

SECOND DIVISION

[A.M. No. RTJ-10-2220 (Formerly OCA I.P.I. No. 08-3053-RTJ), February 07, 2011]

**PIO ANGELIA, COMPLAINANT, VS. JUDGE JESUS L. GRAGEDA,
REGIONAL TRIAL COURT, BRANCH 4, PANABO CITY
RESPONDENT.**

RESOLUTION

MENDOZA, J.:

Before this Court is a verified Complaint filed on November 7, 2008, by complainant Pio Angelia (*Angelia*) against respondent Judge Jesus L. Grageda (*Judge Grageda*) of the Regional Trial Court, Branch 4, Panabo City, (*RTC*), for the delay in the resolution of motions relative to Civil Case No. 54-2001, entitled *Pio Angelia v. Arnold Oghayan*.

Angelia averred that Civil Case No. 54-2001 was filed way back on August 8, 2001. After numerous postponements, pre-trial was finally set on December 6, 2007. On December 20, 2007, counsel for complainant received an order dated December 6, 2007 dismissing the case for failure to prosecute. On December 28, 2007, Angelia filed a motion for reconsideration reasoning out that the failure to prosecute could not be attributed to him. On July 28, 2008, he filed his Urgent Motion for the Early Resolution of said December 2007 Motion for Reconsideration. He claimed that despite the lapse of a considerably long period of time, no action was taken by Judge Grageda.

In his Comment dated February 12, 2009, Judge Grageda attributed the delay in the resolution of the case to numerous resettings and repeated absences of the parties. He also stated that immediately upon receipt of the 1st Indorsement dated December 16, 2008, from the Office of the Court Administrator (*OCA*), he lost no time in resolving the Motion for Reconsideration. He further averred that he performed his duties and functions devotedly despite having to act on 800 cases in his sala, which was further exacerbated by the inflow of new cases every month.

Judge Grageda also admitted that while there was an apparent failure on his part to resolve the motion earlier, such delay was not intentional but simply brought about by the sheer volume of work in his sala, as there were many times that he was the only acting RTC Judge within his district, comprising of 2 cities and 3 municipalities in Davao del Norte. He offered his sincere apology to Angelia and to this Court for the delay, and pleaded humanity and compassion, with a promise to work harder and better for the remainder of his service.

Judge Grageda compulsorily retired from the service on November 25, 2009.

OCA recommended that Judge Grageda be fined in the amount of P5,000.00.