

THIRD DIVISION

[A.M. No. RTJ-00-1601 (Formerly OCA IPI No. 99-834-RTJ), November 13, 2001]

ELIEZER A. SIBAYAN-JOAQUIN, COMPLAINANT, VS. JUDGE ROBERTO S. JAVELLANA, REGIONAL TRIAL COURT, BRANCH 57, SAN CARLOS CITY, NEGROS OCCIDENTAL, RESPONDENT.

DECISION

VITUG, J.:

In a complaint-affidavit, dated 17 September 1999, Eliezer A. Sibayan-Joaquin charged Judge Roberto S. Javellana, acting presiding judge of the Regional Trial Court ("RTC") of San Carlos City, Branch 57, with grave misconduct in the performance of official duties, graft and gross ignorance of the law. The complaint was an offshoot of a case for *estafa*, docketed Criminal Case No. RTC 1150, entitled "People of the Philippines vs. Romeo Tan y Salazar," filed by Sibayan-Joaquin for and in behalf of Andersons Group, Inc., against Romeo Tan before the San Carlos City RTC. Complainant averred that there was an undue delay in the rendition of judgment in the aforementioned criminal case, the decision, dated 16 July 1999, that had acquitted the accused Romeo Tan, having been rendered only on the tenth month after the case was submitted for decision. Complainant further claimed that neither respondent judge nor his clerk of court was present during the promulgation of the decision in contravention of Section 6, Rule 120, of the Rules of Court. Respondent judge was also cited for impropriety by complainant because he was often seen with Attorney Vic Agravante, counsel for the accused, whose vehicle respondent judge would even use at times.

Required to comment on the complaint, respondent judge admitted that the decision in Criminal Case No. RTC-1150 was rendered beyond the ninety-day reglementary period but attributed the delay to his voluminous workload. Respondent was handling two *salas*, his original station, RTC Branch 59, designated as being a special court for heinous crimes, and RTC Branch 57. He explained that he was suffering from hypertension which resulted in his frequent requests for leave. Respondent judge maintained that the decision in Criminal Case No. RTC-1150 was validly promulgated. He denied any irregularity in the promulgation of the decision which was duly conducted by Atty. Tarjata Ignalaga, Clerk of Court VI, of the Regional Trial Court of San Carlos City, Negros Occidental, in the presence of accused Romeo Tan y Salazar and his counsel, Atty. Agravante, along with Provincial Prosecutor Estefanio Libutna, Jr., and private prosecutor Atty. Edwin Magrinto. Respondent judge denied any close association with Atty. Agravante.

The matter was referred to the Office of the Court Administrator ("OCA") for evaluation. In its report of 09 September 2000, the OCA recommended that an investigation be conducted in order to afford the parties the opportunity to substantiate their respective claims. In its resolution of 23 October 2000, the Court

adopted the OCA's recommendation and assigned the case to Associate Justice Bernardo Abesamis of the Court of Appeals.

In due time, Justice Abesamis submitted his report, dated 25 May 2001, finding respondent judge to have indeed failed to decide Criminal Case No. RTC-1150 within the ninety-day reglementary period. The Investigating Justice found no irregularity, however, in the promulgation of the decision. He also found no gross ignorance of the law on the part of respondent. In order to impose disciplinary action on judges, Justice Abesamis concluded, it should be shown that the error or mistake invoked was gross or patent, malicious, deliberate or in bad faith, and that a mere error of judgment would not be a ground for disciplinary action. Finally, the Investigating Justice held respondent judge accountable for impropriety for his close association with Atty. Agravante.

The Investigating Justice ended his report to the Court by recommending thusly:

"WHEREFORE, after due investigation, and in consideration of the foregoing discussions, it is most respectfully recommended to the Honorable Supreme Court that:

"1) The charge of gross ignorance of the law against respondent judge be DISMISSED for lack of merit.

"2) Respondent judge be held administratively liable for:

"a) failure to render judgment in Criminal Case No. RTC-1150 within the period prescribed by law (in violation of *§15, ARTICLE VIII OF THE PHILIPPINE CONSTITUTION, CANON 1, RULE 1.02, and CANON 3, RULE 3.05 OF THE Code of Judicial Conduct*); and

"b) engaging in activities having the appearance of impropriety which unduly raise suspicion and distrust among the people in the administration of justice (in violation of *CANON 2, RULE 2.01 AND RULE 2.03 OF THE CODE OF JUDICIAL CONDUCT*);

"3) Respondent JUDGE ROBERTO S. JAVELLANA be ADMONISHED, with a WARNING that a repetition of similar acts will be dealt with more severely."^[1]

Section 15, Article XVIII, of the Constitution provides that lower courts have three months within which to decide cases or matters pending before them from the date of submission of such cases or matters for decision or resolution. Canon 3 of the Code of Judicial Conduct holds similarly by mandating that the disposition of cases must be done promptly and seasonably. Admittedly, respondent judge has taken ten months to finally decide Criminal Case No. RTC-1150 from its submission for decision, a period clearly beyond the ninety-day reglementary period. He could have asked for an extension of time to decide the case and explain why, but he did not. Any undue delay in the resolution of cases often amounts to a denial of justice and can easily undermine the people's faith and confidence in the judiciary. Aware of the heavy caseload of judges, the Court has continued to act with great understanding