

## EN BANC

[ A.M. No. MTJ-01-1366, February 07, 2003 ]

**ATTY. MARIA ELISSA F. VELEZ, COMPLAINANT, VS. JUDGE  
RODRIGO R. FLORES, MTC-BRANCH 2, SAN FERNANDO,  
PAMPANGA, RESPONDENT.**

### DECISION

#### **PER CURIAM:**

Atty. Maria Elissa F. Velez charges Judge Rodrigo R. Flores of the Municipal Trial Court, Branch 2, San Fernando, Pampanga, with incompetence, gross ignorance of the law, and violation of the Anti-Graft and Corrupt Practices Act. The charges are relative to a case for ejectment, Civil Case No. 7946 entitled "Spouses Jose and Lina Velez vs. Jaime Mendoza, Florante Salonga, Eduardo Vital and Ernesto Romero."

The pertinent Sworn Administrative Complaint<sup>[1]</sup> was filed by complainant with the Office of Executive Judge Pedro M. Sunga on June 13, 2000. The Complaint was then endorsed by Judge Sunga to the Office of Chief Justice Hilario G. Davide Jr.<sup>[2]</sup> It was later referred by the Office of the Chief Justice to then Court Administrator Alfredo L. Benipayo for appropriate action.<sup>[3]</sup>

Atty. Velez narrated in her Complaint that she had filed, on behalf of her client-parents, an ejectment case against Jaime Mendoza, Florante Salonga, Eduardo Vital and Ernesto Romero. Because of their failure to reach an amicable settlement during the preliminary conference, the parties were directed to file their respective position papers. They did so on December 9, 1999, after which the case was deemed submitted for resolution.

On March 14, 2000, complainant moved ex-parte for the early resolution<sup>[4]</sup> of the case within thirty days from receipt of her Motion. She argued that three months had already elapsed since the parties filed their respective position papers. She filed a second Ex Parte Motion for Early Resolution<sup>[5]</sup> on April 24, 2000.

On May 2 and May 9, 2000, complainant personally followed up her motions with Ramoncito Serrano, Clerk of Court of Branch 2, but to no avail. On May 23, 2000, she attended the hearing of the three criminal cases before the sala of respondent Judge. As she was preparing to leave, he summoned her and told her that he was very busy, but would render his decision soon. Then, in a low, conspiratorial tone, he allegedly said, "[C]an you consider giving to me x x x your offer of financial assistance to the defendants?" (Baka p[w]ede mo na lang ibigay sa akin iyong offer mo sa mga kalaban ninyo?) She pretended not to have heard anything, gave him a blank stare, and immediately left the court premises.

On May 31, 2000, complainant again followed up the case with Clerk of Court

Serrano. Told that respondent Judge had not yet arrived, she proceeded to another court to wait. Serrano followed her there and asked her to go to the sala of respondent, who wanted to talk to her. The Judge allegedly told her that the Decision would be finished either on June 3 or June 5, 2000 at the latest. He also said, within hearing distance of his staff, that she should try giving financial assistance to the defendants. He then asked her to repeat the offer her parents had made to each defendant. Complying with his request, she said that her parents had offered P5,000 to each of the four defendants, so that they would peacefully vacate the lot. She allegedly gathered from his tone and demeanor that he was expecting her to give to him, instead of to the defendants, the full amount of P20,000.

On two separate occasions, the secretary of complainant phoned the office of respondent Judge to inquire whether a decision had already been rendered. One of the staff members in Branch 2, a certain Max, informed her that although it had not yet been signed, it had already been drafted by respondent Judge on June 5, 2000. A certain Cindy gave her the same information, except for the date, which was supposedly June 9, 2000.

Immediately thereafter, complainant manifested in writing that she would bring the matter to the attention of the Office of the Court Administrator (OCA). And when she found out that there was no draft decision filed with the records of the case, she proceeded to the Office of Executive Judge Pedro M. Sunga, before whom she narrated the foregoing facts.

Then Court Administrator Alfredo L. Benipayo referred the Sworn Complaint to respondent Judge for comment.<sup>[6]</sup>

In his Comment<sup>[7]</sup> dated August 24, 2000, respondent averred that he had already promulgated his Decision on the ejectment case on June 13, 2000. He said that he had tried his best to render the Decision at the earliest possible time, but that a delay in its promulgation ensued because of his clogged court docket. This fact had supposedly been acknowledged even by complainant in her first Ex Parte Motion for Early Resolution. He further argued that the delay, which was not "undue," had also been brought about by his research on applicable jurisprudence. These, according to him, were "strong and justifiable reason[s] for [his] failure to decide the case within the reglementary period of ninety days."<sup>[8]</sup>

Moreover, respondent dismissed the allegation of complainant that she would not be able to appear and handle her other cases before his court in the future for fear of his reprisal. He reasoned that he was not a vengeful person, and that he always decided cases on their merits.

