

THIRD DIVISION

[A.M. No. RTJ-03-1761, April 30, 2003]

JOSE B. CUSTODIO, COMPLAINANT, VS. JUDGE JESUS V. QUITAIN, REGIONAL TRIAL COURT, DAVAO CITY, BRANCH 15, RESPONDENT.

DECISION

PANGANIBAN, J.:

Unreasonable delays in resolving pending cases, motions or other incidents diminish public trust in the judiciary. They constitute less serious charges that are administratively sanctionable under Rule 140 of the Rules of Court.

The Case and the Facts

This administrative case stems from a Complaint^[1] filed by Jose B. Custodio with the Office of the Court Administrator (OCA) on August 23, 2000. In the Complaint, Judge Jesus V. Quitain of the Regional Trial Court (RTC) of Davao City (Branch 15) was charged with delay in resolving incidents relative to Criminal Case No. 37921-96 entitled "*People of the Philippines v. Jose B. Custodio.*"

The factual antecedents are summarized by the OCA in this wise:

"Petitioner, who is the accused in the aforecited criminal case, alleges that from the time the case of rape was filed against him in late 1996, he filed several motions for inhibitions which were all denied by respondent judge despite the very patent and serious grounds. On 28 January 1999, he filed a final motion for compulsory inhibition dated 26 January 1999. This was likewise denied per Order dated 11 June 1999 or after almost five (5) months from filing. In connection with the said denial of the final motion for inhibition he filed the following, to wit: a) motion for reconsideration/clarification dated 16 July 1999; b) urgent motion to resolve pending motion for reconsideration/clarification dated 10 August 1999; c) supplemental grounds for pending final motion for inhibition dated 26 January 1999; d) motion to resolve inhibition incident with additional grounds dated 17 January 2000; and e) second motion to resolve long pending motion for inhibition with additional newly discovered ground dated 5 April 2000.

"Petitioner claims that for about 1 year and 7 months respondent unlawfully, unjustly, wrongfully, deliberately and maliciously failed to render resolution of the said motion for inhibition in violation of the constitutional right of the accused to speedy trial and despite respondent having issued two orders dated 19 November 1999 and 28 January 2000 declaring said motion for inhibition as submitted for resolution."^[2]

In his Comment^[3] dated November 10, 2000, respondent denied having maliciously delayed the resolution of complainant's Motion for Inhibition.^[4] He explained thus:

"x x x. The prosecution filed on February 8, 1999 a Motion to Strike Out Final Motion for Inhibition ten days after the said motion was filed. On February 9, 1999 the accused testified but the trial was stopped because the defense objected to the participation of the private prosecutor. The Court overruled the objection and the accused was given up to March 5, 1999 to file his Memorandum of Authorities regarding the inhibition.

"On February 26, 1999, accused filed his Memorandum. The public prosecutor then filed a motion that it be given up to March 18, 1999 to answer the motion. The Court gave the prosecution up to March 23, 1999 to file its pleading.

"On March 24, 1999, the prosecutor submitted its Comment. [O]n March 26, 1999, the accused filed a Motion to File Reply to prosecution's [C]omment and asked that it be given fifteen (15) days from March 24, 1999 to file a rejoinder which the Court granted the same day. However, on April 8, 1999, the accused filed a second extension of time to file a reply to the prosecution's comment. This was granted and accused was given ten (10) days or up to April 18, 1999 to file his reply. On April 20, 1999, the accused submitted his [R]epley to the prosecution's [C]omment."^[5]

Finally, respondent claimed that his Order^[6] denying complainant's Final Motion for Inhibition was rendered only 52 days after the last pleading was filed, and not after 1 year and 7 months as alleged by complainant.

Findings and Recommendation of the OCA

In its Report^[7] dated August 21, 2002, the OCA noted that complainant had filed a Petition for Mandamus before the Court of Appeals (CA). He had sought therein to compel respondent to act on the pending Motion for Reconsideration^[8] of the Order denying the Final Motion for Inhibition. In its October 15, 2001 Decision,^[9] the CA^[10] ruled in favor of complainant. We reproduce the pertinent findings:

"The motion for reconsideration of RESPONDENT JUDGE's June 11, 1999 Order, denying CUSTODIO's motion for inhibition, had been submitted for resolution as early as July 23, 1999. To date, RESPONDENT JUDGE has not resolved said pending incident, in violation of the clear mandate of Section 4, Rule 37 of the 1997 Rules of Civil Procedure that 'a motion for new trial or reconsideration shall be resolved within thirty (30) days from the time it is submitted for resolution.' It bears noting that no motion for extension of the foregoing period was sought by RESPONDENT JUDGE with the Supreme Court, and despite CUSTODIO's repeated motion for resolution, his motion for reconsideration has remained pending and unresolved. x x x."^[11]

Citing the above CA pronouncements, the OCA recommended that respondent be fined P5,000, with a warning that the commission of the same or a similar act in the