THIRD DIVISION

[A.M. No. MTJ-00-1306, March 20, 2001]

PROSECUTOR ROBERT M. VISBAL, COMPLAINANT, VS. JUDGE RODOLFO C. RAMOS, MUNICIPAL TRIAL COURT OF JARO, LEYTE, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

Judges must resolve matters pending before them promptly and expeditiously within the prescribed period. If they fail to do so, they should ask the Supreme Court for an extension, citing meritorious grounds therefor. Otherwise, they may be charged with gross inefficiency and sanctioned administratively.

The Case and the Facts

In a verified Letter-Complaint[1] received by the Office of the Court Administrator (OCA) on February 27, 1998, Prosecutor Robert M. Visbal charged Judge Rodolfo C. Ramos of the Municipal Trial Court of Jaro, Leyte, with gross ignorance of the law, grave abuse of judicial authority and negligence. The material averments of the Letter-Complaint were summarized by the OCA in this wise:

> "Complainant alleges that the aforecited case [Crim. Case No. 9484, entitled People v. Antonio Grana, for reckless imprudence] was filed before the sala of respondent judge who issued an Order dated February 18, 1998 directing him (herein complainant) to appear for the prosecution even when he has already delegated his prosecutory authority to the Station Commander or duly authorized representative. He claims that only the executive department, through the Department of Justice, can give such order. In addition, he cites the provision of the Rules of Court which succinctly provides that although criminal cases must be prosecuted by the public prosecutor, his authority may be delegated to a private prosecutor under his control or supervision or to the Chief of Police in the Municipal Trial Court, when a regular prosecutor is not available. In the instant case, no regular prosecutor is available in respondent Judge's sala since he (complainant) is officially and regularly assigned to RTC, Branch VIII of Tacloban City, thus forcing him to delegate the prosecution of the case to the `police investigator'.

> "According to complainant, respondent Judge [was] motivated by malice and bad faith when he issued the assailed order because of the latter's lingering grudge against him arising out of an action which he filed in 1994 against respondent Judge before the RTC of Tacloban City.

> "Finally, complainant accuses respondent Judge of deliberately failing to

rule on the prosecution's offer of evidence which was submitted as early as March 10, 1997 despite his repeated manifestation for the resolution of the aforesaid motion."[2]

In his Comment,[3] respondent judge denies any liability and prays for the dismissal of the Complaint. He maintains that the police chief's authority to prosecute ceases upon actual intervention of the prosecutor. Although the judge admits that it was only on November 24, 1997 that he ruled on the Offer of Evidence submitted by the prosecution on March 10, 1997, he claims that "it was not deliberately done considering that respondent was motivated by no other consideration than to give a chance to the accused to make his comment to said offer."[4] He further denies complainant's allegation that the February 18, 1998 Order was impelled by malice and bad faith.

In a Resolution dated August 2, 2000,[5] this Court directed the parties to manifest within twenty days from notice whether they were submitting the case on the basis of the pleadings filed. Complainant submitted his Manifestation[6] in a letter dated September 10, 2000.

In a Resolution issued on November 29, 2000,[7] the Court considered respondent to have waived the filing of the required manifestation, because he had not done so within the prescribed period.

The OCA Report and Recommendation

In its Report,[8] the OCA recommended that respondent be sanctioned for his unjustified delay in the resolution of the prosecution's offer of evidence in Criminal Case No. 9484, and that the other charges filed against him be dismissed. It explained:

> "x x x [I]n those municipalities and cities which do not have their own fiscals, the criminal cases therein may be prosecuted by any peace or law enforcement officers, or by private prosecutors. Their authority ceases, however, upon actual intervention of the provincial or city fiscal or their assistants, or upon elevation of the case to the Regional Trial Court (People vs. Beriales, April 7, 1976, 70 SCRA 361). In the instant case, it appears that a public prosecutor, Pros. Ricardo Candido, actively handled the prosecution of the case but [it] was only transferred to herein complainant when the former was hospitalized.

> "It is clear from the provision of Sec. 5, Rule 110 that the authority to prosecute criminal cases may only be delegated when there is no fiscal available. Hence, respondent Judge did not abuse his authority when he issued the assailed order.

> "Anent the second issue, the record shows that there was indeed delay in the resolution of the prosecution's offer of evidence. Even if we consider respondent Judge's explanation that complainant was not immediately furnished with a copy of the Order dated November 24, 1997, the resolution of the motion was still very much delayed.

"On the loss of the necropsy report in Criminal Case No. 7613, complainant failed to submit evidence that would make respondent Judge liable therefor particularly since the control and supervision over all court records, exhibits, documents, etc. within the branch pertains to the branch clerk of court (OCA vs. Judge Amelita D.R. Benedicto, et al. A.M. No. 96-5-176-RTJ, October 12, 1998). Respondent Judge's Clerk of Court, moreover, specifically declared that "the Medico-Legal Necropsy Report was not included because the Complainant-Police Officer failed to [attach to] the complaint said document when it was filed x x x on December 18, 1989.' (Ltr. Dated May 22, 1998 of Clerk of Court Simeon M. Polo to Pros. Robert M. Visbal)."[9]

This Court's Ruling

This Court agrees with the OCA's finding that respondent is guilty of delay in resolving the prosecution's offer of exhibits in Criminal Case No. 9484. It believes, however, that the recommended penalty of reprimand is too light, considering that this is respondent's second offense.

Respondent's Administrative Liability

The records show that the prosecution submitted an Offer of Evidence in Criminal Case No. 9484 on March 10, 1997. But it was only on April 7, 1998, or more than one year later, that it received respondent's Order admitting the Offer.

Respondent asserts that the Order was in fact dated November 24, 1997. He explains that it was sent to the prosecution only in April 1998, because of the inadvertence of the clerk of court.

Respondent's contention is not meritorious. *First*, the alleged inadvertence of the clerk of court in sending the prosecution's copy of the November 24, 1997 Order only in April 1998 does not speak well of respondent's managerial competence. While the clerk of court, as administrative officer,[10] is primarily tasked to send notices to parties and their counsel, the judge is ultimately responsible for ensuring that court personnel perform their tasks, and that parties are promptly notified of his orders and decisions. Verily, "[p]roper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions."[11]

Second, respondent's assertion that the Order admitting the Offer of Evidence was issued on November 24, 1997 is an admission of liability. Section 15 (1), Art. VII of the Constitution, provides:

"Sec. 15. (1) All cases *or matters* filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission [to] the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts." (emphasis supplied)

In this case, it took respondent more than eight months to resolve the prosecution's Offer of Evidence. In fact, the prosecution had filed two Motions - the first on September 1, 1997 and the second on November 20, 1997 -- urging respondent to