

THIRD DIVISION

**[A.M. No. MTJ-08-1714 [Formerly A.M. OCA IPI
No. 08-2016-MTJ], February 09, 2011]**

**DANIEL G. SEVILLA, COMPLAINANT, VS. JUDGE FRANCISCO S.
LINDO, METROPOLITAN TRIAL COURT, BRANCH 55, MALABON
CITY, RESPONDENT.**

DECISION

BERSAMIN, J.:

A trial judge who allows, or abets, or tolerates numerous unreasonable postponements of the trial, whether out of inefficiency or indolence, or out of bias towards a party, is administratively liable.

Antecedents

On July 4, 2007, Daniel G. Sevilla charged Hon. Francisco S. Lindo, then the Presiding Judge of the Metropolitan Trial Court (MeTC), Branch 55, in Malabon City with delay in the disposition of Criminal Case No. J-L00-4260 (a prosecution for violation of *Batas Pambansa Bilang 22* [BP 22] entitled *People v. Nestor Leynes*).

Sevilla alleged that he was the private complainant in Criminal Case No. J-L00-4260, which was filed on June 10, 2003, and raffled to Branch 55, presided by Judge Lindo; that he testified once in the case, but his testimony pertained only to his personal circumstances; that after he gave such partial testimony, Judge Lindo adjourned the session for lack of material time, and persistently reset the subsequent hearings for lack of material time; that Judge Lindo's indifference was designed to force him to accept the offer of an amicable settlement made by the accused; and that Judge Lindo's coercion was manifested in open court and in his chamber by telling him in the presence of the accused: *Mr. Sevilla, ang hirap mo namang pakiusapan. Konting pera lang yan. Bahala ka maghintay sa wala.*

Sevilla asserted that Judge Lindo thereby violated Rule 1.01, Canon 1 of the *Code of Judicial Conduct*, which requires that a judge should administer justice impartially and without delay; that Judge Lindo also violated Section 1, Rule 135 of the *Rules of Court*, which mandates that justice be impartially administered without unnecessary delay; that Judge Lindo's unreasonable resetting of the hearings 12 times rendered inconsequential his right to the speedy disposition of his case; and that such resettings were made upon the instance of Judge Lindo, not upon motion of the parties.

In his *comment* dated July 26, 2007,^[1] Judge Lindo refuted the charge, claiming that the postponements were upon valid grounds; that he set the initial trial on August 17, 2004, but due to Sevilla's absence on said date, he ordered the provisional dismissal of the case upon motion of the Defense and with the express

conformity of the accused and the public prosecutor; that in the interest of fairness, he set aside the provisional dismissal and reinstated the case upon motion of Sevilla; and that he set the initial trial on October 19, 2004, but the hearing was reset on December 7, 2004, and was further reset on February 1, 2005 due to his official leave of absence.

Judge Lindo cited the other dates of hearings and the corresponding reasons for their postponement, as follows:

- a) March 4, 2005, April 26, 2005, October 4, 2005, November 29, 2005, and August 2, 2006 - agreement of the parties;
- b) May 20, 2005 - absence of the public prosecutor;
- c) August 12, 2005 - docket inventory;
- d) January 10, 2006 - absence of the complainant;
- e) March 14, 2006 - lack of material time due to the continuation of the trial of two other criminal cases that preceded Criminal Case No. J-L00-4260;
- f) May 16, 2005 and January 12, 2007 - absence of the lawyer from the Public Attorney's Office (PAO); and
- g) September 1, 2006 and November 24, 2006 - lack of material time due to the continuation of the trial of two criminal cases that preceded Criminal Case No. J-L00-4260.

Sevilla submitted his *reply* on August 2, 2007,^[2] clarifying that he did not agree with Judge Lindo's orders of postponement but was only forced to comply with them, and that he affixed his signature to the minutes of hearings only as proof of his personal presence at the hearings, not as a ratification of what transpired.

On May 20, 2008, the Office of the Court Administrator (OCA) submitted its report,^[3] which included the following evaluation and recommendation:

EVALUATION: While it may appear that the reasons or justifications proffered by respondent Judge seem acceptable, a close scrutiny of the results of the judicial audit conducted by the Office of the Court Administrator (OCA) on July 12 to 19, 2007 in the Metropolitan Trial Court, Branch 55, Malabon City, of which Respondent was the Presiding Judge until he was compulsorily retired from the service on July 24, 2007, revealed that quite a number of cases that have been submitted for decision remained unacted upon. Twenty-three cases, seventeen of which were "undecided" beyond the 90-day reglementary period, seven cases with pending incident/motion submitted for resolution which have been unresolved, 6 of which beyond the reglementary period. There were twenty-one cases with no action taken since their filing in court.

