

THIRD DIVISION

**[A.M. No. RTJ-09-2188 (Formerly A.M. OCA-IPI
No. 08-2995-RTJ), January 10, 2011]**

**PROSECUTOR HILARIO RONSON H. TILAN, COMPLAINANT, VS.
JUDGE ESTER PISCOSO-FLOR, RTC, BRANCH 34, BANAUE,
IFUGAO, RESPONDENT.**

DECISION

BRION, J.:

We resolve in this Decision the Administrative Matter against Judge Ester Piscoso-Flor of the Regional Trial Court, Branch 34, Banaue, Ifugao.

The Antecedents

The case arose from the verified complaint, dated September 1, 2008,^[1] filed by Public Prosecutor Hilario Ronson H. Tilan, charging Judge Piscoso-Flor with gross inefficiency, gross negligence and dishonesty.

The records show that the prosecutor was then handling Criminal Case No. 127, *People of the Philippines v. Juanito Baguilat, for Falsification of Public Document*, and Criminal Case No. 140, *People of the Philippines v. Wihlis Talanay, for Violation of RA 7610*, pending promulgation before Judge Piscoso-Flor. He was also handling Criminal Case No. 221, *People of the Philippines v. Macario Tenefrancia, for Libel*, pending arraignment in the same court.

In *People v. Baguilat*, Judge Piscoso-Flor issued an order dated October 20, 2007^[2] directing the parties to submit their respective memoranda within thirty (30) days from receipt of the order. The complainant alleged that the judge failed to render a decision within the ninety (90)-day reglementary period; instead, she issued an order, dated April 8, 2008,^[3] reiterating her earlier directive for the parties to submit their respective memoranda.

In *People v. Talanay*, Judge Piscoso-Flor issued an order dated September 25, 2007^[4] giving the accused fifteen (15) days to file his formal offer of evidence, and five (5) days for the prosecution to file its comment/objections. Allegedly, Judge Piscoso-Flor again failed to resolve the case within the 90-day reglementary period; instead, she issued another order dated May 21, 2008^[5] giving the parties fifteen (15) days within which to file their memoranda.

Prosecutor Tilan claimed that in both cases, Judge Piscoso-Flor resorted to the issuance of an order requiring the submission of the parties' memoranda to circumvent the statutory period for the resolution of cases. Prosecutor Tilan pointed out that the father of the victim (a minor) in *People v. Talanay* sought the

assistance of the Commission on Human Rights (CHR) "regarding the slow process of resolving the case,"^[6] and the CHR even called his attention on the matter.^[7]

In *People v. Tenefrancia*, Prosecutor Tilan alleged that the accused filed a Petition for Suspension of Trial, prompting Judge Piscoso-Flor to call a hearing on the petition. Despite the parties' submission of the matter for resolution, Judge Piscoso-Flor failed to resolve the petition within the required period.

The Office of the Court Administrator (OCA)^[8] required Judge Piscoso-Flor to submit her comment, and she complied on November 7, 2008.^[9] She offered the following explanation: in the court's monthly report for January 2008,^[10] Criminal Case No. 127, *People v. Baguilat*, was submitted for decision on January 31, 2008, and was due for decision on May 1, 2008; the reason for this was the parties' failure to submit their memoranda as required in her order dated October 20, 2007; on April 8, 2008, she issued another order reiterating her directive for the parties to file their memoranda because the case had been heard previously by her two predecessors.

Judge Piscoso-Flor further explained that on April 28, 2008, accused Baguilat moved for extension of time to submit his memorandum.^[11] She herself requested for an extension of time to decide the case up to July 2, 2008.^[12] She promulgated the decision on September 29, 2008,^[13] after several postponements due to the absence of Prosecutor Tilan, the counsel for the accused, and of the accused himself.

In conclusion, she stated that Prosecutor Tilan filed the present complaint after she personally went to Justice Secretary Raul M. Gonzales to complain about the former's actuations towards her,^[14] and after she cited him for direct contempt.^[15]

On November 19, 2008, Prosecutor Tilan filed a reply,^[16] reiterating the allegations in his complaint, and adding that he filed a Motion for Inhibition of Judge Piscoso-Flor in Criminal Case No. 228, *People of the Philippines v. Eddie Immongor and Senando Bannog*," which was deemed submitted for resolution on July 18, 2008.