He also denied that his tone and demeanor during his conversation with complainant implied that he was expecting her to give him the same amount that her parents were willing to give the defendants. This conclusion allegedly existed only in Atty. Velez's fertile imagination. He said that "not even in joke or jest did [he] ask complainant to give [him] P5,000 or 20,000."<sup>[9]</sup>

The Court re-docketed the Complaint as a regular administrative matter<sup>[10]</sup> and referred it to Executive Judge Adelaida Ala-Medina of the RTC, Branch 45, San Fernando, Pampanga, for investigation, report and recommendation.<sup>[11]</sup>

During the investigation, complainant executed a Supplemental Affidavit<sup>[12]</sup> to support her claim that the ejectment case was “not the first time Judge Flores asked for money from [her].” She attached a letter<sup>[13]</sup> dated December 19, 1997 addressed to a certain “Tita Eliza,” who complainant claimed was actually she. The letter, she said, was proof that respondent Judge had interceded for the amicable settlement of a collection case she was handling. In return for his intercession, he allegedly demanded from her P5,000 and a bottle of Fundador brandy.<sup>[14]</sup>

On January 2, 2002, Judge Flores filed his Reply to the Supplemental Affidavit of complainant,<sup>[15]</sup> stating that her letter had not established his culpability for the P5,000 pay-off. According to him, the letter was actually a proof that he and Atty. Velez were on good terms at the time, as evidenced by the salutation “Dear Tita Eliza” and his affectionate closing remark “Your nephew.” He alleged that the lawyer had filed the administrative Complaint, simply to get back at him for the delayed promulgation of his Decision on the ejectment case. Lastly, he denied receiving the bottle of Fundador brandy, claiming he was diabetic and was not allowed to take hard drinks.

In her Investigation, Report and Recommendation,<sup>[16]</sup> Executive Judge Ala-Medina found complainant’s assertions more credible than those of respondent Judge for the following reasons:

“Firstly, Atty. Velez has nothing to gain from accusing Judge Flores with corrupt practices. At the time Atty. Velez filed the administrative complaint on June 13, 2000, she did not know that the judge had already rendered a decision on the same day. To her mind then, she was taking a big risk in making the accusation due to the pending case. Moreover, aside from the ejectment case, Atty. Velez had four (4) other criminal cases pending with Judge Flores at that time. She was very much vulnerable to retaliation from Judge Flores but she came out with her allegations of corruption nonetheless. Hence, the probabilities strongly suggest that Atty. Velez was motivated by her desire to speak the truth. Assuming for argument’s sake that the administrative complaint was a tactic to secure a favorable ruling, Atty. Velez could have withdrawn or abandoned the case after she got a favorable ruling in the ejectment case. Yet, her efforts did not wane and she even filed a Supplemental Affidavit to bolster her allegations more than a year after filing the complaint. It would be difficult to sustain such x x x single-minded zeal if Atty. Velez were only after personal advantage.

“Second, although the December 1997 letter of judge Flores to Atty. Velez does not conclusively prove that Judge Flores demanded or received money from Atty. Velez, it raises disturbing questions on the judge’s motives and conduct. Contrary to the judge’s explanation, the letter does not merely establish the good relations between the parties at that time. The undersigned sees in the letter an attempt to conceal his motives with the false statement suggesting that they are relatives when in fact they are not. It may be a way to mislead anyone who chances upon the letter and sanitize its contents. Being a trial judge, respondent is not expected to be careless enough to document his extortion activities

on paper. But the letter was a lapse in judgment since it raises questions on respondent's conduct and reinforces the truth of complainant's allegations.

"Third, even without conclusively establishing that Judge Flores demanded money, the December 19, 1997 letter nonetheless shows that the judge was interceding on behalf of a litigant, in a case pending before another judge. x x x As a judge, respondent must be the first to protect and uphold the integrity of his profession by shielding his colleagues from pressure by litigants. Instead, respondent, aware of his influence or perhaps ascendancy over some of his colleagues, allowed himself to be used by litigants to pressure a judge. Indeed, efforts to [reach a compromise in] a case are laudable but incumbent judges should not undertake them because it tarnishes their image and raises suspicions that they are doing so out of financial considerations. x x x."<sup>[17]</sup>

Hence, the investigating Judge found respondent guilty of soliciting money from complainant and of "deliberately delay[ing] the resolution of the case to get the pay-off." She recommended his dismissal from the service.

The Office of the Court Administrator (OCA) concurred in Judge Medina's findings that respondent was guilty of violating the Anti-Graft and Corrupt Practices Act.<sup>[18]</sup> Although there was no conclusive proof that he had demanded or received any money from complainant in connection with the ejection case, his administrative culpability was sufficiently demonstrated by evidence that he had interceded in the collection case involving complainant's grandmother and the Punzalan spouses.

This Court concurs in the findings of the investigating Judge and the OCA. Judicial indolence is considered gross negligence<sup>[19]</sup> or inefficiency,<sup>[20]</sup> and gross dereliction of duty.<sup>[21]</sup> Canon 3, Rule 3.05 of the Code of Judicial Conduct, requires that judges dispose of court business promptly and decide cases within the periods prescribed by law.<sup>[22]</sup>

It cannot be disputed that respondent failed to promulgate his Decision on the ejection case within the period provided under the law. The Rules on Summary Procedure states that a first-level court must render judgment within thirty (30) days after receipt of the last affidavits and position papers or upon the expiration of the period for filing.<sup>[23]</sup> Should the court find it necessary to clarify certain material facts, it may during that period require the parties to submit affidavits or other pieces of evidence within ten (10) days. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits or upon the expiration of the period for their filing.<sup>[24]</sup>

In this case, the parties submitted their respective position papers on December 9, 1999; thus the case was deemed submitted for decision on that date. Accordingly, the Decision should have been rendered not later than January 8, 2000. However, respondent rendered it only on June 13, 2000, five months after the case had been submitted for decision.

The reason for the adoption of the Rules on Summary Procedure is precisely to prevent undue delays in the disposition of cases. It is therefore anomalous when a