The judicial audit also revealed the following findings:

- (1) there was no proper recordkeeping;
- (2) they had no updated inventory of cases;
- (3) there were twenty-one (21) inherited cases inside the chambers of Judge Lindo which were submitted for decision way back in the 80's. There were not reflected in the docket inventories submitted to OCA but these were reportedly just found in 2000 while the branch staff were relocating to another place following a fire that gutted their courthouse in July 2005 and were not properly turned over to him;
- (4) case folders of one hundred seventy-five (175) criminal cases were not presented to the audit team for examination;
- (5) two hundred seventy (270) criminal cases were not reported/reflected in the docket inventory that was subsequently updated up to 2007;

If the telling results of the judicial audit were not an irrefragably clear manifestation of inefficiency and ineffectiveness of the court's branch, more particularly its presiding judge, how could the herein respondent Judge convincingly argue that there was indeed no delay in the disposition of the case in respect of Criminal Case No. J-L00-4260. This Office, after a circumspect evaluation of the records at hand, together with the report on the judicial audit conducted at the MeTC, Branch 55, Malabon City, cannot help finding for the complainant and deems it reasonable to mete upon the respondent Judge a fine of TWENTY-ONE THOUSAND PESOS (P21,000.00) to be deducted from his retirement benefits.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant complaint be re-docketed as a regular administrative matter and respondent Judge be found GUILTY of Delay in the Disposition of Cases tantamount to Inefficiency and Incompetence in the Performance of Official Duties and be meted a fine of P21,000.00 to be deducted from the retirement benefits of the herein respondent Judge who was compulsorily retired from the service effective July 24, 2007.

On August 4, 2008, the Court noted the *complaint, comment, and reply*, and re-docketed the case as a regular administrative matter.^[4]

On October 22, 2008, Judge Lindo's *rejoinder* was noted.^[5]

Thereafter, Judge Lindo moved for the early resolution of the case and for the release of his retirement benefits.^[6] The Court noted his motion on January 12, 2009. ^[7]

On February 17, 2009, Judge Lindo filed an *ex parte manifestation*,^[8] stating that he was involved in A.M. No. 08-3-73-MeTC entitled *Re: Report on the Judicial Audit*

Conducted at the Metropolitan Trial Court, Branch 55, Malabon City, another administrative case; that the Court, in the resolution dated April 22, 2008, ordered the release of his retirement benefits subject to the retention of P100,000.00 and to clearance requirements; and that the OCA's Docket Division refused to issue a clearance due to the pendency of this case; and that the P100,000.00 retention be considered as sufficient for both A.M. No. 08-3-73-METC and this case.

As the OCA's report stated, Judge Lindo mandatorily retired from the service on July 24, 2007.

On June 17, 2009, the Court ordered the release of Judge Lindo's retirement benefits subject to the P100,000.00 retention.^[9]

On July 31, 2009, the Court promulgated a decision in A.M. No. 08-3-73-MeTC,^[10] disposing:

WHEREFORE, retired Judge Francisco S. Lindo, former Presiding Judge of the Metropolitan Trial Court of Malabon City, Branch 55, is found GUILTY of simple misconduct and undue delay in rendering a decision. He is FINED in the amount of Twenty Thousand Pesos (P20,000.00) in accordance with Section 11, Rule 140 of the Revised Rules of Court, as amended, to be deducted from the One Hundred Thousand Pesos (P100,000.00.) we ordered withheld from his retirement benefits pursuant to our Resolution dated April 22, 2008. The Chief of the Financial Management Office, Office of the Court Administrator is DIRECTED to immediately release to retired Judge Francisco S. Lindo the remaining Eighty Thousand Pesos (P80,000.00).

By resolution dated July 19, 2010,^[11] this case was transferred to the Third Division for resolution.

Issue

The only issue is whether or not retired Judge Lindo was administratively liable for the numerous postponements in Criminal Case No. J-L00-4260.

Ruling

We agree with and adopt the report and recommendation of the OCA that Judge Lindo be held liable for delay in the disposition of his cases that was tantamount to inefficiency and incompetence in the performance of his official duties, and that he be meted a fine of P21,000.00 to be deducted from his retirement benefits due to his compulsory retirement from the Judiciary effective July 24, 2007. We point out that the findings of the OCA were based on the records of Judge Lindo's Branch that the OCA subjected to a judicial audit in anticipation of his mandatory retirement.

Although the postponement of a hearing in a civil or criminal case may at times be unavoidable, the Court disallows undue or unnecessary postponements of court hearings, simply because they cause unreasonable delays in the administration of justice and, thus, undermine the people's faith in the Judiciary,^[12] aside from