

SECOND DIVISION

[**A.M. No. MTJ-98-1159, August 03, 1998**]

**LETICIA G. MATIAS, COMPLAINANT, VS. JUDGE SERGIO A. PLAN,
MUNICIPAL TRIAL COURT, CAUAYAN, ISABELA, RESPONDENT.**

DECISION

PUNO, J.:

Leticia G. Matias filed this complaint against respondent Judge Sergio A. Plan of the Municipal Trial Court of Cauayan, Isabela for undue delay in the resolution of Criminal Case No. 95-2424 where she is the complaining witness.

The facts show that on March 25, 1995, complainant's van was sideswiped by a jitney driven by Salvador Fabia, damaging the van's side mirror and automatic mechanism.

On April 31, 1995, complainant filed with the Metropolitan Trial Court of Cauayan, Isabela a complaint for Damage to Property Through Reckless Imprudence against Salvador Fabia. The case was docketed as Criminal Case No. 95-2424 and raffled to respondent judge.

Respondent conducted a preliminary investigation on May 16, 1995.

The arraignment was set for June 8, 1995 but it was postponed to June 29, 1995.

The first hearing was held on July 31, 1995, where the prosecution presented its evidence.

The second hearing was scheduled for September 5, 1995, but it was reset to October 24, 1995 upon motion of the prosecution. However, this was again moved to November 21, 1995, also upon motion of the prosecution.

The prosecution concluded its presentation of evidence on November 21, 1995.

The next hearing was scheduled for January 16, 1996, but it was postponed to February 15, 1996 because the accused failed to appear before the court.

The accused took the witness stand on February 15, 1996. Continuance was set for March 28, 1996 upon joint motion of the prosecution and the defense. This was, however, reset to May 7, 1996, as prayed for by both parties.

On April 24, 1996, complainant filed an affidavit stating that she was no longer interested in prosecuting the civil aspect of the case.

On May 6, 1996, the defense moved for a postponement of the May 7 hearing.

Respondent did not immediately act on the motion, but on May 15, 1996, the Clerk of Court issued a notice resetting the hearing to June 18, 1996.

The June 18 hearing was moved to August 5, 1996 upon motion of the prosecution.

On August 5, 1996 respondent judge ordered complainant to present the damaged vehicle to the court for ocular inspection on September 5, 1996.

On September 5, 1996, the court reset the hearing to October 14, 1996 because the prosecutor was absent. However, the October 14 hearing was again moved to November 12, 1996 because complainant failed to appear on said date.

On November 12, 1996, an ocular inspection of the damaged vehicle was conducted, after which the defense rested its case and the case was submitted for decision.

Meanwhile, on November 4, 1996, complainant filed with this Court an administrative complaint against respondent for excessive delay in the resolution of Criminal Case No. 95-2424.

On February 10, 1997, respondent judge rendered a decision, which was promulgated on March 5, 1997.

We referred the complaint at bar to Executive Judge Artemio R. Alivia of the Regional Trial Court of Cauayan, Isabela for investigation, report and recommendation.^[1]

After hearing, Judge Alivia submitted his report^[2] finding that respondent judge has been very lax in granting postponements, thus allowing a simple case of Damage to Property Thru Reckless Imprudence involving the sum of P18,970.00 to drag for one and a half years. Judge Alivia, however, found no evidence of bad faith on the part of respondent in allowing the postponements, most of which were sought by the prosecution. Judge Alivia also held that respondent violated Section 2 Rule 119^[3] of the Revised Rules of Court when he twice allowed the postponement of the hearing beyond thirty days: first, the hearing on November 21, 1995 was postponed to January 16, 1996 or after 56 days, and second, the hearing on March 28, 1996 was reset to May 7, 1996 or after 40 days. Judge Alivia recommended that respondent be reprimanded "for repeatedly postponing the trial of Criminal Case No. 95-2424 for unreasonable lengths of time and for his laxity in granting postponements."^[4]

The Office of the Court Administrator adopted the factual findings of the investigating judge but recommended that the penalty of be lowered, considering that respondent has been previously cited by this Court for good performance.^[5]

We hold that respondent should be penalized for neglecting his duty to hear and resolve cases expeditiously.

The Court, in Administrative Circular No. 3-90 dated January 31, 1990, ordered all trial courts to adopt the mandatory continuous trial system in accordance with Administrative Circular No. 4 dated September 22, 1988 and Circular No. 1-89 dated January 19, 1989. Administrative Circular No. 4 required that trial courts should, after arraignment, fix the specific dates needed to complete the presentation of