of complainant's husband, considering that what she violated was a special law where intent was not an element. She avers that by acquitting the accused, respondent Judge has condoned criminal acts occasioned by the erroneous entry in the death records of Quezon City.

"Finally, complainant charges respondent with conduct unbecoming x x x a judge for cohabiting with another woman not his wife."^[2]

In his Answer^[3] dated February 23, 1998, respondent explained that he held several conferences between the parties during pretrial and even after the case had been submitted for decision, because he wanted to settle the case amicably. He stated that after the defense rested its case on October 11, 1995, both parties simultaneously filed their respective Memoranda on October 31, 1995. On February 23, 1996, he arranged another conference in his chamber, but the parties quarreled instead. He thus deemed the case submitted for decision.

Respondent acquitted the accused in his May 20, 1997 Decision, because it turned out that complainant had known all along that her spouse and the accused had lived together as husband and wife for more than fifteen years. Further, the accused did not intend to benefit from her alleged misrepresentation. Respondent reasoned that it was in fact complainant, not the accused, who had used her spouse's death certificate to claim the benefits from his insurance, bank deposits and Social Security System.

Moreover, respondent attributed his delay in deciding the case to his full docket. He claimed that he had more than 2,900 pending cases as of December 31, 1997, and that he received 200 cases every month.

Finally, he denied he was living with a woman other than his wife. To disprove the charge, he attached his wife's Affidavit of Merit.^[4]

In a Memorandum^[5] dated December 20, 1999, the OCA advised the Court that respondent had been placed under preventive suspension by a Resolution of the Court en banc in AM No. 99-5-54-MeTC (*Re: Letter of NBI Director Santiago Y. Toledo*).

In his Letter^[6] dated May 21, 2002, respondent informed the Court of his compulsory retirement on October 4, 2001 and prayed for the dismissal of the instant case for that reason.

Report and Recommendation of the Court Administrator

In a Memorandum^[7] dated August 29, 2002, the OCA found respondent guilty of unreasonable delay in the rendition of a decision and gross ignorance of the law.

According to the OCA, Criminal Case No. 31285 had been submitted to respondent for decision on October 31, 1995. However, he rendered his judgment only on August 6, 1997. The OCA rejected his excuse that he had a heavy caseload, because he could have asked for an extension of time to decide the case.

As to the charge of ignorance of the law, the OCA found that respondent had gravely erred in ruling that the intent to gain or to take advantage was an element of the offense penalized by Section 16 of the Civil Registry Act. It explained thus:

"x x x [A] careful examination of the record of the subject criminal case will reveal that accused Valino was charged with violation of Act No. 3753 otherwise known as the 'Civil Registry Act', as amended by P.D. No. 651, specifically, x x x [u]nder P.D. 651: '*Section 9. -- Penalty. Any person required under this decree to report for registration any fact concerning the civil status of persons and who fails to do so, or who deliberately makes false statements in the birth or death form and presents the same for registration, or who violates any rule or regulation which may be issued pursuant to this decree, and any local public health officer who fails to perform his duties as provided for in this decree shall, upon conviction, be punished by a fine of not less [than] P500.00 [nor] more than P1,000.00 or imprisonment of not less than three (3) months nor more than six (6) months, or both, in the discretion of the court.*'

"x x x. While the foregoing acts are not inherently wrong, they are made wrong by the said law. Hence, criminal intent, malice, motive or fault is not an essential element to convict or punish the person doing the said act. The mere fact of the commission of the prohibited act consummates the offenses. While no one should be held criminally liable for acts committed without criminal intent, nevertheless, Congress for reasons of public policy may make punishable the doing of an act without regard to the doer's evil intent."^[8]

Because respondent had already retired, the OCA recommended that he be fined in the amount of P40,000, which would be deducted from his retirement benefits. Furthermore, it recommended that the charge of conduct unbecoming a judge be dismissed for being moot and academic, because he had already been found guilty of it in *NBI v. Villanueva*.^[9]

The Court's Ruling

We agree with the findings of the OCA that respondent is guilty of undue delay in rendering a decision and of gross ignorance of the law. However, we also find him guilty of simple misconduct.

Respondent's Administrative Liability

Simple Misconduct

Courts exist to dispense justice. This sacred task is imbued with public interest. Verily, no government position is more demanding of moral righteousness and uprightness than a seat in the judiciary.^[10] Judges as models of law and justice are mandated to avoid not only impropriety, but also the appearance of impropriety,^[11] because their conduct affects the people's faith and confidence in the entire judicial system.

