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FIRST DIVISION

[A.M. No. RTJ-12-2334, November 14, 2012]

ERNESTO HEBRON, COMPLAINANT, VS. JUDGE MATIAS M. GARCIA II, REGIONAL TRIAL COURT, BRANCH 19, BACOOR CITY, CAVITE, RESPONDENT.

D E C I S I O N

REYES, J.:

This case stems from the administrative complaint[1] dated September 30, 2011 filed with the Office of the Court Administrator (OCA) by complainant Ernesto Hebron (Hebron), charging respondent Judge Matias M. Garcia II (Judge Garcia) with gross ignorance of the law, incompetence, abuse of authority and abuse of discretion.

Hebron was the complainant in Criminal Case No. CC-07-43, a case for falsification of public document which he filed against one Aladin Simundac (Simundac) relative to the latter's application for free patent over a property situated in Carmona, Cavite. When Simundac's motion to suspend proceedings was denied by the Municipal Trial Court (MTC) of Carmona, Cavite where the criminal case was pending, Simundac filed with the Regional Trial Court (RTC) of Bacoor, Cavite a petition for *certiorari* with prayer for issuance of temporary restraining order (TRO) and writ of preliminary injunction, docketed as BSC No. 2009-02 and raffled to RTC, Branch 19, presided by respondent Judge Garcia. Hebron filed a motion for Judge Garcia's inhibition, citing his perceived bias and partiality of Judge Garcia, who had earlier dismissed Civil Case No. BCV-2005-94 also filed by Hebron against Simundac.

A hearing on Simundac's application for injunctive writ was conducted by Judge Garcia on April 16, 2009, when he issued the following Order:

> When this case was called for Temporary Restraining Order and/or Writ of Preliminary Injunction, Atty. Frolin Remonquillo filed a Motion to Inhibit which was received by the Court only yesterday. Atty. Bingle B. Talatala, counsel for the petitioner[,] moved that she be given ten (10) days to file her comment. Atty. Remonquillo prayed that he be given the same number of days within which to file his reply, if necessary. After which, the incident [is] submitted for resolution.
>
> Both parties agreed to [maintain] the status [quo] until this Court could have resolved the incident.
>
> **SO ORDERED.**[2]

On June 2, 2009, Judge Garcia set for June 8, 2009 another hearing on the application for TRO. Come June 8, 2009, he issued an Order that states, "[b]y agreement of the parties, let them be given time to file their respective position paper[s]."[3] On September 18, 2009, he finally issued his Order granting Simundac's application for preliminary injunction, which led to the suspension of the proceedings in Criminal Case No. CC-07-43. He denied in the same Order Hebron's motion for inhibition.

Against the foregoing antecedents, Hebron filed the administrative complaint with the OCA, claiming that: (1) Judge Garcia "distorted the facts"[4] to justify his issuance of the writ of preliminary injunction; (2) neither Hebron nor his counsel could have agreed on June 8, 2009 to file a position paper on Simundac's application for injunctive writ, since they were both absent during the hearing on said date; (3) Judge Garcia was guilty of "ignorance of the rule and jurisprudence"[5] for ordering the issuance of a writ of preliminary injunction without first conducting a hearing thereon; (4) Judge Garcia had ignored existing jurisprudence, making his rulings "beyond the permissible margin of error"[6]; and (5) Judge Garcia should have recused himself from Civil Case No. BSC No. 2009-02, given his bias and partiality in favor of Simundac.

Hebron had previously asked the RTC to reconsider the Order dated September 18, 2009, but as stated in his complaint charging Judge Garcia:

> On October 30, 2009, we filed a Motion for Reconsideration of the Order of Judge Matias Garcia [II] dated September 18, 2009. x x x.
>
> On **November 25, 2009**, accused thru counsel filed his comment [on] the motion for reconsideration **which is the last pleading** and the motion was submitted for resolution.
>
> On April 20, 2010, we filed a motion to resolve our motion for reconsideration and set the same for hearing on April 29, 2010. x x x
>
> On **September 7, 2010, we filed our second motion to resolve our motion for reconsideration** and set the same for hearing on September 28, 2010. x x x.
>
> Up to the present, after the lapse of one (1) year, nine (9) months and fourteen (14) days[,] no notice of resolution on our Motion for Reconsideration was sent to our counsel or to the undersigned. Any motion, regardless of whether the motions were frivolous or dilatory, and not germane to the pending case x x x respondent judge should have resolved the same citing the facts and the law on which the order was based within the time prescribed by the rules (**Aries vs. Beldia, 476 SCRA 298**).[7]

