

## FIRST DIVISION

**[ A.M. No. RTJ-05-1932 (formerly OCA IPI No. 03-1837-RTJ), April 02, 2007 ]**

**HUMBERTO C. LIM, JR., FOR AND IN BEHALF OF LUMOT ANLAP JALANDONI, COMPLAINANT, VS. JUDGE DEMOSTHENES L. MAGALLANES AND CLERK OF COURT GIA INDEPENDENCIA L. ARINDAY, REGIONAL TRIAL COURT, BRANCH 54, BACOLOD CITY, RESPONDENTS.**

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

#### **CORONA, J.:**

Before us is an administrative complaint<sup>[1]</sup> against Judge Demosthenes L. Magallanes, presiding judge of the Regional Trial Court (RTC) of Bacolod City, Branch 54, and Atty. Gia L. Arinday, clerk of court of the said branch. The complaint, dated August 8, 2003, was filed by Humberto Lim, Jr., for and in behalf of Lumot Anlap Jalandoni.

Complainant Jalandoni was one of the defendants in Civil Case No. 97-9680<sup>[2]</sup> assigned to Branch 54 of RTC Bacolod City. Despite a period of over five years from the time it was submitted for decision, the case remained unresolved as of the filing of the complaint<sup>[3]</sup>.

In a letter dated July 7, 2003<sup>[4]</sup> addressed to respondent clerk of court, defendants requested for copies of all court pleadings and incidents on record pertaining to the civil case. Despite repeated follow-up,<sup>[5]</sup> respondent clerk of court failed to act on the request.

On the other hand, Criminal Case Nos. 02-24328 & 02-24329<sup>[6]</sup>, and 02-24330 & 02-24331<sup>[7]</sup> (in which complainant's family corporation was a party) were also assigned to Branch 54 of RTC Bacolod City. In one of the hearings, complainant noticed that respondent judge seated himself with the counsels of the opposing party and engaged them in conversation. When complainant's counsel arrived, respondent judge suddenly stood up and took the bench.<sup>[8]</sup>

The Office of the Court Administrator (OCA) required respondent judge and clerk of court to file their respective comments.<sup>[9]</sup> Both failed to comply. On December 8, 2003, tracers<sup>[10]</sup> were sent to them reiterating OCA's directive to file their comments.

On January 6, 2004, respondent judge submitted his comment<sup>[11]</sup> explaining that it was with deep regret that he was unable to resolve and timely dispose of the case. He claimed he was suffering from "heart ailment and hyperacidity" which made him

easily exhausted, causing the delay in resolving the cases pending in his court. His decision-making was further hampered when his stenographer suffered a stroke and became bedridden. He also averred that he had explained his condition to the parties to the case and the latter understood his predicament.

On the other hand, respondent clerk of court failed to submit her comment in continued defiance of the OCA's directives.

The OCA found the respondent judge's explanation unmeritorious. While his condition was understandable, it was only mitigating and could not exculpate him from liability. He should have asked the Court for an extension of time within which to decide the case. The OCA recommended a fine of P11,000 with a stern warning that a similar infraction in the future would be dealt with more severely.<sup>[12]</sup>

As to respondent clerk of court, the OCA recommended that she be required to show cause why she should not be administratively dealt with for her failure to submit her comment.

On March 18, 2005, however, complainant manifested her lack of interest in pursuing the administrative case. After receiving the decision on the civil case, she became convinced that respondent judge was, after all, "impartial." Moreover, respondent judge inhibited himself from hearing the criminal cases, disproving any personal interest in the cases. She likewise conducted her own investigation and was satisfied that respondent clerk of court had no part in the refusal to furnish the requested documents since she was not present when the requests were made. For these reasons, she moved to withdraw the complaint.<sup>[13]</sup>

On June 29, 2005, this Court denied the motion to withdraw the case and submitted the matter for resolution. As for respondent clerk of court, she had been given two opportunities to comment on the complaint. Her refusal was deemed a waiver of her right to do so.

A motion to withdraw an administrative complaint against a member of the judiciary cannot deprive this Court of its authority to ascertain the culpability of a respondent and impose the corresponding penalty.<sup>[14]</sup> This Court has a great interest in the conduct and behavior of all officials and employees of the judiciary in ensuring the prompt and efficient delivery of justice at all times. Its efforts to comply with its constitutional mandate cannot be frustrated by any private arrangement of the parties<sup>[15]</sup> because the issue in an administrative case is not whether the complainant has a cause of action against the respondents but whether the latter breached the norms and standards of the courts.<sup>[16]</sup>

Respondent judge admitted that he failed to resolve Civil Case No. 97-9680 for more than five years. This was a violation of the Constitution which mandates that lower courts must dispose of their cases promptly and decide them within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court itself.<sup>[17]</sup> It was also a violation of the *Canon of Judicial Ethics*<sup>[18]</sup> and *Code of Judicial Conduct*<sup>[19]</sup> which required judges to dispose of the court's business promptly and decide cases within the required periods.<sup>[20]</sup>

A judge should be efficient in performing his judicial duties. He should decide his cases within the prescribed period; failure to do so constitutes gross inefficiency. The *raison d'etre* of courts lies not only in properly dispensing justice but also in being able to do so seasonably.<sup>[21]</sup>

Respondent judge could not use his health condition and the absence of his stenographer to justify his failure to promptly resolve the civil case. Moreover, the fact that the parties to the case supposedly understood his condition did not excuse him from complying with the period which he was mandated to observe in deference to the Court's policy of speedy disposition of cases. At the very least, he should have asked for an extension. While this Court understands that judges cannot always abide by the prescribed periods, it is not for us to take the initiative in offering an extension. In numerous cases, we have allowed extensions *but always upon the proper application by the judge concerned and on meritorious grounds*. His failure to ask for an extension was therefore inexcusable.

The eventual rendition of the decision notwithstanding, respondent judge should nevertheless be penalized for having incurred undue delay. Under Rule 140 of the Rules of Court, this is a less serious charge punishable by either suspension from office for not less than one nor more than three months, or a fine of more than P10,000 but not exceeding P20,000. Considering the unreasonable delay of more than five years, the maximum fine of P20,000 should be imposed on him.

Regarding the charge of bias and partiality against respondent judge, there was no evidence to support the allegation. The standard of substantial evidence required in administrative proceedings means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The records are bereft of substantial evidence to hold him administratively liable for this. At best, the allegations were mere presumptions which did not meet the mandated standard. Respondent judge should not be held responsible for allegations which were not proven.

The Court has never hesitated to discipline lower court judges and court personnel found guilty of violations of the law or the *Canon of Judicial Ethics* and *Code of Judicial Conduct*. But it has likewise never wavered in exonerating them when the charges are baseless. Let the guilty be severely brought to book but let those who are innocent enjoy merited exoneration to which they are entitled as a matter of justice.<sup>[22]</sup>

Lastly, respondent clerk of court was directed to comment on the complaint twice. Her refusal to controvert the charges against her was in effect an admission of the same. In any case, the records are clear that complainant sent her two written requests for the issuance of copies of the documents. Both demands were never heeded. In an attempt, however, to exonerate respondent clerk of court, complainant later manifested that after conducting a personal investigation, she allegedly "discovered" that respondent should not be made accountable since she was "not present" when the requests were made.

We disagree. Respondent clerk of court was remiss in her duties. Section 5 (a) and (d) of RA 6713<sup>[23]</sup> reads: