

## FIRST DIVISION

[ A.M. No. RTJ-93-986, September 26, 2000 ]

**ATTY. EDUARDO C. DE VERA, COMPLAINANT, VS. JUDGE  
WILLIAM LAYAGUE, RESPONDENT.**

### **RESOLUTION**

**YNARES-SANTIAGO, J.:**

On March 11, 1993, Atty. Eduardo C. de Vera of Davao City filed a sworn letter-complaint to the Court Administrator against William Layague, Presiding Judge of the Regional Trial Court of Davao City, Branch 14,<sup>[1]</sup> alleging that the latter failed to decide or resolve the following cases and incidents for an unreasonable length of time:

(1) Civil Case No. 18,636-87 entitled "*Joaquin Reyes, Plaintiff, versus Development Bank of the Philippines, Defendant; Development Bank of the Philippines, Third-Party Plaintiff, versus Spouses Oscar Mercado and Leah Mercado, et al., Third-Party Defendants,*" wherein trial was terminated on December 12, 1991;

(2) Civil Case No. 19,794-89 entitled "*Edgar Jamisola, Plaintiff, versus DSG Sons Group, et al., Defendants,*" which was submitted for decision in January 1992;

(3) Civil Case No. 17,215 entitled "*Rosario Peñalosa Mercado, Plaintiff, versus Jesus K. Mercado, et al., Defendants,*" which had already been terminated but complainant lawyer filed a "Petition for Intervention" and "Motion Re-Open Case for the Sole Purpose of Determining and Resolving Amount of Attorney's Fees for Plaintiff's Former Counsel" which remained unresolved since September 22, 1989, or for more than three years;

(4) Criminal Cases Nos. 20,612-90 and 21,882-90, both entitled "*People of the Philippines versus Joey Herbolingo, et al., Accused,*" for violation of P.D. 1866 qualified by death and for murder, in which it took respondent judge one year, more or less, to resolve the motion to recall warrant of arrest of one of the accused; AND

(5) Criminal Case No. 24,413-91 entitled "*People of the Philippines versus Ronan Dulanias,*" for murder, where respondent judge hastily granted bail to the accused notwithstanding that the evidence of guilt was strong.

On May 31, 1993, this Court required respondent to comment within ten days.<sup>[2]</sup> Respondent filed three motions for extension of time, all of which were granted.<sup>[3]</sup> However, he still failed to file his comment, for which reason this Court, on August

22, 1994, issued a Resolution requiring respondent to show cause why he should not be disciplinarily dealt with or held in contempt of court.<sup>[4]</sup> Again, respondent sought extensions of time to comply with the show-cause order, citing health reasons. On November 16, 1994, this Court imposed on respondent a fine in the amount of P500.00 or imprisonment of five (5) days if such fine is not paid, and directed him to file his comment on the administrative complaint.<sup>[5]</sup> Respondent paid the fine by postal money order, which was received by this Court on January 20, 1995.<sup>[6]</sup>

Also on January 20, 1995, respondent filed a Compliance containing his comments on the administrative complaint.<sup>[7]</sup> He alleges that Civil Case No. 18,636-87 had already been decided on November 18, 1994; Civil Case No. 19,794-89 had been decided on March 2, 1994; and the incident in Civil Case No. 17,215 had been resolved on October 3, 1994. With respect to Criminal Cases Nos. 20,612-90 and 21,882-90, respondent states that he had already resolved the motion to recall warrant of arrest but admits that there was delay therein. As to Criminal Case No. 24,413-91, respondent merely states that complainant's claim of his hasty grant of bail has no basis in the record of that case. Respondent attributes the delay in his resolution and decision of these cases to his poor health, and submitted medical certificates dated July 26, 1993 and September 29, 1994.

This Court required complainant to reply.<sup>[8]</sup> On January 31, 1995, complainant filed his Reply to Compliance,<sup>[9]</sup> wherein he highlighted the number of years or months of delay during which the cases complained of remained pending even before the alleged sickness adverted to in his medical certificates. Further, complainant charged respondent judge of falsifying his monthly reports of cases. Anent Criminal Case No. 24,413-91, complainant avers that although respondent's order granting the accused provisional liberty states that the bail bond was executed by Dominion Insurance Corporation, the Bail Bond appearing in the record was issued under the name of The First Continental Assurance Company, Inc., thus indicating that respondent approved the application for bail without having first seen the bail bond posted by the accused. Finally, complainant cites another case, Criminal Cases Nos. 15,027-87 and 15,033-87 entitled "*People of the Philippines versus Petronila Abellana*" for violation of B.P. 22, in which a motion for reconsideration was submitted for resolution as early as January 19, 1993 but remained unresolved.

In a Resolution dated March 8, 1995, respondent judge was required to file his rejoinder.<sup>[10]</sup> Again, respondent filed successive motions for extension of time, on the ground that he was suffering from acute erosive and atropic gastritis and emphysema. These motions for extension were all granted by this Court on May 15, 1995.<sup>[11]</sup> On August 30, 1995, respondent still has not filed his rejoinder; thus prompting this Court to issue another Resolution requiring him to show cause why he should not be disciplinarily dealt with or held in contempt.<sup>[12]</sup> Without any compliance from respondent, this Court, on July 10, 1996, again imposed on respondent a fine of P500.00 with subsidiary imprisonment.<sup>[13]</sup>

Respondent paid the fine<sup>[14]</sup> and submitted his rejoinder<sup>[15]</sup> on September 18, 1996. He denies that he was hasty in the grant of bail in Criminal Case No. 24,413-91. According to respondent, the motion for bail was filed on November 6, 1991. On January 24, 1992, the motion was duly heard and deemed submitted for resolution.

