

THIRD DIVISION

[A.M. No. RTJ-01-1627, April 17, 2001]

ATTY. VICENTE B. MONTES, COMPLAINANT, VS. JUDGE ARNULFO O. BUGTAS, REGIONAL TRIAL COURT OF BORONGAN, EASTERN SAMAR (BRANCH 2), RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

Time and time again, this Court has reminded judges to decide cases within three months from the receipt of the last pleading. If they cannot do so, they must, prior to the expiration of reglementary period, ask the Supreme Court for an extension. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions.

The Case

In a letter-complaint dated March 23, 2000^[1] addressed to the Office of the Court Administrator (OCA), Atty. Vicente B. Montes charged Judge Arnulfo O. Bugtas of the Regional Trial Court (RTC) of Borongan, Eastern Samar (Branch 2), with failure to decide within the prescribed period Civil Case No. 3427 entitled "Municipality of Hernani, Eastern Samar vs. Joyce Baquilod Montes." Atty. Montes likewise alleged that respondent judge had appropriated for his personal use the ambulance of the Municipality of Hernani, Eastern Samar; and that the latter had a special relationship with the mayor of the municipality.

On April 12, 2000, the OCA required respondent to comment on the administrative Complaint.^[2] In his Comment dated May 15, 2000,^[3] respondent explained that he had already rendered a Decision in the civil case on January 23, 2000. He also denied using the municipal ambulance of Hernani, Eastern Samar; and stated that for both official and personal purposes, he used his own car

In its August 30, 2000 Resolution,^[4] this Court referred the case to Court of Appeals Justice Josefina G. Salonga for investigation, report and recommendation. After conducting a hearing, Justice Salonga required the parties to file their respective Memoranda.

The Facts

In her Report submitted to this Court on December 11, 2000,^[5] the investigating justice summarized the facts in this wise:

"It appears that an Eminent Domain case was filed by the Municipality of Hernani, Eastern Samar against Joyce Baquilod and Jerry Montes before

the sala of the respondent judge. Accordingly, the case was referred to commissioners for the determination of just compensation. On August 25, 1999, the commissioners submitted their report to the Court. Thereafter, three (3) motions dated September 15, 1999, October 11, 1999 and December 23, 1999 were filed by the complainant for the early resolution of the case. The respondent judge having failed to decide the case within the reglementary period, the complainant filed an administrative complaint before the Office of the Court Administrator (OCA). In addition, he was also accused of using the municipality's ambulance for personal purposes.

"When asked to comment, the respondent judge informed the OCA that he had already rendered the decision in the subject case on January 23, 2000 and likewise denied using the municipality's ambulance.

"A perusal of the records shows that although the decision is dated January 28, 2000, the same was mailed to the parties thru counsel, only on May 3, 2000."^[6] Recommendation of Investigating Justice

The investigating justice found that respondent had failed to resolve the subject civil case within the three-month reglementary period. However, for lack of evidence, she did not give credence to the accusation that he had been using the ambulance of the Municipality of Hernani, Eastern Samar. Hence, she recommended that he be fined in the amount of P5,000, chargeable to his retirement benefits.

The Court's Ruling

We agree with the findings of the investigating justice.

Administrative Liability of Respondent Judge

As established by the evidence on record, the commissioner's Report was submitted on August 25, 1999. On that date, the case should have been deemed submitted for decision, considering that there was no other procedural matter to be undertaken or any other pleading to be filed as required by the Rules or by the court itself. Thus, it was incumbent upon respondent judge to render a decision within three (3) months from the said date, as mandated by Section 15 (1) and (2), Article VII of the 1987 Constitution, which 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**.

(2) *A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court itself.*" (emphasis supplied)