In the present case, it is evident that respondent took undue interest in settling Criminal Case No. 31285. In fact, he admitted that he "exerted utmost effort, during the pretrial and even after the case was submitted for decision, to settle the case amicably."^[12] While he should promptly dispose of the cases assigned to him, he must bear in mind that he should not pressure parties in a criminal case to settle amicably against their wishes.^[13] Crimes are transgressions against the State and are not -- with a few exceptions such as private crimes^[14] -- subject to the parties' caprice. Cases arising from them should not, upon the insistence of the judge, be compromised against the better judgment of the complainant.

When disposing of criminal cases, a judge should avoid appearing like an advocate of either party to a controversy.^[15] Respondent failed to observe the prudence necessary for him to be perceived as impartial. It was improper for him to push actively for amicable settlement against the wishes of the complainant. His unwelcome persistence made him vulnerable to suspicions of favoring the accused.

We reiterate that judges are the visible representations of law and justice. They are duty-bound to act in a manner that does not cast doubt on their fairness, impartiality and integrity. Anything less deserves sanction.

Undue Delay in Deciding a Case

A case is deemed submitted for decision upon the admission of the evidence of the parties, unless the court directs them to argue orally or to submit written memoranda.^[16] Once a case is submitted for decision, a judge has three months to decide it.^[17]

In the present case, the records reveal that Criminal Case No. 31285 was deemed submitted for decision on October 31, 1995, upon the simultaneous submission of the parties' respective Memoranda. However, a Decision acquitting the accused was promulgated only on August 6, 1997, or about one year and six months after the lapse of the three-month prescriptive period.

Respondent, however, explained that the case was submitted for decision on February 23, 1996, the day he called the parties to a settlement conference inside his chamber. Assuming *arguendo* that the case was submitted for resolution on that date, respondent still cannot escape liability, because his Decision was promulgated only on August 6, 1997. Hence, the reglementary period to decide the case had long passed. It is a settled rule that it is not enough for judges to write their decisions; it is also important that they cause the immediate promulgation thereof and make this fact known to all concerned.^[18]

Respondent cannot escape liability just because he had a heavy caseload. Nothing prevented him from seeking additional time to dispose of the case.^[19] Within the reglementary period, he could have filed a request for an extension of time, but he did not do so. He must therefore face the consequences of his inefficiency and inaction.

Delay in the disposition of cases undermines the people's faith and confidence in the judiciary.^[20] Thus, judges should dispose of the court's business promptly and decide cases within the required period.^[21] To uphold the integrity of their office, their work should at all times reflect the values of diligence and professional competence.

Ignorance of the Law

Accused Valino was charged with violating Section 16 of the Civil Registry Act as amended by Section 9 of PD 651. In acquitting her, respondent ruled that the prosecution had failed to prove her "intent to take advantage or to gain" when, in the death certificate, she misrepresented herself as the wife of complainant's husband.

A study of PD 651 shows that respondent failed to observe an elementary rule in construing criminal statutes. We quote Section 9 of PD 651 as follows:

"SEC. 9. *Penalty.*- Any person required under this decree to report for registration any fact concerning the civil status of persons and who fails to do so, or who deliberately makes false statements in the birth or death form and presents the same for registration, or who violates any rule or regulation which may be issued pursuant to this decree, and any local public health officer who fails to perform his duties as provided for in this decree, or violates any rule or regulation which may be issued pursuant to this decree, shall, upon conviction, be punished by a fine of not less than P500.00 nor more than P1,000.00 or imprisonment of not less than three (3) months nor more than six (6) months, or both, in the discretion of the court."

The accused was specifically charged with making false statements in the death form of Lope E. Adriano and then presenting it for registration. The elements of her crime are as follows: 1) there was a false statement in the death form, 2) the false statement was deliberately made, and 3) the form containing the false statement was presented for registration. The law is clear that no intent to take advantage or to gain is necessary for the act to be penalized.

Furthermore, as pointed out by the OCA, Section 9 of PD 651 refers to acts that are *mala prohibita*; thus, such acts do not require proof of criminal intent. It is a settled doctrine that the legislature has the power to forbid certain acts in a limited class of cases and to make their commission criminal without regard to the intent of the doer.^[22] Laws defining crimes as *mala prohibita* condemn behavior directed, not against particular individuals, but against public order.^[23] In this case, the legislature used its prerogative to penalize certain acts mentioned in PD 651 in order to develop a reliable source of statistics necessary for the development of the health and social programs of the government.^[24]