

## **FIRST DIVISION**

**[ A.M. No. MTJ-98-1160, November 22, 2000 ]**

**DR. MA. CRISTINA B. SEARES, COMPLAINANT, VS. HON. ROSITA B. SALAZAR, JUDGE, MUNICIPAL TRIAL COURT, BANGUED, ABRA, RESPONDENT.**

### **R E S O L U T I O N**

**KAPUNAN, J.:**

On November 13, 1996, Dr. Maria Cristina B. Seares in a sworn letter complaint charged Judge Rosita B. Salazar of MTC, Bangued, Abra with ignorance of the law for failure to decide criminal cases for violation of B.P. No. 22.

The facts are aptly summarized by the Office of the Court Administrator (OCA), to wit:

Dr. Seares is the private complainant in Criminal Cases Nos. 5760 to 5763, for Violation of B.P. 22. Complainant alleges that these cases were submitted for decision on February 14, 1996. Since then no decision has yet been rendered. Furthermore, respondent disregarded the directive of Senior Deputy Court Administrator Reynaldo L. Suarez in a note dated August 8, 1996 that the criminal cases be decided soonest considering the lapse of the 90-day period within which to resolve the same (rollo, p. 1).

Another sworn letter complaint dated January 20, 1997 was filed by complainant questioning the propriety of the action taken by respondent when she set the hearing of the aforementioned cases in December 30, 1996 and ordered the accused to present evidence despite the fact that this had long been submitted for decision. Complainant submits that when respondent ordered the resetting for further hearing of said cases, she displayed a blatant disregard of the law and the order of higher judicial authority (rollo, p. 3).

On March 12, 1997, the court resolved to require respondent to comment within 10 days from notice. After a motion for extension to file comment which was granted by the Court in its resolution of July 2, 1997, the court received the comment of respondent dated June 7, 1997.

In her Comment (rollo, pp. 41-43), respondent vigorously denies the charges. She avers that Criminal Cases Nos. 5760 to 5763 were originally assigned to Judge Redentor Valera but upon the latter inhibition's (sic) she was designated to try the aforementioned cases by then Executive Judge Francisco Villarta; that the accused is the first degree cousin of complainant's husband and was a very good friend of complainant; that

since both parties are known to her personally, she was first adamant to accept the cases, nevertheless she was prevailed upon by her Executive Judge.

Respondent further avers that the cases involve checks issued by the accused in favor of the complainant in the total sum of P162,000.00, which all bounced; that however, on February 19, 1996, or barely 5 days after he issued the order subject of this complaint, complainant accepted payment from the accused in the sum of P150,000.00; that respondent however was surprised when she learned that complainant went to the Supreme Court personally to complain of respondent's failure to decide the cases within the 90-day period; that respondent went directly to see Senior Deputy Court Administrator Reynaldo L. Suarez to explain her side and was instructed to set the cases for hearing; that at the hearing on September 17, 1996, both parties appeared but without their respective counsels and agreed to have a conference inside the Judge's chambers; that complainant admitted that she accepted the sum of P150,000.00 from the accused and that to settle the cases amicably complainant demanded that aside from the payment of the remaining balance of P12,000.00, she be paid an additional P50,000.00 by the accused; that complainant was offered payment of only P12,000.00 but she refused to accept the same.

Respondent claims that after the September 17, 1996 meeting, complainant went to her house and attempted to influence her to render a decision convicting the accused to which respondent retorted that the cases are still pending trial and it is improper to discuss the cases; that complainant reacted by uttering in Tagalog dialect "wala palang silbi ang pagpunta ko rito. Kung gayon itutuloy ko ang complaint ko." Respondent told her to go ahead. Hence, the filing of this complaint.<sup>[1]</sup>

On August 4, 1997, this Court referred this case to the OCA for evaluation, report and recommendation. On March 27, 1998, the OCA submitted a memorandum in compliance with the order. In the memorandum, the OCA found the respondent Judge guilty of gross ignorance of the law and dereliction of duty and recommended that respondent judge be fined in the amount of P1,000.00 with a stern warning that future similar infraction on her part will be dealt with more severely.

This case calls upon this Court to determine whether or not the respondent has violated the rule that cases must be decided or resolved within three (3) months from the date of submission pursuant to Section 15, Article VIII of the Constitution; and, whether or not the respondent has presented any sufficient explanation for the non-compliance considering that in certain meritorious cases a longer period to decide had been allowed.

We agree with the findings of the OCA and find the complaint to be meritorious.

Under Rule 3.01 of Canon 3 of the Code of Judicial Conduct, a judge must be faithful to the law and maintain professional competence, and Rule 3.05 admonishes all judges to dispose of the court's business promptly and to decide the case within the period fixed by law. The 90-day period to decide or resolve the case submitted for