

## THIRD DIVISION

[ A.M. No. RTJ-99-1454, March 02, 2000 ]

**ATTY. NESBITO C. HILARIO, COMPLAINANT, VS. JUDGE  
CRISANTO C. CONCEPCION, RESPONDENT.**

### D E C I S I O N

**PANGANIBAN, J.:**

Delay in the administration of justice undermines the people's faith in the judiciary. Hence, judges should be prompt in disposing of all matters submitted to them, for justice delayed is often justice denied.<sup>[1]</sup>

The Case

In a sworn letter-complaint<sup>[2]</sup> filed before the Office of the Court Administrator (OCA) on November 27, 1997, Atty. Nescito C. Hilario charged RTC Executive Judge Crisanto C. Concepcion with inefficiency and grave abuse of discretion. Allegedly, respondent took six months to act on the inhibition of an MTC judge under his administrative supervision. Worse, without any legal basis, he overruled the inhibition and directed the said judge to continue hearing the case. The pertinent part of the Complaint reads:

"Pending with the MTC of Obando, Bulacan is Criminal Case No. 4597 entitled People vs. SPO1 Froilan Bautista for perjury. On January 21, 1997, the undersigned filed a Motion to *Inhibit* Judge Quilantang from further hearing the said case because he was personally involved in the immoral and illegal dismissal of other criminal cases (for grave threats and illegal possession of firearm) against a certain Reynaldo Marquez. The private complainant in the said cases is my client, Jonathan de la Cruz, and these same criminal cases are directly connected with the perjury case against SPO1 Bautista, wherein de la Cruz is also the private complainant. x x x.

"When the said *Motion to Inhibit* was being heard by Judge Quilantang, he questioned my appearance as private prosecutor, and asked the public prosecutor (A[ssistant] P[ublic] P[rosecutor] Emily A. Bajar) for her *comment* whether or not I [was] entitled to act as private prosecutor in the said case. On February 27, 1997, APP Bajar filed her Comment dated February 26, 1997, upholding my appearance as private prosecutor x x x.  
marie

"On March 3, 1997, Judge Quilantang issued [a] Resolution inhibiting himself from hearing the case but declaring that I was not qualified to appear as private prosecutor. He then directed his Clerk of Court to send

a copy of the said resolution to the Office of the Executive Judge of the RTC, Malolos, Bulacan for the latter to designate another judge to hear and decide the merit of the case. x x x. Immediately thereafter (on March 12, 1997), the said Resolution of Judge Quilantang was sent to Executive Judge Concepcion.

"Before I left for the United States and Canada on April 1, 1997, I followed up the raffle of the case at the Office of Judge Concepcion, whose Branch Clerk of Court, Atty. Teodulo C. Cruz, informed me that there had been no action taken yet by the Executive Judge; in other words, the case had not yet been raffled! After I returned from my foreign travel on May 13, 1997, again I followed up the matter personally with the Office of Judge Concepcion for at least five (5) times (i.e., from May to August, 1997) but in vain: Atty. Cruz was always telling me that Judge Concepcion was already working on it; yet, the case had not yet been raffled, although five (5) months had lapsed!

"In the meantime, the Clerk of Court of the MTC of Obando, Bulacan, probably getting impatient also with the action to be taken by Judge Concepcion, sent by personal service a follow-up letter dated July 10, 1997, which was received by the Office of Judge Concepcion on July 14, 1997. x x x.

"Since I ha[d] not yet received any communication from either Judge Quilantang or Judge Concepcion involving the said case, I went back to the Office of Judge Concepcion on September 8, 1997. This time, Atty. Cruz showed me the unsigned original copy of Judge Concepcion's letter to Judge Quilantang dated July 4, 1997. Upon my request, Atty. Cruz went into the chamber of Judge Concepcion to have the letter signed; after about two (2) minutes, he came out and gave me a copy of the signed letter. x x x. In the said letter to Judge Quilantang, Judge Concepcion stated the following:

"Your voluntary inhibition 'for loftier motive and principle' is not one of those instances allowed by Rule 137 of the Rules of Court.

*"WHEREFORE, your voluntary inhibition as the presiding judge of the MTC Obando is hereby DENIED, ordering you to proceed trying the subject criminal case.Ö"*<sup>[3]</sup>

On April 29, 1998,<sup>[4]</sup> Court Administrator Alfredo L. Benipayo required Judge Concepcion to comment on the Complaint. In compliance with the said Order, the respondent judge submitted his Comment<sup>[5]</sup> in which he denied the accusations against him, as follows:

"If it took that [length of] time from the voluntary inhibition of Judge Quilantang on March 3, 1997, up to the denial of said inhibition on July 4, 1997 (a period of four (4) months, not six (6) months as alleged), the reason, as it clearly appears from the complaint, [was] that the order of inhibition issued by Judge Quilantang did not reach the desk of the undersigned sooner than it should. According to herein complainant Atty.

