

THIRD DIVISION

[A.M. No. RTJ-00-1595, October 24, 2000]

**LUZ CADAUAN AND CLARO CADAUAN, COMPLAINANTS, VS.
JUDGE ARTEMIO R. ALIVIA, REGIONAL TRIAL COURT OF
CAUAYAN, ISABELA, BRANCH 19, RESPONDENT.**

D E C I S I O N

GONZAGA-REYES, J.:

Herein complainants Luz Cadauan and Claro Cadauan are the plaintiff and defendant, respectively, in Special Civil Action No. Br. 19-83 for Partition with Liquidation entitled "Luz Cadauan vs. Angel Cadauan, Jesus Cadauan, Julian Cadauan, Cely Cadauan and Claro Cadauan" which was assigned to respondent Judge Artemio Alivia of the Regional Trial Court of Cauayan, Isabela, Branch 19. The aforesaid case was submitted for decision per respondent's Order dated October 21, 1998.

In their Complaint dated June 30, 1999, complainants charge respondent Judge with "Dishonesty, amounting to grave misconduct in office" for certifying that he had "disposed (the) case submitted for decision within 90 days" when in fact, the aforesaid civil case was not yet decided when the instant complaint was lodged. The delay in deciding the case allegedly deprived complainants of their possession of the properties subject of the case.

In his Comment, respondent Judge avers that the subject civil case was already decided on September 9, 1999. He admits the delay in rendering judgment thereon but justifies it by reason of the "voluminous and taxing work as a presiding judge of a Special Crimes Court." In October 1996, he was designated to hear cases involving heinous crimes and conducted continuous trial thereon. He further alleges that he gave priority to cases involving heinous crimes, and which involved detention prisoners and begs leniency in the disposition of civil cases assigned to him. With respect to the charge of dishonesty, respondent Judge alleges that the certificate of service attached to the complaint was not signed by him.

In Reply to respondent's comment, complainants aver that although the aforesaid case was already decided, they are not abandoning the complaint since the act committed by respondent Judge was already consummated. Anent the claim that the certificate of service was not signed, complainants aver that such a certificate is a requirement for all judges to accomplish monthly before their paychecks are released and that such a certificate was filed with this Court.

The Court Administrator submitted a Memorandum recommending that respondent Judge be meted a fine in the amount of Five Thousand Pesos (P5,000.00) as the admitted delay by respondent Judge in the disposition of complainants' case constitutes gross inefficiency.