In his Comment, Judge Garcia gave a lengthy discussion of his bases for his past rulings. Particularly on the matter of his failure to immediately resolve Hebron's

motion to reconsider the Order dated September 18, 2009, Judge Garcia, explained:

> **The Motion for Reconsideration was inadvertently not acted upon by the Court for an unreasonable length of time. The Court noticed only of the pending Motion for Reconsideration when it conducted its inventory of cases in July 2011 which was further extended to September 2011 due to the program of this Honorable Office entitled "Case Delay and Docket Reduction Project (CDDRP)["]** wherein this Court was one of the designated pilot courts for its implementation. For about five (5) months, the Court almost literally stopped all its proceedings to give way to the said program. x x x.
>
> **The Court would not be washing its hand for the delay, and admits the lapse but would rather ask the indulgence and understanding of this Honorable Office on its predicament. The delay was not deliberately and maliciously motivated. The Court is swamped with thousands of cases and undersigned is just overwhelmed thereof.** As of July 2011[,] the Court [has] about 3,788 pending cases. From January to October 2011[,] about 879 cases were raffled to the Court. The Court is trying its best to comply with the mandate of the law on resolving pending incidents. But with such workload, the Court could not simply comply.
>
> The overload of cases has been brought to the attention of the CDDRP during its meeting with the Supreme Court and Office of the Court Administrator Officials and Personnel. It was explained to us that the said program was to find ways and means [on] how to [unclog] the docket of the Court. Statistics would not help the Courts of Bacoor. What we need is the creation of new salas. For the meantime, we are doing our best and undersigned promised that the same incident would not happen again and if it could not be avoided, promised to file an extension of time to resolve.[8] (Emphasis ours)

The OCA's Report and Recommendation

In its Report[9] dated September 12, 2012, the OCA explained that Judge Garcia could not be disciplined for the charges that pertained to his discharge of adjudicative functions. If Hebron truly believed that the rulings of Judge Garcia were erroneously made, the same could not be corrected through the filing of an administrative complaint.[10]

Nonetheless, the OCA held that Judge Garcia could be held administratively liable for his undue delay in resolving Hebron's motion for reconsideration. It declared:

> Records show that the motion was submitted for resolution on 25 November 2009. However, respondent Judge claimed that the motion was inadvertently not acted upon for an unreasonable length of time because the court only noticed the same when it conducted its inventory

> of cases in July 2011. **Evidently, respondent Judge failed to resolve the motion within the 90-day reglementary period provided in the Constitution.** *"Reglementary periods fixed by law and the various issuances of the Court are designed not only to protect the rights of all the parties to due process, but also to achieve efficiency and order in the conduct of official business."* Further, *"[j]udges are enjoined to dispose of the court's business promptly and expeditiously, and to decide cases within the period fixed by law."*[11] (Citations omitted and emphasis ours)

The OCA then recommended that Judge Garcia be found guilty of undue delay in rendering an order, and accordingly be fined in the amount of P5,000.00 with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[12]

Before the Court could have acted upon the OCA's Report, Hebron filed with the OCA a Letter dated October 2, 2012, withdrawing his complaint against Judge Garcia. He claimed to have filed the administrative complaint only upon the prodding of his former lawyer, Atty. Frolin H. Remoquillo, and that he signed it without even fully understanding the contents thereof. Furthermore, he reasoned that he was already ailing at 69 years of age, and he already yearned to rectify the mistakes that he had committed, including his loss of trust in the justice system.

The Court re-docketed the administrative complaint as A.M. No. RTJ-12-2334.

This Court's Ruling

At the outset, we emphasize that Hebron's withdrawal of his complaint against Judge Garcia does not necessarily warrant its dismissal. In *Bayaca v. Ramos*,[13] we explained:

> We have repeatedly ruled in a number of cases that mere desistance or recantation by the complainant does not necessarily result in the dismissal of an administrative complaint against any member of the bench. **The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent**. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. **The Court's interest in the affairs of the judiciary is of paramount concern.** x x x.[14] (Citations omitted and emphasis ours)

Given this doctrine, the Court has resolved to allow the administrative case to proceed, especially after taking due consideration of the nature of the offense which, per the evaluation of the OCA, had been committed by Judge Garcia.