Hilario, he had been communicating and following up the matter with Atty. Teodulo E. Cruz, the Branch Clerk of Court (now resigned) of Branch 12, RTC, Bulacan, presided by the undersigned, for several times and, yet, not even once did he bother to find out from the undersigned Executive Judge himself if he was at that time indeed still working on a very simple matter, as what Atty. Cruz allegedly told him. He should have dispelled any doubt about the efficiency of the undersigned when he finally said in his complaint that it took only about two (2) minutes for the undersigned to act on the matter of inhibition of Judge Quilantang when Atty. Cruz finally brought it inside his chamber. Up to now, and surely Atty. Hilario cannot deny this, the undersigned has never yet met him in person nor talked to him at all. Whatever delay [was]caused [by] such an easy task is not for the undersigned to explain. As stated earlier, it was between Atty. Hilario and then Branch Clerk of Court Atty. Cruz that the matter was discussed allegedly on several occasions without the knowledge and participation of the undersigned. And there was no reason why Atty. Hilario could not have followed up such a simple matter with the undersigned Executive Judge himself for [the] early action he was supposed to seek, although, he had been disqualified by Judge Quilantang as private prosecutor and without personality to represent a possible prosecution witness who was not even interested to appear and testify in that criminal case after executing an affidavit of desistance.

"The resolution of Judge Quilantang x x x sent to the undersigned for action on his voluntary inhibition clearly states the foregoing circumstances justifying the stand of said MTC judge in denying the entry of appearance of herein complainant lawyer as without any personality to ask for his inhibition, his client not being the private offended party, but somebody else in that criminal case before his sala. Surprisingly, however, for vague reason of 'loftier motive and principle' Judge Quilantang suddenly inhibited himself from further sitting in said criminal case, asking the undersigned to assign another MTC judge to try and decide the case. Finding the reason for such inhibition to be unclear and without valid justification, a bad precedent for other judges to follow anytime they want[ed] to free themselves of any case they no longer want[ed] to handle and try, the undersigned Executive Judge refused to re-assign that criminal case to another MTC trial judge by denying the voluntary inhibition of Judge Quilantang, telling him that 'your voluntary inhibition 'for loftier motive and principle' is not one of those instances allowed by Rule 137 of the Rules of Court.' As the Executive Judge for the Province of Bulacan and its court administrator, it is incumbent upon him to see to it that re-assignment of cases within his administrative area shall be allowed only on meritorious and justifiable ground. What he did on the voluntary Inhibition of Judge Quilantang is surely not an abuse of discretion as [seen in a] cock-eyed [manner] by complainant Atty. Hilario who actually, again, has no personality, business or concern to interfere in such intra-court affair."

In a Memorandum dated March 30, 1999, the OCA<sup>[6]</sup> recommended that the parties be directed to manifest if they were willing to submit the case for resolution on the basis of the pleadings filed. It also recommended that Judge Concepcion be held liable for inefficiency and grave abuse, and that he be fined in the amount of

P3,000.<sup>[7]</sup>

In his July 29, 1999 Manifestation, the respondent judge prayed that a thorough investigation be conducted before the matter was submitted for decision.<sup>[8]</sup>

Consequently, this Court referred this case to Justice Eriberto U. Rosario of the Court of Appeals for investigation, report and recommendation.<sup>[9]</sup>

### **Report of the Investigating Justice**

After conducting hearings and requiring the parties to file their respective memoranda, the investigating justice submitted his Report<sup>[10]</sup> recommending that Judge Concepcion be held administratively liable for inefficiency, and that he be fined in the amount of P3,000. The pertinent portions of his Report are quoted hereunder:

"A thorough evaluation of the pleadings submitted by the parties and the annexes thereto, including their testimonies during the hearing, reveals that action was taken on the order of voluntary inhibition by respondent judge on July 4, 1997 or after the lapse of four (4) month months and fourteen (14) days from the official date of receipt thereof on March 20, 1997. Specifically, this fact is attested [to] by the letter itself, dated July 4, 1997, denying the order of voluntary inhibition of Judge Quilantang and directing the latter to proceed with the hearing of the subject criminal case. x x x

"However, while it may be true that respondent judge has acted on the order of inhibition sooner than what complainant stresses it to be, nonetheless, respondent judge failed to act thereon within the required period set forth by law.

"x x x x x x x x x

"Clearly, the requirement that judges should promptly take action within a specified period x x x is not limited to rendition of decision but include 'all matters' pending before his sala. This is true no matter how insignificant the matters to be taken in a case to the judge. For, any delay in the resolution of a case is still a delay in the administration of justice.

x x x x x x x x

"In addition, the undersigned notes that respondent judge requested x x x this investigation in a Manifestation, dated July 29, 1999, filed before the Third Division of the Honorable Supreme Court, invoking his innocence and the frivolity of the complaint. Sadly, not only did the undersigned [find] that respondent judge failed to act on the 'referred' order of voluntary inhibition of Judge Quilantang within the period specified by law, as discussed above, he likewise failed to adduce convincing and reasonable explanation in support of hi[s] claim. To evade responsibility, respondent judge merely reiterates his contention that the