

## **EN BANC**

**[ A.M. No. MTJ-94-986, January 28, 1998 ]**

**MIGUEL ABARQUEZ, COMPLAINANT, VS. JUDGE BIENVENIDO M. REBOSURA, RESPONDENT.**

**[A.M. NO. MTJ-95-1052. JANUARY 28, 1998]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE BIENVENIDO M. REBOSURA, RESPONDENT.**

**[A.M. NO. MTJ-95-1069. JANUARY 28, 1998]**

**ANICETA TARLE, COMPLAINANT, VS. JUDGE BIENVENIDO M. REBOSURA, RESPONDENT.**

## **D E C I S I O N**

### **PER CURIAM:**

In these three administrative matters, respondent Judge Bienvenido M. Rebosura of the Municipal Trial Court, Calape, Bohol is charged with gross misconduct for excessive delay in the disposition of cases and repeated falsification of his certificates of service and quarterly reports to conceal such fact.

On April 4, 1994, this Court received a letter-complaint from one Miguel Abarquez requesting that an investigation be conducted on the alleged non-compliance by respondent Judge Bienvenido M. Rebosura of the Municipal Trial Court of Calape, Bohol, with the 90-day mandatory period to resolve cases submitted for decision. This was docketed as Administrative Matter No. MTJ-94-986.<sup>[1]</sup>

On March 3, 1995, the court received another letter-complaint, dated February 21, 1995, from an allegedly old and impoverished woman named Aniceta Tarle claiming that she was ill-treated by respondent judge when she went to his sala to verify the status of Criminal Case No. 871 which had been pending for 10 years. Complainant decries the alleged arrogance of the judge and the unreasonably delay in the disposition of the case. This was docketed as Administrative Matter No. MTJ-95-1069.<sup>[2]</sup>

Eventually, on June 6, 1995, a formal complaint was filed against respondent judge by the Office of the Court Administrator, docketed as Administrative Matter No. MTJ-95-1052, charging him with (1) gross inefficiency for his failure to decide after more than 90 days over 67 cases in his sala since 1981; and (2) falsification of his Quarterly Report of Cases for the quarter ending June 30, 1994 by making it appear that he had no cases submitted for and pending decision.<sup>[3]</sup>

The above-mentioned administrative matters were ordered consolidated in our

resolution dated November 15, 1995.<sup>[4]</sup> Thereafter, two separate audits with physical inventory of all pending cases filed before respondent's sala were conducted. One was handled by Executive Judge Antonio Bautista of the Regional Trial Court of Bohol, per our resolution dated October 24, 1994,<sup>[5]</sup> and the other by the Judicial Audit Team from the Office of the Court Administrator, headed by Atty. Nicandro Cruz.

Executive Judge Bautista reported that as of November 19, 1994, respondent judge had 48 pending cases (45 criminal cases and 3 civil cases) and 24 cases (23 criminal cases and 1 civil case) submitted for decision but which had not been resolved within the prescribed 90-day period. The delay or inaction in these cases on the part of respondent judge ranged from more than 1 year to almost 11 years from the date when they were submitted for decision.<sup>[6]</sup>

The foregoing data and report were substantially confirmed by the Judicial Audit Team in its report which states inter alia that:

"4. MTC-Calape. – Presided by Judge Bienvenido M. Rebosura, this Court has a total caseload of 60 cases as of February 28, 1995 (38 criminal cases and 22 civil cases), of which 23 criminal cases and 1 civil case were submitted for decision.

#### CRIMINAL CASES

All of the 23 criminal cases submitted for decision by Judge Rebosura remained undecided well beyond the 90-day reglementary period, the earliest being submitted on August 31, 1983, and the latest on September 30, 1993 (please refer to Annex 'D'). These cases were totally tried by him except Criminal Case No. 2701 (People vs. Asilum) which he partially tried and submitted for decision on October 13, 1985 (Record # 1, *ibid.*).

x                      x                      x

#### CIVIL CASES

With regard to the 22 civil cases pending, only case No. 169 (Cubero vs. Barada, for Sum of Money), was submitted for decision by Judge Rebosura on December 6, 1984."<sup>[7]</sup>

In his comment dated August 25, 1995, respondent contended that at the time the audit team conducted its audit of cases in his office, he had only 24 cases submitted for decision, not 67 as alleged in the complaint of Mr. Abarquez. He tried to explain the delay in the resolution of some of those cases as follows:

