

SECOND DIVISION

[A.M. No. RTJ-02-1683 (Formerly OCA IPI 02-1392-RTJ), April 24, 2002]

MATHEA C BUENAFLO, COMPLAINANT, VS. JUDGE SALVADOR M. IBARRETA, JR, REGIONAL TRIAL COURT, BRANCH 8, DAVAO CITY, RESPONDENTS.

R E S O L U T I O N

DE LEON, JR., J.:

In an Affidavit-Complaint dated April 3, 2001 complainant Mathea C. Buenaflor charged respondent Judge Salvador M. Ibarreta, Jr., presiding judge of the Regional Trial Court of Davao City, Branch 8, with dishonesty and delay in the resolution of a motion for reconsideration relative to Civil Case No. 25656-97 entitled "Sps. Antonio and Mathea Buenaflor vs. Sps. Romero and Gregoria Tumanan" for Damages and Attorney's Fees.

It appears that Civil Case No. 25656-97 is an appeal by the spouses Tumanan from the Decision dated August 25, 1997 of the Municipal Trial Court in Cities (MTCC) of Davao City, Branch 4, ordering the payment of damages and attorney's fees in favor of the spouses Buenaflor. On February 11, 1998, respondent Judge Ibarreta rendered a decision reversing and setting aside the decision of the lower court. Spouses Buenaflor received a copy of the adverse decision only on July 1, 1998 or more than four (4) months later.

Dissatisfied with the decision, spouses Buenaflor filed a motion for reconsideration on July 15, 1998. On November 4, 1998, spouses Buenaflor filed a Supplemental Motion for Reconsideration. On November 6, 1998, Judge Ibarreta issued an Order stating that the Supplemental Motion for Reconsideration was deemed submitted for resolution.

More than two (2) years later, on February 8, 2001, complainant Buenaflor, thru counsel, received a copy of the Order of respondent Judge Ibarreta dated February 3, 1999 which denied the motion for reconsideration. Complainant contends that the Order dated February 3, 1999 was antedated by respondent Judge Ibarreta to make it appear that the motion for reconsideration was resolved within the ninety (90) day period when in truth and in fact the said Order was only mailed on February 2, 2001.

Explaining his side in his Comment dated May 29, 2001 respondent Judge Ibarreta stated that a draft of the assailed order was actually prepared on February 3, 1999. However, the records thereof was inadvertently misplaced "occasioned by the inevitable mix-up of records as a result of a transition caused by the optional retirement of his Branch's interpreter, Felipe Cainglet, in August 1998" and the deluge of cases unloaded by the seven (7) branches of the MTCC when his court was