

## FIRST DIVISION

**[ A.M. No. MTJ-00-1245, January 19, 2000 ]**

**ANTONIO YU-ASENSI, COMPLAINANT, VS. JUDGE FRANCISCO D. VILLANUEVA, MTC, BRANCH 36, QUEZON CITY, RESPONDENT.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

On December 10, 1996, Mr. Antonio Yu-Asensi filed a letter-complaint<sup>[1]</sup> with the Office of the Court Administrator (OCA) charging Judge Francisco D. Villanueva, Presiding Judge of the MeTC, Branch 36, Quezon City with serious misconduct and/or inefficiency particularly violating the Canons of Judicial Ethics on promptness and punctuality.

The complaint was filed in connection with Criminal Case No. 5400 entitled "People of the Philippines v. Edwin Santos y Vito", for Reckless Imprudence resulting in Serious Physical Injuries pending before Branch 36 of the Metropolitan Trial Court of Quezon City presided by respondent judge. Complainant is the father of a seven-year old boy who was hit by a car driven by the accused Edwin Santos y Vito. Attached to the letter-complaint is an Affidavit dated November 20, 1996<sup>[2]</sup> which alleges:

1. That I am the private complainant in the case of People of the Philippines versus Edwin Santos y Vito docketed as Criminal Case No. 5400 pending trial before the Metropolitan Trial Court, Branch 36, Quezon City presided by the Honorable Judge Francisco Villanueva;
2. Though a layman, I am of the strong belief that members of the office of the judge exist[s] not only to promote justice but likewise to recognize and respect [an] individual's right[s] [e]specially when one comes to court for redress. This is not so in the case of judge Francisco Villanueva!
3. That after my 7 year old child Philipp Yu-Asensi was run-over by a car driven by the above-named acused causing him to limp for life, our case was raffled to the sala of Judge Francisco Villanueva;
4. At that time we are on high-spirits that speedy justice will be given me and my family. I am dead wrong!
5. That during the proceedings, from arraignment up to the present stage of trial, Judge Villanueva consistently arrives one to one and a half (1 1/2) hour[s] late from the scheduled 2:00 p.m. hearing;

6. Worst is that, Judge Villanueva even have (*sic*) the temerity to be late knowing very well that there are sometimes more than twenty (20) cases calendared for the day;
7. There was even a time when judge Villanueva compelled my lawyer to extend trial after 5:00 o'clock p.m. simply because he (Judge Villanueva) arrive[d] one and a half (1 1/2) hour[s] late and trial started at already 3:30 p.m.
8. I have already attended my trial several times and I notice[d] that litigants, lawyers and witnesses in the said sala while waiting for Judge Villanueva, have mixed negative reactions even murmuring invectives against Judge Villanueva and our Judicial System obviously because they have been waiting for more than [an] hour and the judge who is suppose[d] to be a model of punctuality is not yet around;
9. Moreover, I was informed by some court personnel that a case was already filed against judge Villanueva for the same misconduct;
10. Further information revealed that he was already admonish[ed] by the Supreme Court before. However, I am not quite sure if this is true;
11. That judge Villanueva with his unpunctuality sets a bad example to the bar and tends to create dissatisfaction and delay with the administration of justice; x x x.

In a Resolution dated February 5, 1997,<sup>[3]</sup> respondent judge was required to submit his comment thereon within ten (10) days from notice.

In compliance thereto, respondent judge filed a comment on March 13, 1997.<sup>[4]</sup> In the comment, respondent judge made a chronological summary of the proceedings in Criminal Case No. 5400 claiming that as can be gleaned therefrom, complainant Antonio Yu-Asensi and his lawyer were "harassing the respondent Judge, for adverse rulings and resolutions rendered, due to the negligence and omissions" of complainant's counsel.

Denying that he arrived at 3:30 p.m. for the session, respondent judge further alleged that he has a calendar of thirty (30) to forty (40) criminal cases for each session and conducts hearings up to 5:30 in the afternoon. Finally, respondent judge avers that he has one of the highest disposition of cases in the Metropolitan Trial Court of Quezon City and had received an award for judicial excellence from the Rotary Club as Outstanding MTC Judge of Quezon City for 1995 and that in 1996, he also had the highest disposition of cases.

Finding the comment of respondent judge unsatisfactory, the Court thereafter issued a Resolution dated August 6, 1997<sup>[5]</sup> referring the complaint to the Executive judge of the Regional Trial Court of Quezon City for investigation, report and recommendation within ninety (90) days from notice.

On December 5, 1997, the Executive Judge of the Regional Trial Court of Quezon City submitted a Partial Report dated December 3, 1997.<sup>[6]</sup> In the report, the Executive judge chronicled the proceedings concluding that the presentation of the respective evidence of the parties had already been terminated. Owing, however, to the request of both parties to submit their respective summations within thirty (30) days, the Executive Judge stated that she would be submitting the final report within a period of fifteen (15) days from the submission of the parties' respective summations.

On January 19, 1998, respondent judge filed a Summation<sup>[7]</sup> praying that the complaint against him be dismissed. Complainant filed his Memorandum a day later or on January 20, 1998<sup>[8]</sup> praying that the corresponding sanctions be meted against respondent judge for repeated violations of the Canons of Judicial Ethics on promptness and punctuality.

