

## THIRD DIVISION

**[ A.M. No. RTJ-06-2007 (Formerly A.M. OCA IPI No. 05-2368-RTJ), December 06, 2010 ]**

**CARMEN EDAÑO, COMPLAINANT, VS. JUDGE FATIMA G. ASDALA,  
REGIONAL TRIAL COURT, BRANCH 87, QUEZON CITY,  
RESPONDENT.**

### DECISION

**BRION, J.:**

We resolve in this Decision the administrative complaint for violation of the Code of Judicial Ethics, misconduct, rendering an erroneous decision, and rendering a decision beyond the 90-day reglementary period filed by Carmen Edaño (*complainant*) against Judge Fatima G. Asdala (*respondent judge*).

In her letter-complaint,<sup>[1]</sup> the complainant alleged that she was the plaintiff in a civil case for Support with prayer for Support *Pendente Lite* (Civil Case No. Q-97-30576), entitled "*Carlo Edaño and Jay-ar Edaño, represented by Carmen Edano v. George F. Butler,*" pending before the Regional Trial Court, Branch 87, Quezon City, presided over by the respondent judge.

The complainant claimed that the respondent judge made it appear that Civil Case No. Q-97-30576 was decided on March 22, 2005, although the records show that she (respondent judge) still ruled on several motions relating to this case even after that date. The complainant further alleged that the respondent judge erred in denying her notice of appeal.

The Office of the Court Administrator (OCA) required the respondent judge to comment on the complaint. In her comment,<sup>[2]</sup> the respondent judge maintained that she had rendered the decision on March 22, 2005, although it was mailed on a later date. Even assuming that there was delay in rendering the decision, the delay was not deliberate. She added that the complainant was not prejudiced by the delay as she continuously received support *pendente lite* from the defendant.

The respondent judge likewise explained that the orders she issued after March 22, 2005 did not touch on the merits of the case; they were orders directing the release of money deposited by the defendant as support *pendente lite*. According to her, she denied the complainant's notice of appeal because Section 1, Rule 41 of the Revised Rules of Court provides that no appeal may be taken from an order dismissing an action without prejudice. Finally, she explained that her dismissal of the subject civil case and the denial of the notice of appeal are not the proper subjects of an administrative case as they are acts pertaining to her judicial functions.

In her reply,<sup>[3]</sup> complainant maintained that the respondent judge violated the 90-day reglementary period for rendering decisions. She also revealed that the

respondent judge made her sign a complaint against a Public Attorneys Office lawyer, to force the said lawyer to stay in her (respondent judge's) sala.

The OCA, in its Report<sup>[4]</sup> dated April 18, 2006, recommended that the respondent judge be fined in the amount of P10,000.00 for undue delay in rendering a decision, with a stern warning that a commission of similar acts in the future will be dealt with more severely.

### **THE COURT'S RULING**

We agree with the finding of the OCA that the respondent judge is guilty of undue delay in rendering a decision. Section 15, Article VIII of the Constitution requires judges to decide all cases within three (3) months from the date of submission. This Constitutional policy is reiterated in Rule 1.02, Canon 1 of the Code of Judicial Conduct which states that a judge should administer justice impartially and *without delay*; and Rule 3.05, Canon 3 of the same Code provides that a judge shall dispose of the court's business *promptly* and decide cases *within the required periods*.

In *Office of the Court Administrator v. Garcia-Blanco*,<sup>[5]</sup> the Court held that the 90-day period is mandatory. Failure to decide cases within the reglementary period constitutes a ground for administrative liability except when there are valid reasons for the delay. We explained the *raison d'être* behind the rule on mandatory compliance with the constitutionally prescribed periods in *Office of the Court Administrator v. Reyes*:<sup>[6]</sup>

The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.

In the present case, Civil Case No. Q-97-30576 had been submitted for decision on December 9, 2004; the decision was, therefore, due on March 9, 2005. The records do not show that the respondent judge asked for an extension to decide this case. Thus, when she decided the case on March 22, 2005, the 90-day reglementary period had already lapsed. The respondent judge's explanation that the complainant was not prejudiced by the delay is immaterial, as it is her constitutional duty to decide the case within three months from the date of submission.

Under Rule 140, Section 9(1) of the Rules of Court,<sup>[7]</sup> as amended by Administrative Matter No. 01-8-10-SC,<sup>[8]</sup> the respondent judge's undue delay in rendering a decision is classified as a less serious offense. It is punishable by suspension from office without salary and other benefits for not less than one month nor more than three months or a fine of more than P10,000.00 but not exceeding P20,000.00. The OCA's recommendation of P10,000.00 fine is, therefore, in order.