The order granting bail to the accused was issued on February 21, 1992, and a copy thereof was served on defense counsel on February 24, 1992. The accused submitted to the court his bail bond issued by Dominion Insurance Corporation, formerly known as The First Continental Assurance Company, Inc., which respondent approved also on February 24, 1992.

Countering complainant's charge that he did not suffer any illness prior to the resolution or decision of the cases, respondent states that way back in 1974, he had his gall bladder surgically removed; in 1976, he developed duodenal ulcer for which he underwent treatment for three months; in 1988, he was hospitalized for vertigo (Menier's Syndrome); in January 1995, he was diagnosed with emphysema and since then had been suffering from numbness in the lower extremities, and acute erosive and atrophic gastritis. Finally, he denies the imputation of falsification, pointing out that he brought to the attention of this Court *En Banc* his frail health and lack of support staff which rendered it difficult for him to resolve cases within the required period, and he had been adequately punished for this by this Court with a fine of P25,000.00 in A.M. No. 94-5-178-RTC.<sup>[16]</sup>

In a Resolution dated November 11, 1996, this Court referred the administrative complaint to Court of Appeals Justice Fermin A. Martin, Jr. for investigation, report and recommendation.<sup>[17]</sup> On motion by both complainant and respondent, this Court transferred the venue of the investigation to Davao City and designated Judge Gregorio A. Palabrica, Sr., Executive Judge of the Regional Trial Court of Davao City, to receive the parties' evidence and thereafter forward the record of his investigation to Justice Martin.<sup>[18]</sup>

After submission by Judge Palabrica of the evidence received in this administrative matter, Justice Martin filed his report with this Court, through the Office of the Court Administrator, recommending that for his gross inefficiency, respondent judge be meted the penalty of fine in the amount of Thirty Thousand Pesos (P30,000.00) with a stern warning that the commission of the same or similar act in the future will subject him to a more severe penalty.<sup>[19]</sup>

On October 27, 1998, the Office of the Court Administrator submitted to this Court its own evaluation, report and recommendation.<sup>[20]</sup> The Court Administrator observed, first, that Civil Case No. 18,636-87 had already been included in the audit conducted on March 21 to 30, 1994 of Branches 8 to 17 of the Regional Trial Court of Davao City, and for which this Court already fined respondent in the sum of P25,000.00. Thus, he recommended that respondent not be fined a second time for delay in deciding that case. Secondly, the Court Administrator noted that Civil Case No. 17,215 was filed last September 27, 1984, before the effectivity of the 1987 Constitution. Based on this, respondent should not be considered as having been in delay. Besides, according to the Court Administrator, that case had already been decided; it was only the motion for determining the amount of attorney's fees that was not acted upon immediately. Withal, the Court Administrator found that there was only one civil case, *i.e.*, Civil Case No. 19,794-89, where the decision was delayed. Hence, the Court Administrator recommended that respondent be fined in the amount of P5,000.00. Thus:

In view of all the foregoing, it is respectfully recommended that Judge William Layague:

[1] be FINED in the amount of P5,000.00 for the delay in the rendition of the decision in Civil Case No. 19,794;

[2] be DECLARED not to have incurred in delay in the resolution of the pending incident in Civil Case No. 17,215;

[3] NOT be FINED for the delay in the rendition of the decision of Civil Case No. 18,636, he having been already fined for the delay in the rendition of the decision in said case in A.M. No. 94-5-178-RTC; and

[4] be DECLARED not to have been hasty in granting bail to the accused in Criminal Case No. 24,413, entitled "People of the Philippines vs. Ronan Dulane," but to have observed procedural due process in the granting of the same.<sup>[21]</sup>

In absolving respondent judge from the charge of hastily granting bail in Criminal Case No. 24,413-91, the Court Administrator sustained Justice Martin's recommendation as follows:

Anent the respondent judge's grant of bail to the accused and his subsequent approval of the bail bond in Criminal Case No. 24,413-91 entitled "People of the Philippines versus Ronan Dulane, Accused," we are not persuaded by the complainant's accusation that there was undue haste in allowing bail and improper approval of the bail bond filed. The respondent judge conducted a full-blown hearing in the accused's application for bail where the prosecution presented its evidence. The Order admitting the evidence adduced and declaring the petition for bail submitted for resolution was issued on January 24, 1992. The Order granting bail to the accused was handed down on February 21, 1992, or almost a month later (pp. 102-103, Rollo). The bail bond furnished by the Dominion Insurance Corporation, formerly known as the First Continental Assurance Company, Inc., complete with all the requisite attachments, was approved apparently two (2) days later, February 24, 1992 (pp. 110-112, Rollo). The charges that there was undue haste in grant of bail, and that the bail bond was irregularly approved, are belied by the evidence on record. We hold, therefore, that the respondent judge's explanation on the point is satisfactory.<sup>[22]</sup>

Finding the foregoing recommendation to be well-taken and supported by the record, we adopt the same and, accordingly, dismiss the complaint insofar as it charges respondent judge of hastily granting bail in Criminal Case No. 24,413-91.

Likewise, we sustain the Court Administrator's finding that in our Resolution in A.M. 94-5-178-RTC, Re: Report on the Judicial Audit and Physical Inventory of Cases Conducted in the Regional Trial Courts of Davao City, dated August 7, 1996, respondent has already been fined for delaying the resolution of Civil Case No. 18,636-87. Hence, respondent judge should no longer be punished a second time for exactly the same infraction. While double jeopardy does not lie in administrative cases,<sup>[23]</sup> it would be contrary to equity and substantial justice to penalize respondent judge a second time for an act which he had already answered for.