In a rejoinder dated November 25, 2008,^[17] Judge Piscoso-Flor explained that in Criminal Case No. 142, *People of the Philippines v. Myleen Dimpatan*, for Estafa, which Prosecutor Tilan mentioned in his reply, she received the accused's memorandum on April 20, 2007, and that of the prosecution on April 17, 2007. She added that on July 24, 2007, the court received a joint manifestation by Prosecutor Tilan, Private Prosecutor Rufino Lamase, and the accused's counsel (Atty. Gerald Tabayan) asking that the promulgation of the decision be deferred pending a possible settlement of the case. It was only on October 8, 2008 that Prosecutor Lamase moved to have the case resolved for failure of the accused to settle the civil aspect of the case. She immediately finalized the decision and scheduled its promulgation on November 14, 2008, but this was reset to November 24, 2008 upon motion of the counsel for the accused.

Judge Piscoso-Flor further explained that the motion for inhibition in Criminal Case No. 228 had been the subject of a contempt case which reached the Court of Appeals and gave rise to numerous complaints filed by Prosecutor Tilan against her.

One of the cases had been considered closed and terminated by Deputy Court Administrator Reuben P. de la Cruz in a letter dated November 4, 2008.^[18]

Upon recommendation of the OCA, the Court issued a Resolution on July 6, 2009: ^[19] (1) re-docketing the case as a regular administrative matter; (2) directing Judge Piscoso-Flor to conduct an inventory of cases pending in her court and find out whether there were cases submitted for decision that had not been decided within the required period, and to decide these cases within thirty (30) days; and (3) requiring the parties to manifest whether they were willing to submit the case for resolution on the basis of the pleadings and the records.

Judge Piscoso-Flor and Prosecutor Tilan submitted the case for resolution on August 27, 2009 and October 8, 2009, respectively.

The Court's Ruling

In his Memorandum dated March 19, 2009,^[20] Court Administrator Jose P. Perez (now a member of the Court) found Judge Piscoso-Flor to have been remiss in her duty to decide cases within the period required by law. He recommended that the judge be merely admonished considering that this is her first infraction and that she inherited most of the cases that gave rise to the complaint. At the same time, he recommended that a stern warning be given against the commission of a similar offense in the future.

The OCA evaluation tells us that Judge Piscoso-Flor is guilty of failing to decide cases within the required periods, citing Criminal Case No. 127 (*People v. Juanito Baguilat*) as the principal basis of its conclusion. In this case, the OCA faulted Judge Piscoso-Flor for using as justification for her inaction the parties' failure to submit their respective memoranda. The OCA opined that this is not a valid reason for not deciding the case; if she believed she would not be able to decide the case on time, she could have asked the Court for an extension of the required period. The OCA acknowledged though that Judge Piscoso-Flor requested for an extension to decide the case in her monthly report of cases and certificate of service.^[21]

We find the OCA evaluation in order. Although Judge Piscoso-Flor claimed that she had requested for an extension of time to decide Criminal Case No. 127, there was no showing that the request was ever granted. Over and above this consideration, she allowed the parties to control the period of disposition of the case through their lukewarm response to her call for the submission of memoranda, which she had to do twice. She could have acted more firmly, considering, as she said, that she only inherited the case, which implies that it had been on the docket for quite some time. In any event, Judge Piscoso-Flor should have known that "[t]he Court may grant extension of time to file memoranda, but the ninety (90) day period for deciding the case shall not be interrupted thereby."^[22]

The same is true with Criminal Case No. 140 (*People v. Talanay*). As early as March 6, 2006,^[23] the CHR Office in the Cordillera Administrative Region relayed to Judge Piscoso-Flor the concern of the parent of the victim of the child abuse regarding the delay in the resolution of the case. It was only on May 21, 2008 when Judge Piscoso-Flor called for the submission of memoranda.