# SECOND DIVISION

## [ A.M. No. RTJ-03-1803, October 02, 2003 ]

**VICTOR A. ASLARONA, COMPLAINANT, VS . JUDGE ANTONIO T. ECHAVEZ, PRESIDING JUDGE, RTC-BR. 8, CEBU CITY,RESPONDENT.**

### D E C I S I O N

**BELLOSILLO, J.:**

This is an administrative case for <u>Gross Inefficiency</u> and Gross Ignorance of the Law filed against respondent Judge Antonio T. Echavez, RTC-Br. 8, Cebu City, for delay of more than twenty (20) months in resolving three (3) motions filed in Civil Case No. CEB-23577, "*Anastacia Alforque Vda. de Alcoseba v. Victor Aslarona, et al.,*" as well as for erroneous denial of the motions in an Order dated 24 September 2001.

Complainant Victor A. Aslarona together with his brother and sisters were defendants in Civil Case No. CEB-23577 for recovery of possession and ownership. Upon receipt of the complaint they filed a *Motion to Dismiss* on the ground that the complaint stated no cause of action, was barred by prescription and laches, and unenforceable under the *Statute of Frauds*. On 10 December 1999 they also filed an *Urgent Motion for Issuance of Preliminary Injunction and for Contempt of Court.* The motions were submitted for resolution on 28 January 2000. However, despite a motion for early resolution filed by the defendants in July 2000, it was only after more than twenty (20) months or on 24 September 2001 that respondent Judge finally resolved the motions with a consolidated order of denial.

Complainant alleged that such undue procrastination was a manifest and clear act of gross inefficiency on respondent's part, and that he was clearly ignorant of the law when he rejected as unmeritorious the grounds relied upon in the *Motion to Dismiss*. Complainant therefore prayed that respondent Judge be dismissed from the service for gross inefficiency and gross ignorance of the law with forfeiture of his retirement benefits.

Respondent Judge admitted his delay in resolving the aforementioned motions in Civil Case No. CEB-23577.[1] However he denied that the same was due to any deliberate intent or refusal to perform a duty on his part. On the contrary, he claimed that the delay was due simply to his heavy workload which in fact had already caused him to suffer from a heart ailment. Respondent thus pleaded for understanding considering his lengthy and untainted public service and the fact that this was his first offense.

With respect to the charge of gross ignorance of the law, respondent Judge refuted the same as his questioned order was in fact just recently upheld by the Court of Appeals in a Decision dated 24 February 2003 in CA-G.R. SP No. 70454, "*Victor A. Aslarona, et al. v. Hon. Antonio T. Echavez, et al.*"

After evaluation of this case, the Office of the Court Administrator recommended in its Report dated 11 July 2003 that (a) this case be re-docketed as a regular administrative matter; (b) respondent Judge be fined P5,000.00 for delay in resolving the motions in Civil Case No. CEB-23577 with warning that repetition of the same offense shall merit a stiffer penalty; and, (c) the charge of gross ignorance of the law however be dismissed for being premature as there was still a pending motion for reconsideration of the Decision of the Court of Appeals dated 24 February 2003 in CA-G.R. SP No. 70454.

Indeed, we have repeatedly warned judges to dispose of court business promptly, resolve pending incidents and motions, and decide cases within the prescribed periods[2] for "*delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.*"[3] Such exhortation is in fact enshrined in Sec. 15, par. (1), Art. VIII, of our Constitution, as well as in Rule 3.05, Canon 3, of the *Code of Judicial Conduct,* which mandates that a magistrate should dispose of the court's business promptly and decide cases within the required periods.[4] For violations thereof we have invariably imposed penalties ranging from fine to suspension depending on the circumstances of each case as the number of motions or cases unresolved, the presence of aggravating or mitigating circumstances, the damage suffered by the parties as a result of the delay, the health and age of the judge, etc.[5]

In the instant case, respondent Judge failed to act on a *Motion to Dismiss* and a consolidated *Urgent Motion for Issuance of Preliminary Injunction and for Contempt of Court* within a reasonable period from the time they were submitted for resolution on 28 January 2000. It was only after twenty (20) months and notwithstanding a motion for early resolution filed in July 2000 that respondent Judge finally resolved the motions with an order of denial. Clearly, by no stretch of the imagination can such lengthy period of twenty (20) months be considered as a "prompt" disposition of motions envisioned and mandated in the *Code of Judicial Conduct.*

Respondent cites his heavy workload as reason for the delay. However, such cannot excuse him from administrative liability considering that he could have filed a motion for extension of time as soon as it became clear to him that he could not possibly resolve the motions on time. Such motions for extensions of time have always been invariably granted by the Court as it is always sympathetic to the plight of judges who are more often than not beset with heavy caseloads.[6]

With respect to the charge of gross ignorance of the law, we agree with the Court Administrator that it should be dismissed. The records show that the Court of Appeals in a Decision dated 24 February 2003 dismissed for lack of merit the petition for certiorari filed by complainant and his siblings questioning respondent Judge's Order of 24 September 2001 denying subject motions, as well as his order denying reconsideration.[7] A motion for reconsideration of the Decision was just recently rejected by the Court of Appeals in a Resolution dated 16 September 2003. Besides, it is well-settled that not every erroneous order or decision of a judge subjects him to disciplinary action in the absence of fraud, dishonesty, corruption or malice on his part.[8] None was shown or even hinted at in this case.