

## **THIRD DIVISION**

**[ A.M. No. MTJ-00-1322, July 17, 2001 ]**

**RENATO H. SANCHEZ, COMPLAINANT, VS. JUDGE GEMINIANO A. EDUARDO, RESPONDENT.**

### **DECISION**

**PANGANIBAN, J.:**

That judges must decide cases promptly and expeditiously cannot be overemphasized, for justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. If they cannot decide cases within the period allowed by the law, they should seek extensions from this Court to avoid administrative liability.

### **The Case**

In a sworn Administrative Complaint filed by Renato H. Sanchez on June 10, 1999, Judge Geminiano A. Eduardo of the Municipal Trial Court of Gapan, Nueva Ecija, was charged with serious misconduct and gross inefficiency. The Complaint reads thus:

"1. Judge Geminiano A. Eduardo (hereinafter referred to as [r]espondent) is presently the [p]residing [j]udge of the Municipal Trial Court of Gapan, Nueva Ecija, where he may be served with summons and other judicial processes;

"2. Sometime on May 22, 1997, Renato H. Sanchez (hereinafter referred to as [c]omplainant) filed a Petition (Election Protest) with respondent while he was then the [p]residing [j]udge of the Municipal Trial Court of Peñaranda, Nueva Ecija, entitled [ ` ]Renato H. Sanchez, Protestant, versus Conrado H. [Aberin], Protestee['] docketed as Case No. 001-97. Copy of said [P]etition is hereto attached as Annex `A';

"3. Sometime on June 5, 1997, protestee, Conrado H. Aberin, through counsel, filed his Answer to said Petition. Copy of said Answer is hereto attached as Annex `B';

"4. On June 19, 1997, respondent issued an Order setting the Petition for pre-trial conference. Copy of said Order is hereto attached as Annex `C';

"5. On June 26, 1997, respondent issued an Order directing the Municipal Treasurer of Peñaranda, Nueva Ecija, to safeguard the questioned ballot boxes and for the protestant (herein complainant) and protestee to submit their respective members to the revision committee. Copy of said Order is hereto attached as Annex `D';

"6. On July 17, 1997, respondent issued an Order directing the

protestant (complainant herein) to make a cash deposit for the three (3) questioned ballot boxes. Copy of said Order is hereto attached as Annex `E';

"7. On July 24, 1997, respondent issued an Order, directing, among others, the protestant (complainant herein) and protestee to submit the name[s] of three (3) persons as their principal revisors and another three (3) as alternative revisors. Copy of said Order is hereto attached as Annex `F';

"8. On July 31, 1997, protestant submitted to the respondent the nomination of his three (3) principal revisors and three (3) alternative revisors. Copy of said nomination is hereto attached as Annex `G';

"9. Sometime [o]n August 21, 1997, respondent issued an Order granting the prayer of the counsel for the protestee to file a Motion to Dismiss the electoral protest and for counsel for the protestant (herein complainant) to file his comment thereon within fifteen (15) days from receipt of said Motion. Copy of said Order is hereto attached as Annex `H';

"10. On September 9, 1997, respondent issued an Order declaring that up to said even date, counsel for the protestee has not yet filed the Motion to Dismiss and directed the counsel for the protestee to file the same [within] ten (10) days from receipt of said Order. Copy of said order is hereto attached as Annex `I';

"11. Sometime on September 23, 1997, protestee filed his Motion to Dismiss, copy attached as Annex `J';

"12. Sometime on October 9, 1997, complainant filed his Opposition/Comment to protestee's Motion to Dismiss Petition. Copy of said Opposition/Comment is hereto attached as Annex `K';

"13. Sometime on November 6, 1997, respondent issued a Resolution dismissing protestant/complainant's Election Protest for his failure [`]to comply with the requirements mandated by the Rules.['] Copy of said Resolution is hereto attached as Annex `L';

"14. On November 17, 1997 and within the reglementary period, complainant through counsel, filed a Motion for Reconsideration of said Resolution setting the same for hearing on November 20, 1997 at 10:00 A.M. Copy of said Motion is hereto attached as Annex `M';

"15. On November 18, 1997, the respondent issued an order setting the Motion for Reconsideration on November 27, 1997 at 9:00 A.M. Copy of said Order is hereto attached as Annex `N';

"16. On December 2, 1997, respondent issued an Order, directing the counsel for the protestee to file his comment to the Motion for Reconsideration within ten (10) days from receipt of said order. Copy of said Order is hereto attached as Annex `O';

"17. Sometime on February 5, 1997 counsel for the protestee filed his Comment to the Motion for Reconsideration. Copy of said Comment is hereto attached as Annex `P';

"18. On April 16, 1997, respondent issued an Order considering the case [or] Motion for Reconsideration submitted for resolution. Copy of said order is hereto attached as Annex `Q';

"19. On May 19, 1997, surprisingly, respondent issued another Order considering the case (Motion for Reconsideration) submitted for resolution;

"20. Around ONE (1) YEAR has already elapsed since complainant's Motion for Reconsideration was deemed submitted for resolution but up to now said Motion has remained unresolved to the great prejudice of the complainant (considering that municipal trial courts are mandated to decide barangay election protest[s] within fifteen (15) days after the filing thereof pursuant to Sec. 252 of the Omnibus Election Code) and in violation of the statutory mandate for lower courts to resolve cases/motions within ninety (90) days from date of submission;

"21. Complainant can safely assume that despite his failure to resolve his Motion for Reconsideration within the reglementary period of ninety (90) days from its date of submission, respondent has continued to receive his salaries on the basis of a falsified certificate of service attesting that he has no pending cases/motions submitted for decision or resolutions beyond the 90-day period set by law. This can be easily verified through a corresponding judicial audit;

"22. Respondent's failure to decide complainant's Motion for Reconsideration violates his constitutional right to a speedy disposition of his case."

In his letter-comment dated August 13, 1999, respondent judge pleaded that the charges against him be dismissed. He explained as follows:

"Admittedly, on April 16, 1998, I issued an Order that the case [be] deemed submitted for resolution.

"Nevertheless, protestant's Motion for Reconsideration was not thereafter resolved because prior [to] and after to April 16, 1998, the protestant approached me and intimated that there was a pending settlement by him and the protestee. I called for the parties, even without setting the case, for the purpose of advising them to file before the Court the necessary pleadings, which the parties agreed [to].

"In fact, the last time I talked to the protestant, he was telling me to release the deposit made by him in Court. But, I did not agree and advise[d] him to file the necessary motion.

"From then [on], I heard nothing from the parties. They did not file any