

THIRD DIVISION

[A.M. No. MTJ-00-1335, November 27, 2000]

YOLANDA FLORO, COMPLAINANT, VS. JUDGE ORLANDO C. PAGUIO, MUNICIPAL TRIAL COURT, BRANCH 1, MEYCAUAYAN, BULACAN, RESPONDENT.

DECISION

VITUG, J.:

This case originated from a verified complaint filed by Yolanda Floro against Judge Orlando C. Paguio of the Municipal Trial Court, Branch 1, of Meycauayan, Bulacan, charging the latter with gross ignorance of the law, gross misconduct, inefficiency, as well as violation of the rules on judicial conduct and of Republic Act No. 3019 (The Anti-Graft and Corrupt Practices Act), relative to his actuations, as presiding judge, in Criminal Cases No. 94-16053-58; No. 94-16073-78; No. 94-16184-90 (for nineteen ^[19] counts of violation of Batas Pambansa Blg. 22) and No. 94-16183 (for estafa), entitled "People of the Philippines vs. Joy Lee Recuerdo."

Floro, the complaining witness in the criminal cases aforementioned, asseverated that on 30 July 1996, the scheduled date for the reception of evidence for the defense, after the prosecution had formally offered its evidence and rested its case, the accused and her counsel failed to appear despite due notice. The prosecution moved that the accused be held to have waived her right to adduce further evidence. The motion was granted by the court and in an order, issued on even date, it deemed the cases submitted for decision.

Several months later, or on 11 March 1997, Floro filed, by registered mail, a "Motion for An Early Resolution" of the cases. The motion was received by the trial court on 18 March 1997. On 20 March 1997, Floro received a copy of a "Motion to Reopen Trial," dated 04 March 1997, filed by counsel for the accused asserting that the defense witness supposed to have been presented on 30 July 1996 had become available to testify. On 06 May 1997, Floro filed a "Second Motion for Early Resolution," received by the trial court on 16 May 1997. On 28 July 1997, she filed a "Motion to Resolve Petition to Reopen Case."

In a joint decision, dated 28 January 1998 and promulgated on 05 February 1998, respondent Judge, dismissed the criminal cases predicated on improper venue and lack of jurisdiction. On 12 March 1998, Floro moved for the reconsideration of the joint decision, claiming that the depository bank, the Liberty Savings Bank, Meycauayan Branch, was located at Poblacion, Meycauayan, Bulacan, and that, therefore, the court had jurisdiction over the cases. On 04 June 1998, the defense filed its comment on and opposition to the motion for reconsideration. On 13 August 1998, respondent judge denied the motion on the ground of double jeopardy.

In addition, Floro claimed in her complaint, Judge Paguio had falsely stated in his Certificate of Service that no pending cases/matters before him were left undecided/unresolved beyond the required period.

Finally, Floro called attention to the fact that respondent Judge had previously been found guilty of inefficiency and neglect of duty and meted a fine of P5,000 in A.M. No. MTJ-93-781 (Santos vs. Paguio).^[1]

Respondent Judge, in his answer to the complaint, said that he issued the order of 30 July 1996 submitting the criminal cases for decision when the accused and her counsel did not appear on the day of the scheduled hearing. The defense counsel, however, failed to receive a notice of the order since he had moved out from his old address. When it became apparent that the copy of the order was not received, the Judge instructed the process server to personally serve a copy of the order to counsel. On 18 March 1997, the defense filed a "Motion to Reopen Trial" on the ground that the witness who was supposed to be presented on 30 July 1996 had become available to testify. The motion was set for hearing on 21 March 1997. The complainant and her counsel failed to appear on the hearings held on 21 March, as well as those set for 12 May and 24 June 1997, despite due notice. On 15 September 1997, the defense formally offered its evidence and a "Joint Decision" was rendered on 28 January 1998 and promulgated on 05 February 1998. The prosecution filed a notice of appeal and the records of the cases were then forwarded to the Regional Trial Court of Malolos, Bulacan.

Respondent Judge added that he purposely ignored the two motions for early resolution filed by complainant because they both lacked a date, time, and place of hearing. He maintained that his order of 30 July 1996 was interlocutory and could not attain finality due to incidental matters that supervened after the issuance thereof, particularly, the motions filed by complainant. He justified his joint decision by stating that while the checks were deposited at complainant's depository bank in Meycauayan, Bulacan, the checks, however, were issued and delivered by the accused in Makati City where they were dishonored. Respondent Judge said that he was detailed as Assisting Judge of MeTC, Valenzuela City, Branch 82, per the Court's resolution, dated 16 January 1996, in A.M. No. 95-4-41 MeTC ("Re: Quarterly Report of Cases of Judge Evelyn Corpuz-Cabochan), which was partially revoked only on 27 May 1996. Within the period, he was unable to act on a number of cases pending before his *sala*.

In its report to the Court, the Office of the Court Administrator ("OCA"), which evaluated this administrative case, recommended that respondent Judge, for the delay in deciding the criminal cases within the prescribed period and for his failure to resolve the incidents relative to the motion for the reopening of the criminal cases for trial, be fined in the amount of "P20,000.00 with a warning that the commission of the same or similar act in the future will be dealt with more severely."

The Court accepts the findings, and adopts the recommendation, of the OCA but reduces the suggested fine.

The Constitutional mandate requires a case filed before a lower court to be resolved within three months from date of its submission for decision.

Respondent judge had been remiss in the above responsibility. The subject criminal