

SECOND DIVISION

[A.M. No. RTJ-03-1747, July 31, 2003]

ATTY. PROCOPIO S. BELTRAN, JR., COMPLAINANT, VS. JUDGE MAXIMO G. PADERANGA, RTC-BR. 38, CAGAYAN DE ORO CITY, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

Atty. Procopio S. Beltran Jr. charges respondent Judge Maximo G. Paderanga, RTC-Br. 38, Cagayan de Oro City, with "**Undue Delay in Rendering an Order**" and "**Making Untruthful Statements in the Certificate of Service**" stemming from Civil Case No. 98-381, *"Ponce de Leon v. Orteza"* where respondent is the Presiding Judge and complainant is counsel of record for the plaintiff.

On 21 March 2001, after the presentation of plaintiff's evidence in Civil Case No. 98-381, respondent issued an *Order* granting plaintiff fifteen (15) days to offer her evidence. On 17 April 2001 plaintiff through counsel filed a *Motion to Admit Formal Offer of Exhibits*. On 23 April 2001, since the motion contained **confusing references to the exhibits, respondent Judge was** constrained to give plaintiff another ten (10) days to make "an orderly and proper offer of exhibits" and another five (5) days from receipt of the motion for defendants therein to proffer their objections thereto.^[1]

As a result of the errors of plaintiff's counsel, complainant herein, the presentation of the evidence for the defense was deferred from 23 April 2001 to a later date to be determined "[o]nly after the **matter [i.e., admission of plaintiff's offer of exhibits] shall [have]** been resolved by the Court x x x x"^[2]

On 5 June 2001 respondent Judge received from complainant in behalf of plaintiff an *Amended Formal Offer of Exhibits with Apology* for his gaffe. Unfortunately, respondent Judge Maximo G. Paderanga failed to rule on the offer of exhibits within a reasonable time and to expedite the trial of Civil Case No. 98-381; his omission in fact delayed the progress of the case since the defense evidence **was to be presented only after plaintiff's offer of exhibits was** resolved. It was only on 6 March 2002 when complainant filed a *Manifestation* asking respondent to rule on plaintiff's *Amended Formal Offer of Exhibits* that respondent realized his "miscue" and issued his *Order* of 7 March 2002 admitting plaintiff's formal offer of exhibits after nine (9) long months.

Respondent admits his "actions and inactions" and apologizes for his "shortcomings" and "inadequacies."^[3] He however proffers an excuse: he had misplaced the case folder of Civil Case No. 98-381 and believed in good faith that he had disposed of all pending incidents in that case, for which he certified, although inaccurately, that he had no backlog in his *Certificate of Service*.^[4] With respondent's admission, he and

complainant submitted this administrative case for our resolution.^[5]

The Office of the Court Administrator recommends that **respondent Judge be held accountable for "Undue Delay in Rendering an Order"** and fined P1,000.00 with warning that a repetition of the same or similar act will be dealt with more severely. Significantly, the OCA notes that respondent has another administrative case, docketed as A.M. No. RTJ-01-1660 for "Serious Misconduct" and "Grave Abuse of Authority" pending before this Court.

We agree with the finding of the Office of the Court **Administrator that respondent is administratively liable for the** delay of nine (9) months in resolving a routine and perfunctory *Amended Formal Offer of Exhibits*, but we have serious reservations on penalizing him for the inclusion of inaccurate statements in his *Certificate of Service*.^[6]

Actionable tardiness in resolving controversies and incidents therein violates Rule 3.05 of the *Code of Judicial Conduct* which requires a judge to "dispose of the court's business promptly and decide cases within the required periods." Under the *Rules of Court*, **a judge is mandated to rule on every offer of testimonial and documentary evidence** "immediately after the objection is made, unless the court desires to take a reasonable time to inform itself on the question presented," but the ruling "shall always be made during the trial and at such time as will give the party against whom it is made an opportunity to meet the situation presented by the ruling."^[7] In any event, a reasonable time must not extend beyond the ninety (90)-day reglementary period from the date of submission of the formal offer of evidence.^[8]

In the instant case, observance of these deadlines is especially important since the presentation of defense evidence and other proceedings in Civil Case No. 98-381 was made by respondent Judge to depend upon his ruling on the *Amended Formal Offer of Exhibits*. The prolonged inaction in effect adversely impinged on the prompt termination of the civil case.

Moreover, the delay of nine (9) months cannot be excused by **respondent's allegation that he had misplaced the appropriate** folders of the civil case. Incompetent court management does not help him explain and gloss over a serious violation of the constitutional right to speedy disposition of cases which was brought about by his failure to resolve incidents within the period fixed by law.^[9] In fact, such respondent's inefficiency bolters the allegation of his culpable omission since it is his responsibility as well to "organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity."^[10] A well-organized court includes the proper physical inventory of cases which is as much Judge Paderanga's duty as his adjudicative **functions, for which he is provided a court staff and a branch clerk** of court who assist him in accomplishing these tasks.^[11]

There should be no more doubt that undue inaction on judicial concerns is not just undesirable but more so detestable especially now when our all-out effort is directed towards minimizing, if not totally eradicating the perennial problem of congestion and delay long plaguing our courts. The requirement **that cases be decided**