

THIRD DIVISION

[A.M. No. MTJ-96-1091, March 21, 1997]

**WILFREDO NAVARRO, COMPLAINANT, VS. JUDGE DEOGRACIAS
K. DEL ROSARIO RESPONDENT.**

DECISION

DAVIDE, JR. J.:

In his sworn letter to the Chief Justice dated 5 June 1995, complainant Wilfredo Navarro stated that as a consequence of the physical injuries his 10-year old son Joemarie Navarro sustained in July of 1991 when the latter was "side swept by a fast moving passenger jeepney with plate no. FVE-858 driven by Cornelio Quingco," he filed a complaint for slight physical injuries through reckless imprudence against the driver with the Third Municipal Circuit Trial Court (MCTC) of Patnoñgon-Bugasong-Valderrama in Antique, which was then presided by Judge Antonio Bantolo. The case was docketed as Crim. Case No. 2501-V. The trial therein lasted for less than a year and the case was submitted for decision. In 1992, Judge Bantolo was transferred to the MCTC of Sibalom, Antique and he was not able to decide the case. Respondent Judge del Rosario, Judge Bantolo's successor, confided to complainant that he could not decide the case as it was filed prior to his assumption of office, while Judge Bantolo insisted that he had lost jurisdiction over the case because of his transfer. The case thus remained undecided for three years to the detriment of his interest and in violation of the constitutional mandate concerning speedy dispensation of justice.

The Office of the Court Administrator required respondent to comment on the petition.

In his Comment of 3 August 1995, respondent alleged that he assumed office as judge of the Third MCTC in Antique sometime in the early part of November 1991; he learned for the first time about the case in December of that year when the private prosecutor filed a manifestation informing the court that he could no longer present a rebuttal witness and asked that the case be deemed submitted for resolution; the case was heard in its entirety by Judge Bantolo and in the highest interest of equity and justice, Judge Bantolo "should be the one to pen the decision;" he had made "some preliminary talks with "Judge Bantolo respecting the case ... [and] even intimated to [the complainant] ... that his counsel make the necessary procedural move, [however] for unknown reasons ... [complainant] came out with a statement with this complaint." He concluded that he did not pen the decision because he honestly believed that under the given circumstances, "nobody but Judge ... Bantolo must render the decision;" nevertheless, he is "ready and willing, without any hesitation, to render such decision if ordered to do so."

In his letter of 7 September 1995 to the respondent Judge, Deputy Court Administrator Bernardo P. Abesamis considered it "appropriate and just that a

decision be immediately rendered thereon" since the case "has been pending for quite a time now."

On 5 August 1996 we directed the Office of the Court Administrator to docket the letter-complaint as an administrative matter and required the parties to manifest if they were willing to submit this case for decision on the basis of the pleadings already filed. Complainant and respondent manifested in the affirmative on 28 August 1996 and 6 January 1997, respectively. In his Manifestation, respondent Judge informed the Court that "on October 16, 1995 he issued a Decision (Annex "C") acquitting the accused of the crime charged."

In its earlier Evaluation, Report and Recommendation, the Office of the Court Administrator (per Deputy Court Administrator Zenaida N. Elepaño) made the following evaluation:

The contention of Judge del Rosario that Judge Antonio Bantolo should be the one to pen the decision since the latter tried the case in its entirety is without basis. The case submitted for decision when Judge del Rosario was already the Presiding Judge of the 3rd MCTC, Patnoñgon-Bugasong-Valderrama, Antique. Paragraph 2 of Administrative Circular No. 3-94 dated 26 January 1994 declares that: "Cases submitted for decision at the time of the appointment of a new judge shall be decided by the judge to whom they were submitted for decision, xxx."

Section 15, Article VIII of the Constitution provides that all cases filed before the lower courts must be decided or resolved within three (3) months from the date of submission. Non-observance of this requirement constitutes a ground for administrative sanction against the defaulting judge (*Marcelino vs. Cruz, Jr.*, No. L-42428, March 18, 1983, 121 SCRA 51, 58).

There is therefore no question that the failure of Judge del Rosario to decide Criminal Case no. 2501-V for an inordinate length of time, i.e., more than four (4) years constitutes neglect of duty.

The requirement of the law that cases be decided within a specified period from their submission (Article VIII, Sec. 15, Constitution) is designed to prevent delay in the administration of justice (*Bendesula vs. Laza*, 58 SCRA 16 (1974)). For justice delayed is often justice denied, and delay in the disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standard and brings it into disrepute (*In re Flordeliza*, 44 Phil. 608 (1923); *Macabasa v. Banaag*, 57 SCRA 465 (1974); *Secretary of Justice v. Bullecce*, 56 SCRA 24 (1974); *Escobillos v. Martinez* (1974)).

The courts exist to promote justice and thus to aid in securing the contentment and happiness of the people. Their administration should be speedy and careful (*Canon 2, id.*; *Liang Lumber Co. v. Liang Timber Co., Inc.* 76 SCRA 197 (1979); *Jakosalem v. Cordovez*, 58 SCRA 11 (1974)).