

THIRD DIVISION

[A.M. No. MTJ-09-1738 (Formerly OCA I.P.I. No. 08-2033-MTJ), September 06, 2010]

CIRILA S. RAYMUNDO, COMPLAINANT, VS. JUDGE TERESITO A. ANDOY, MUNICIPAL TRIAL COURT (MTC), CAINTA, RIZAL, RESPONDENT.

R E S O L U T I O N

BRION, J.:

We resolve in this Resolution the administrative complaint for violation of Rule 3.05, Canon 3^[1] of the Code of Judicial Conduct filed by complainant Cirila S. Raymundo (*complainant*) against respondent Judge Teresito A. Andoy.

In her complaint-affidavit,^[2] the complainant alleged that sometime in 2000, she filed six counts^[3] of violation of *Batas Pambansa Bilang 22 (B.P. Blg. 22)* against Hermelinda Chang (*accused*) before the Municipal Trial Court (MTC) of Cainta, Rizal. The respondent judge presided over the court.

The trial of the cases ended on August 4, 2004 after the respondent judge declared^[4] that the accused had waived her rights to present further evidence for repeated failure to appear in court despite due notice. On September 2, 2004, the complainant received a notice from the MTC, setting the cases for trial anew on November 17, 2004. The date was later moved to December 20, 2004.

On December 20, 2004, the accused and her counsel again failed to appear in court, prompting the private prosecutor to move for the reinstatement of the MTC's August 4, 2004 order. The respondent judge granted the motion and declared the cases submitted for decision.^[5] The accused moved to reconsider this order; the MTC granted the motion in its order of February 9, 2005. Accordingly, the cases were again set for hearing on October 12, 2005.

On October 12, 2005, the accused and her counsel again failed to appear in court despite due notice. The MTC, thus, ordered the direct testimony of the accused to be stricken off the record, and again declared the cases submitted for decision.^[6]

On June 23, 2006, the complainant filed with the MTC an *urgent ex parte motion to render decision*.^[7] Almost two years later, or on March 12, 2008, the complainant filed a *second ex parte motion to render decision*.^[8] The respondent judge did not act on these motions.

The Office of the Court Administrator (OCA) required the respondent judge to comment on the complaint. The respondent judge responded with the following

explanation:

1. He had prepared his decision in the subject cases, dated July 19, 2008, and had set the same for promulgation on August 18, 2008, at 8:30 in the morning;
2. The only first level court in Cainta, Rizal, this Court has an average active caseload of 1,562 cases. An average of 87 new cases are filed each month. It hears cases daily, except Fridays.
3. Although the undersigned is aware that heavy caseload is not considered by the Supreme Court as an excuse for delay in rendering decisions, the undersigned humbly begs this Honorable Office's utmost consideration, understanding and compassion in evaluating the subject IPI. The undersigned is due to retire on October 3, 2008. ^[9]

The OCA, in its Report^[10] dated February 5, 2009, made the following recommendations: (1) the instant case be re-docketed as a regular administrative matter; and (2) the respondent judge be found guilty of undue delay in rendering a decision, and a fine of P20,000.00 be imposed, to be deducted from his retirement benefits.

The OCA explained that while the Court is not unaware of the heavy caseload of judges, nothing in the records shows that the respondent judge asked for an extension of time to decide the subject criminal cases. In addition, the respondent judge failed to consider that the subject cases required a quicker resolution as they were covered by the Rule on Summary Procedure.

THE COURT'S RULING

After due consideration, we resolve to adopt the findings and recommendations of the OCA.

We stress at the outset that the subject criminal cases - violation of B.P. Blg. 22 - are indeed covered by the Rule on Summary Procedure pursuant to A.M. No. 00-11-01-SC (*Re: Amendment to the Rule on Summary Procedure of Criminal Cases*).

The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Section 17 of this Rule requires the court to promulgate a judgment *not later than thirty (30) days after termination of trial*. Trial in the present case originally ended on August 4, 2004. For reasons not stated in the records, the cases were again set for trial on November 17, 2004 and later moved to December 20, 2004. The MTC ordered the cases submitted for decision when the accused once again failed to appear in court on December 20, 2004. The MTC reconsidered this order and again set the case for hearing on October 12, 2005. The MTC ordered the testimony of the accused to be stricken off the record and declared the cases again submitted for decision when, again, she failed - despite due notice - to appear in court on October 12, 2005.