A FINAL REPORT AND RECOMMENDATION<sup>[9]</sup> dated May 5, 1998 was subsequently submitted by the Executive judge finding respondent guilty of habitual tardiness which "amounts to serious misconduct and inefficiency in violation of the Canons of Judicial Ethics" and recommended that he be meted the corresponding penalty.

After a careful evaluation and review of the evidence on record, We find the report and recommendation of Executive Judge Estrella T. Estrada to be well taken.

Complainant Antonio Yu-Asensi declared that he attended the hearings in Criminal Case No. 5400 for about eight (8) times and signed the minutes of those hearings<sup>[10]</sup> which were scheduled at two o'clock in the afternoon<sup>[11]</sup> but the Presiding Judge usually arrived one (1) to one and a half (1 1/2) hours later, hence, trial starts one (1) to one and a half (1 1/2) hours late.<sup>[12]</sup>

Atty. Reynario Campanilla, counsel for complainant, likewise declared that he attended the scheduled hearings of the criminal case as a private prosecutor for approximately eleven (11) to fifteen (15) times and as scheduled, afternoon hearings are supposed to start at exactly two o'clock in the afternoon. When he was queried as to whether the respondent judge had been punctual in attending the proceedings, his answer was "[d]efinitely not, the respondent was usually late, always late for 45 minutes to one and a half (1 1/2) hours."<sup>[13]</sup>

Dr. Recueto Patricio of the Veteran's Memorial Hospital, who was summoned to appear as a witness in the criminal case declared that he arrived in court at about five (5) minutes before two o'clock in the afternoon for February 19, 1996 and when he was asked approximately when respondent judge started calling the cases calendared for the day or what time the judge started trial, the doctor answered "[a]bout one or one and a half hours after 2:00 in the afternoon because we were waiting outside."<sup>[14]</sup>

The Court is convinced that respondent judge is guilty of habitual tardiness which amounts to serious misconduct and inefficiency. Circular No. 13, issued July 1, 1987 which lays down the Guidelines on the Administration of Justice particularly Section 1 of the guidelines set for trial courts states in no uncertain terms that:

1. *Punctuality and strict observance of office hours.* - Punctuality in the holding of scheduled hearings is an imperative. Trial judges should strictly observe the requirements of at least (*sic*) *eight hours of service a day*, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon *and from 2:00 to 4:30 as required by par. 5 of the Interim Rules issued by the Supreme Court on January 11, 1983, pursuant to Sec. 16 of B.P. 129.*

Similarly, Section 5 of Supervisory Circular No. 14, issued October 22, 1985 provides:

5. *Session Hours.* - Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall hold daily sessions from Monday to Friday from 8:30 to 12:00 noon and from 2:00 to 4:30 p.m. assisted by a skeletal force, also on rotation, primarily to act on petitions for bail and other urgent matters.

Along the same vein, Administrative Circular No. 3-99 dated January 15, 1999 which is entitled and mandates the "Strict Observance Of Session Hours Of Trial Courts And Effective Management Of Cases To Ensure Speedy Disposition" clearly states that -

To insure the speedy disposition of cases, the following guidelines must be faithfully observed:

- I. The session hours of all Regional Trial Courts, Metropolitan Trial Courts; Municipal Trial Courts in Cities and Municipal Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday. The hours in the morning shall be devoted to (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders, or (3) the continuation of trial on the merits whenever rendered necessary as may be required by the Rules of Court, statutes, or circulars in specified cases.

x x x   x x x   x x x

- II. *Judges must be punctual at **all** times.*

x x x   x x x   x x x

- III. There should be *strict adherence* to the policy on avoiding postponements and needless delay.

x x x   x x x   x x x

- IV. All trial judges must strictly comply with Circular No. 38-98 entitled "Implementing the Provisions of Republic Act No. 8493" ("An Act to Ensure a Speedy Trial of All Cases Before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, Appropriating Funds Therefor, and for Other Purposes), issued by

the Honorable Chief Justice Andres R. Narvasa on 11 August 1998 and which took effect 15 September 1998,"

The aforesaid circulars are restatements of the Canon of Judicial Ethics which enjoin judges to be punctual in the performance of their judicial duties, recognizing that the time of litigants, witnesses, and attorneys are of value, and that if the judge is not punctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction in the administration of justice.

The Code of Judicial Conduct decrees that a judge should administer justice impartially and *without delay*.<sup>[15]</sup> A judge should likewise be imbued with a high sense of duty and responsibility in the discharge of his obligation to *promptly* administer justice.<sup>[16]</sup> The trial court judges being the paradigms of justice in the first instance have, time and again, been exhorted to dispose of the court's business promptly and to decide cases within the required period because delay results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the minds of the litigants the impression that the wheels of justice grind ever so slowly.<sup>[17]</sup>

It is towards the sacrosanct goal of ensuring the people's faith in the judiciary that the Code of Judicial Conduct mandates the following:

CANON 1. - A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

x x x   x x x   x x x

Rule 1.02. A judge should administer justice impartially and without delay.

CANON 3. - A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

Rule 3.01 - A judge shall be faithful to the law and maintain professional competence.

x x x   x x x   x x x

Rule 3.05. A judge shall dispose of the court's business promptly and decide cases within the required periods.

x x x   x x x   x x x

Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

Thus, for the foregoing considerations -

... [T]his Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, pursuant to Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15 (1) and (2), Article VIII of