

SECOND DIVISION

[**A.M. No. RTJ-96-1338, September 05, 1997**]

ENGINEER FERNANDO S. DIZON, COMPLAINANT, VS. JUDGE LILIA C. LOPEZ, REGIONAL TRIAL COURT, BRANCH 109, PASAY CITY, RESPONDENT.

DECISION

MENDOZA, J.:

This is a complaint charging Judge Lilia C. Lopez of the Regional Trial Court, Branch 109, Pasay City, with violation of the Constitution, serious misconduct, inefficiency, and falsification in connection with her decision in Criminal Case No. 91-0716 entitled "People of the Philippines v. Engineer Fernando S. Dizon."

It appears that on April 22, 1993, judgment was rendered, convicting complainant of falsification of private document. The promulgation of the judgment consisted of reading the dispositive portion of the decision sentencing him to imprisonment, without serving a copy of the decision on him. The accused and his counsel were told to return in a few days for their copy of the decision, but although petitioner and his father by turns went to the court to obtain a copy of the decision they were not able to do so. To protect his right, complainant filed a partial motion for reconsideration on May 5, 1993, expressly reserving his right to submit a more elaborate one upon receipt of the decision. The hearing of the motion for reconsideration was scheduled on May 12, 1993, but the case was not called as complainant's counsel was told that the decision had not yet been finished. On November 29, 1994, complainant filed an "Omnibus Motion to Annul Promulgation of Sentence and to Dismiss" the case. On December 16, 1994, the date set for hearing the motion, complainant was served a copy of the decision, dated April 22, 1993, the dispositive portion of which states:

In view of all the foregoing, the Court finds the accused Fernando Dizon guilty beyond reasonable doubt of the crime of Falsification of Private Document as defined and penalized under Art. 172, par. 2 in relation to Art. 171 par. 2 and 4 thereof and hereby sentences him to imprisonment of Two (2) Years, Four (4) Months and One (1) Day to Six (6) Years and a fine of P5,000.00.

Complainant alleges that the failure of respondent judge to furnish him a copy of the decision until almost one year and eight months after the promulgation of its dispositive portion on April 22, 1993 constitutes a violation of Art. VIII, §14 of the Constitution which prohibits courts from rendering decisions without expressing therein clearly and distinctly the facts and law on which they are based and §15 of the same Art. VIII, which provides that in all cases lower courts must render their decisions within three months from the date of their submission. He alleges further that he was denied the right to a speedy trial in violation of Art. III, §14(2) of the

Constitution and that Judge Lopez falsified her decision by antedating it and including therein, as additional penalty, a fine of P5,000.00.

On December 26, 1994, complainant filed another motion for reconsideration after receiving a copy of the full decision of the court. On January 3, 1995, he moved to disqualify respondent from hearing the motions for reconsideration which he had filed. Respondent judge responded by voluntarily inhibiting herself from further consideration of the case and ordered it forwarded to the Office of the Clerk of Court for re-raffle. The case was eventually assigned to Judge Manuel F. Dumatol of Branch 113 of the Pasay City RTC.

Judge Lopez claims that on April 22, 1993, when the judgment was promulgated with the reading of the dispositive portion, her decision was already prepared, although to prevent leakage in the process of preparing it, she withheld its dispositive portion until the day of its promulgation. Respondent judge states that after the dispositive portion had been read to complainant, respondent gave it to Ma. Cleotilde Paulo (Social Worker II, presently OIC of Branch 109) for typing and incorporation into the text of the decision. The court found complainant guilty beyond reasonable doubt of falsification of private document under Art. 172, par. 2 of the Revised Penal Code. Respondent states that the delay in furnishing complainant with a copy of the decision was unintentional.

Respondent judge referred to difficulties she had in preparing her decision and to a series of personal problems which contributed to this delay in the release of her decision, to wit: she has only two (2) stenographers to attend to daily trials in her court, making it necessary for her to make use of the Social Worker assigned to her to type her decisions. During the period January to December 1993 she had to dispose of 285 cases, apart from the fact that there was an unusually big number of criminal, civil, and land registration cases as well as special proceedings filed in her court which required the holding of hearings in the mornings and in the afternoons. During the same period, she went through some personal tragedies. She lost her niece, Gloria Lopez Roque, whom she had raised from childhood, due to a hospital accident. This was followed by the death on March 1, 1992 of her mother, Margarita Lopez, who had been under respondent's care for the past eight years after suffering a stroke. On September 17, 1993, respondent's father died of diabetes, renal failure, pneumonia, and cardiac arrest. Respondent was the one who single-handedly brought them in and out of the hospital because all her able-bodied relatives are abroad. Respondent herself was found to be suffering from diabetes and hypertension, necessitating her treatment and leave of absence from September 27, 1994 to December 12, 1994, in addition to her other leaves of absence. Aside from these, respondent's family suffered financial reverses because of estafa committed against them.

On February 19, 1996, Deputy Court Administrator Bernardo P. Abesamis submitted a memorandum, finding the charge of violation of the Constitution to be without merit. He called attention to the written decision of respondent judge, which, albeit delivered to complainant late, nonetheless states the facts and law on which it is based. He likewise finds the charge of serious misconduct and falsification to be without basis in view of the absence of malice. However, he finds the charge of inefficiency to be well founded on the basis of respondent's failure to furnish complainant or his counsel a copy of the decision within a reasonable time after its promulgation. Hence, the Deputy Court Administrator believes that Judge Lopez

should be given admonition for her negligence, but recommends that the other charges against her for violation of the Constitution, serious misconduct, and falsification be dismissed for lack of merit.

The Court finds that respondent violated Art. VIII, §15(1) of the Constitution which provides:

All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts and three months for all other lower courts.

Although respondent judge promulgated her decision within three months of the submission of the case for decision, the fact is that only the dispositive portion was read at such promulgation. She claims that on April 22, 1993 the text of her decision, containing her findings and discussion of complainant's liability, had already been prepared although it had to be put in final form by incorporating the dispositive portion. However, the fact is that it took a year and eight months more before this was done and a copy of the complete decision furnished the complainant on December 16, 1994. Rule 120 of the Rules on Criminal Procedure provides:

1. *Judgment defined.* - The term judgment as used in this Rule means the adjudication by the court that the accused is guilty or is not guilty of the offense charged, and the imposition of the proper penalty and civil liability provided for by law on the accused.

2. *Form and contents of judgment.* - The judgment must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts proved or admitted by the accused and the law upon which the judgment is based.

6. *Promulgation of judgment.* - The judgment is promulgated by reading the same in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or outside of the province or city, the judgment may be promulgated by the clerk of court.

It is clear that merely reading the dispositive portion of the decision to the accused is not sufficient. It is the judgment that must be read to him, stating the facts and the law on which such judgment is based. Since this was done only on December 16, 1994 when a copy of the complete decision was served on complainant, it is obvious that the respondent failed to render her decision within three months as required by Art. VIII, §15 of the Constitution.

If indeed all that had to be done after the dispositive portion had been read in open court on April 22, 1993 was to incorporate it in the text of the decision allegedly