

THIRD DIVISION

[A.M. No. MTJ-02-1449. (formerly OCA IPI No. 01-1025 MTJ), February 05, 2003]

ENGR. FUNDADOR AMBALONG, COMPLAINANT, VS. JUDGE ANTONIO C. LUBGUBAN, RESPONDENT.

DECISION

PUNO, J.:

This is an administrative complaint filed by Engr. Fundador Ambalong against Judge Antonio C. Lubguban, Presiding Judge, Metropolitan Circuit Trial Court, Siquijor-Enrique Villanueva-Larena, Siquijor-Siquijor for delay in resolving Civil Case No. 311 for damages pending before the sala of respondent judge.

The complaint alleged that complainant was the plaintiff in Civil Case No. 311 entitled "Engr. Fundador Ambalong vs. Jose Castillon and Rudy Castillon" for damages based on quasi-delict filed with the MCTC of Siquijor-Enrique Villanueva-Larena presided by respondent judge. After termination of the proceedings on September 13, 1999, respondent judge directed the parties to submit their respective memoranda within thirty (30) days from receipt of the last transcript. Complainant filed his memorandum on January 5, 2000 while the defendants did not file any memorandum. Respondent judge, however, has not rendered a decision on the civil case even at the time of filing of this administrative complaint on March 14, 2001. Complainant alleged that on February 21, 2001, respondent judge issued a decision on the separate criminal case acquitting the accused driver, Jose Castillon, who was also a defendant in the civil case. Complainant claimed that respondent judge violated the rule requiring judges to decide a case within three (3) months from the date it is submitted for decision.

In his Comment, respondent judge admitted that the memorandum submitted by complainant on January 5, 2000 was the last pleading filed in the civil case and that from that time, he started to draft the decisions for both the civil and criminal cases. He finished writing the drafts long before the end of the three-month reglementary period, but he kept the same in his office cabinet as he intended to make some final editing. It was only in the latter part of November 2000 when his clerk called his attention regarding the status of Civil Case No. 311 and the related criminal case. Left with no other recourse, respondent judge finally completed the draft and rendered the decision on the civil case on November 27, 2000. Respondent judge averred that the oversight might have been due to his crowded docket, plus the fact that he had other cases to attend to in another sala at Lazi MCTC, Lazi, Siquijor. Respondent judge denied complainant's allegation that there was no decision yet on the civil case as of March 1, 2001. He said that a decision has been rendered on November 27, 2000. However, he intended that copies thereof be personally served on the parties during the promulgation of the judgment in the criminal case originally set on December 20, 2000 but later moved to February 21, 2001.

Unfortunately, the office clerk forgot to hand copies of the decision in Civil Case No. 311 to the parties on said date. Hence it was only on March 6, 2001 when copies of the decision were actually mailed to the parties. Respondent judge asserted that the delay was not intentional nor motivated by malice, bias or bad faith.

Complainant and respondent judge subsequently filed their respective Reply and Rejoinder (denominated by respondent judge as "Comment to Reply").

After evaluation of the pleadings filed in this case, the Office of the Court Administrator (OCA) found respondent judge guilty of gross inefficiency and recommended that he be fined in the amount of P5,000.00. The report and recommendation of the OCA stated:

"EVALUATION: As established by the evidence on record, respondent admitted in his Comment that the decision in Civil Case No. 311 was not made within the constitutionally mandated 3-month limit. To this delay, respondent proffers the explanation that upon the filing of the last memorandum on January 5, 2000, he started writing the draft which he finished before the expiration of the 3-month reglementary period. He, however, placed the draft in the office cabinet for editing and refinement. When his attention was called by one of his staffs (*sic*) as to the status of the subject case, it was already in the later part of November, or seven months past due. He attributes the inadvertence to his crowded docket and he has other cases to attend to in another sala at MCTC-Lazi, Siquijor.

The Court has consistently impressed upon members of the bench that the noble office of a judge is to render justice not only impartially, but expeditiously as well, under the time-honored precept that justice delayed is justice denied.

Being designated as acting presiding judge in another sala is not a valid justification for the unreasonable delay in the rendition of judgment in Civil Case No. 311. If respondent could not comply with the 3-month reglementary period, he should have asked for an extension of time within which to decide the case. He never did.

That his docket is crowded is likewise a lame excuse, and will not exculpate him from administrative sanction. Respondent should have adopted a proper and efficient court management technique since he is the one directly responsible for the proper discharge of his official functions. Respondent, however, has been remiss in his duty and responsibility as court manager by failing to adopt a system of court management which resulted in his failure to decide the subject case within the reglementary period.

Respondent's inadvertence is inexcusable. It is the duty of a judge to take note of the case/s submitted for his decision or resolution and to see to it that the same are decided within the 3-month period fixed by law. His failure to do so constitutes gross inefficiency warranting the imposition of administrative sanction (Atty. Vicente P. Montes vs. Judge Arnulfo O. Bugtas, etc., A.M. No. RTJ-01-1627, April 17, 2001)