

## THIRD DIVISION

**[ A.M. No. RTJ-02-1718, August 26, 2002 ]**

**MIGUELA BONTUYAN, COMPLAINANT, VS. JUDGE GAUDIOSO D. VILLARIN, RTC BRANCH 59, TOLEDO CITY (THEN JUDGE DESIGNATE, MTCC-BRANCH 5, CEBU CITY), RESPONDENT.**

### DECISION

#### **PANGANIBAN, J.:**

When there are cogent reasons why a case cannot be decided within the period prescribed by law, the judge concerned should file an application for extension, stating therein why it should be granted. Otherwise, once the period lapses, the magistrate becomes administratively liable for delay in the rendition of judgments and for violation of the Code of Judicial Conduct.

#### The Case and the Facts

Miguela Bontuyan charges Judge Gaudioso D. Villarín with undue delay in rendering a decision relative to a case for theft, Criminal Case No. 34668-R entitled "People of the Philippines v. Antonio Belandres." The factual antecedents, as culled from the records, are as follows.

On September 8, 1998, the Court received complainant's June 16, 1998 letter,<sup>[1]</sup> which had been forwarded by the Office of the Ombudsman for the Visayas. We reproduce it as follows:

"June 16, 1998

HON. ARTURO C. MOJICA

Deputy Ombudsman

Office of the Ombudsman for the Visayas

Capitol, Cebu City

Dear Deputy Ombudsman Mojica:

I am Mrs. Miguela Bontuyan of Sitio Ipil-Ipil, Capitol [S]ite, Cebu City requesting the assistance of your office for a speedy action of the case which I filed against Mr. Antonio Belandres. This case has been filed in court at Branch 5 – MTCC, Cebu City since September 1993 and the Honorable Judge in this court has always been postponing the scheduled hearings. Hereto attached are copies of the said schedule of hearings.

Hoping for your kind assistance you could help on this matter.

Respectfully yours,  
(illegible)

MIGUELA BONTUYAN"[2]

On February 15, 1999, the Office of the Court Administrator (OCA) required respondent to submit his Comment.[3] Because the latter failed to comply, Deputy Court Administrator Bernardo T. Ponferrada issued a "1st Tracer" directing him, within five (5) days from receipt thereof, to submit the required Comment. The Tracer reads as follows:

"29 May 2001

JUDGE GAUDIOSO D. VILLARIN

RTC, Branch 59

Toledo City, Cebu

1st Tracer

Dear Judge Villarin:

This refers to the administrative complaint filed against you by Mrs. Miguela Bontuyan.

Our records show that you have not yet complied with our 1st Indorsement dated 15 February 1999 requiring you to file Comment on the attached Letter dated 16 June 1998 within ten (10) days from notice, a copy of which is hereto attached.

In view thereof, you are hereby directed to submit the required COMMENT within a non-extendible period of five (5) days from receipt hereof, otherwise, this Office shall be constrained to submit the case for the consideration of the Honorable Court without your Comment.

Very truly yours,  
(illegible)

BERNARDO T. PONFERRADA

Deputy Court Administrator"[4]

In his belatedly filed Comment dated June 18, 2001, respondent said that complainant's case "has long been decided." He curtly added that the delay in the submission of his Comment was "due to the distance from Toledo City to Cebu City," a distance that had prevented him from getting "a machine copy of the said decision." [5]

#### Report and Recommendation of the Court Administrator

In its Report to the Court dated April 9, 2002, the OCA informed us that herein complainant is the offended party in Criminal Case No. 34668-R. Instead of explaining the cause of the delay in the disposition of the case and thereby refuting the charge of making undue postponements that eventually led to a protracted trial and much delayed justice, respondent merely transmitted his June 18, 2001 letter.

To that letter, which he considered his Answer, he attached a copy of his January 19, 1999 Decision in the said criminal case. The OCA Report reads in part:

"An examination of the record shows that respondent was remiss in the performance of his duties when he failed to decide the case in accordance with Section 10 of the Rule on Summary Procedure which provides:

'Sec. 10. Rendition of judgment. – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

'However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

'The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.'

"The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Hence, Sec. 10 requires that judgment in the case must be rendered within thirty (30) days from termination of the trial. While the procedural requirement is directory, it subjects the defaulting judge to administrative sanction for his failure to observe the rule. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency (Longboan v. Polig, 186 SCRA 557; De Leon vs. Castro, 104 SCRA 241).

"The Code of Judicial Conduct also enjoins a judge to be faithful to the law and maintain professional competence (Canon 3, rule 3.01) and to dispose of the court's business promptly and decide cases within the period fixed by law (Rule 3.05)."<sup>[6]</sup>

The OCA recommended that respondent be fined in the amount of P2,000 with a warning that a repetition of the same or a similar act in the future should be dealt with more severely.

This Court's Ruling

We agree with the findings of the Office of the Court Administrator, but increase the penalty consistent with the Rules.

#### *Administrative Liability of Respondent*

At the outset, it must be pointed out that Criminal Case No. 34668-R, the subject of the present administrative case, does not fall under the Rule on Summary Procedure. That Rule requires the rendition of judgment within 30 days after receipt of the last affidavits and position papers or after the expiration of the period for filing them.<sup>[7]</sup> A review of the records reveals that the subject criminal case involved the alleged theft of P500 from complainant. Section 1(B) of the 1991 Rules on Summary Procedure governs the following criminal cases: