

## THIRD DIVISION

**[ A.M. No. RTJ-93-1064, January 22, 1996 ]**

**EMILIA B. HERNANDEZ, COMPLAINANT, VS. JUDGE SALVADOR P. DE GUZMAN, REGIONAL TRIAL COURT, BRANCH 142, MAKATI CITY, RESPONDENT.**

### DECISION

#### **PANGANIBAN, J.:**

In a letter-complaint dated August 9, 1993, Emilia B. Hernandez charged Judge Salvador P. de Guzman of the Regional Trial Court (Branch 142), Makati City, with bias as follows:

"Pero ang ginawa ng hukom ay lalong pinatagal sa pamamagitan ng re-setting ng re-setting hanggang inabot ng apat na taon at lalong hindi ko malunok sapagkat sa loob ng apat na taon ay P5,000.00 (limang libong piso) lang ang makukuha ko." (Rollo, p. 3)

Hernandez was also the complainant in Criminal Case No. 89-1198 entitled "People vs. Yadollah Sichani," for violation of Art. 34 (i) of P.D. 442, as amended (on illegal recruitment). After trial, respondent Judge rendered a judgment of conviction, dated February 23, 1993, the dispositive portion of which reads:

"The accused is therefore found GUILTY beyond reasonable doubt of violating the provisions of Article 34, paragraph i, PD 442, as amended, and is hereby sentenced, as follows:

- 1.To pay a fine of P5,000.00 with subsidiary imprisonment in case of unsolvency (sic); and
- 2.To indemnify Emilia Hernandez in the sum of P5,000.00.

"SO ORDERED."

In spite of the foregoing, complainant was not satisfied, claiming that respondent Judge deliberately delayed the trial. She also felt that the P5,000.00 indemnity awarded her was unfair and the result of bias.

In his Verified Comment filed on November 16, 1993, respondent Judge contended that the "delay in the resolution of the case (which was received at Branch 142 on