"1. a. People vs. Asilum = This case was still pending when he assumed his office in the Municipal Trial Court of Calape by virtue of the Reorganization of all lower courts. The private complainant was at that time the Municipal Mayor of Calape, Atty. Isidro R. Redulla. After the trial of this case, complainant verbally told the undersigned that he was no longer interested in his case and requested in the meantime to hold it in abeyance for he was intending to file the necessary pleading for the

matter. Since then and up to the present he has not filed any pleading;

b. People vs. Jao = It is hereby admitted that the undersigned has unknowingly and unintentionally failed to resolve/decide the case for the reason that no pleading has ever been filed by the parties praying the early disposal of said case (sic). It can be recalled that just after the trial of the case, the undersigned was designated as Acting Municipal Trial Judge of Loon, Bohol up to 1986 for the reason that the Presiding Judge of said Court retired; thereafter in the year 1989 he was again designated as Acting Municipal Trial Judge of the same Court owing to the death of the Presiding Judge, the late Samuel Indino. During those years/period, the undersigned has to divide his office hours of the week considering that the Municipal Court of Loon is adjacent to the Municipal Court of Calape;

c. People vs. Canizares = This case is only a Malicious Mischief the subject matter of which (sic) a bamboo fence constructed beyond the boundary of the land of the parties who are all co-heirs. While this case was on trial, the Court conducted an ocular inspection and in the presence of the parties and counsels (sic), convinced them to have the land surveyed in order to get the actual boundaries. Thereafter, the parties were advised to inform the Court on the result of the survey. Up to this date, no information has been given to the Court.

d. People vs. Maglahus = Like the other cases, the undersigned admits that he failed to resolve it as herein charged. In this connection his prayer for due consideration on his answer already submitted is hereby heartily reiterated. Undersigned humbly and heartily prays for HUMAN (sic) CONSIDERATION.”<sup>[8]</sup>

With respect to the other remaining cases, he asserts that “it has been his weakness that when the case is only a simple case like these cases now in question, he seems to forget them for most of the time he seriously entertains problems brought to him for settlement.”<sup>[9]</sup> This is an evasive explanation bordering on the contrived or the fanciful.

Regarding the charge of falsification of the quarterly report for the quarter ending June 30, 1994 wherein it was indicated that he had no pending cases submitted for decision, respondent explained that the mistake was unintentionally committed by his clerk of court. He claimed that he normally entrusted the preparation of the monthly reports to the clerk of court because he has full trust and confidence in her. He flamboyantly maintains that in his private life, as well as in his 35 years of service in the Government, he “has always strongly and openly advocated to the public to be HONEST and to be TRUTHFUL to all regardless of their status.”<sup>[10]</sup>

He then continues with his submission that the mistake committed by his clerk of court was never intended to mislead anyone or anybody and he has no knowledge whatsoever about the mistake. He attached the result of the physical inventory on all cases filed before his court and decided from July 1, 1978, when he assumed office in the Municipal Trial Court of Calape, up to August 30, 1995, with his corresponding remarks thereon. He explains that he is submitting the same to

rectify whatever honest mistakes were committed in his previous monthly reports.

MTC Clerk of Court II Rosita D. Amizola, referred to by respondent judge, submitted her explanation to the effect that she mistakenly interpreted the phrase "cases submitted for decision but not decided at the end of the quarter" as meaning those "cases submitted for decision covering the said quarter: of April to June, 1994. On that strained interpretation, and her assumed knowledge that no cases were submitted during the quarter ending June 1994, she reported "NONE." She, therefore, apologizes for her error and is submitting a correct report for that quarter.

[11]

With respect to the complaint of Ms. Aniceta Tarle, respondent's comment, dated April 19, 1995, denied her accusations therein, contending that he had been "very tolerant to her" despite the "insulting and hurting words" hurled by complainant, although he had informed her of the reason for the delay in the resolution of the case. He, however, admitted that Criminal Case No. 871 is one of those cases he failed to decide within the required period and for which an audit team was precisely sent by this Court for an inventory of cases.[12]

In our resolution dated August 28, 1996, we referred the aforesaid consolidated cases to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[13]

In a Memorandum Report dated October 17, 1996, the OCA found that *for so many years, respondent made it appear in his monthly certificates of service that all cases and motions submitted to him had been decided or resolved by him within the period of 90 days from their submission and, consequently, he had been correspondingly receiving his salaries.*[14] Thus, on November 27, 1996, we issued a resolution requiring respondent to comment on the circumstances under which he prepared and submitted his certificates of service, together with the justification or explanation for the propriety and correctness thereof, within 10 days from notice.

[15]

In compliance with the said resolution, respondent judge gave the following explanation, albeit with his typical peroration, to wit:

"2. The preparation of all his Certificates of Service, since then has been entrusted to his Clerk of Court considering that the Official Forms (New Judicial Form No. 86) are already prepared or printed for the undersigned to sign and without reading the printed requirements, such that in his Certificate of Service submitted to the Supreme Court in the year 1995, and the years before, if said requirements were not complied with, said non-compliance were committed in good faith without any malice and bad faith for he strongly believes that any wrong doing (sic)/violation of whatever nature cannot be hidden – for truth will always find its way; any error, mistake and wrong doing (sic) cannot be cured or corrected by another error, mistake and wrong doing (sic)."[16]

In its supplemental memorandum dated September 2, 1997, the OCA found herein respondent guilty of gross inefficiency in not deciding 24 cases submitted for decision within the 90-day period. It was nonetheless recommended that in the interest of equity and compassion, respondent be "directed to file his resignation