

## THIRD DIVISION

[ A.M. No. RTJ-99-1456, July 27, 2000 ]

**HEIRS OF CRISOSTOMO SUCALDITO, COMPLAINANTS, VS.  
JUDGE MAGNO C. CRUZ, REGIONAL TRIAL COURT, MALITA (AT  
DIGOS), DAVAO DEL SUR, BRANCH 20, RESPONDENT.**

### DECISION

**PURISIMA, J.:**

For the speedy disposition of cases, a judge is called upon by law to resolve cases and incidents pending before him within the prescribed period of time. Failure to comply therewith constitutes gross inefficiency which is punishable administratively.

Administrative Matter No. RTJ-99-1456 at bar was commenced by a letter with affidavit/complaint<sup>[1]</sup> of complainants Zenaida Sucaldito and Carmencita Sucaldito Valencia charging respondent Judge Magno Cruz with malicious delay in the administration of justice for his failure to rule on a motion for inhibition within ninety (90) days from its submission in Special Proc. Case No. 113-97-RTC-20, entitled *In the Matter of Intestate Estate of former Senator Alejandro D. Almendras, Sr.* The same complainants also accused the respondent in his capacity as Presiding Judge of Branch 19 of the Regional Trial Court in Digos, Davao del Sur, of the same delay in Civil Cases Nos. 3443, 457 (96), 485 (96), 952, 240-91, and in the case of *Insoy, et al. versus SODACO, et al.* Complainants further complained that the respondent judge falsely stated in his Certificates of Service that there was no case or incident pending decision or resolution in his sala for more than ninety (90) days.

In its 1st Indorsement,<sup>[2]</sup> dated March 30, 1998, the Office of the Court Administrator (OCA) required the respondent judge to comment on the subject complaint against him. He responded by way of a 2nd Indorsement,<sup>[3]</sup> which reads:

"The aforementioned complainants-affiants are successors-in-interest of plaintiffs in Civil Case No. 952, now pending hearing in this Branch, in connection with the claim for payment of attorney's fees and recording of attorney's lien of the counsel for plaintiffs who prevailed in said case. After the death of the plaintiff in said case, Mr. Crisostomo Sucaldito, the aforementioned complainants-affiants, heirs of said deceased plaintiff, engaged the services of Atty. Dominador F. Carrillo, a former Judge in (sic) this Court who, thereupon, entered appearance for said complainants to counter said claims for attorney's fees of their counsel of record, Atty. Edgar D. Rabor, who handled said case from its inception until final judgment and execution. That case even reached the Supreme Court and was remanded to this Court for execution. Said Atty. Rabor has not officially withdrawn his appearance for the plaintiffs when Atty. Carrillo entered his appearance in said case for the purpose aforesaid. This actuation of said Atty. Carrillo, to the mind of this respondent-Judge

(sic), is apparently a breach of professional ethics, and he was admonished in open Court by this representation which said counsel vehemently resented. Thus, as expected, said counsel, Atty. Dominador F. Carrillo, filed a strongly worded 'Urgent Motion For The Inhibition/Disqualification Of The Honorable Presiding Judge' for alleged bias and partiality.

It is very apparent, therefore, that these present two (2) complainants-affiants are being 'used' by said counsel to get even with this Presiding Judge by accusing the latter of alleged delay in the resolution of certain incidents in other cases also handled by said offended counsel in this Branch."

With respect to the other instances of delay imputed against him, respondent judge explained:

1. That the accusation of delay in Special Proceedings No. 113-97 (*Petition for Letters of Administration of the Intestate Estate of Former Senator Alejandro D. Almendras, Sr.*) is not borne by the records.
2. That with respect to Civil Case No. 3443 (*Digos Fish Vendors Association, et al. versus Hon. Mayor Arsenio Latasa, et al. for Damages/Preliminary Injunction*), the plaintiffs and their counsel, Atty. Carillo, filed an Amended Complaint, with leave of court, but summons had not yet been issued to defendants as the issues raised in the complaint appear to have been rendered moot and academic.
3. That with respect to Civil Case Nos. 457-96 and 485-96 RTC-20 (*In the Matter of the Intestate Estate of Carlos Nuere, et al. versus County Development Corporation, et al.*), he has already issued the Order of Inhibition, contrary to complainants' allusion of delay; and
4. That Civil Case No. 453-92 (*Lucio Abad, et al. versus SODACO*) is an appeal from the decision of the Municipal Trial Court which was reversed by respondent judge; that the plaintiffs, represented by Atty. Carrillo, filed a Motion to Reconsider which incident was last heard on March 20, 1998, after which plaintiffs-appellees requested for thirty (30) days within which to submit a written Memorandum in support of their Motion. The same was granted on condition that if the Memorandum was not filed on time, the incident would be deemed submitted for resolution. No memorandum having been filed, the incident is now pending resolution.

On April 26, 1999, in the "Administrative Matter for Agenda"<sup>[4]</sup> the Office of the Court Administrator arrived at the following findings:

"Going over the records of the case it appears that in SP No. 113-97-RTC-20, the motion for inhibition was filed and submitted for resolution on July 3, 1997. It was granted on January 2, 1998, however, a motion for reconsideration was filed on February 25, 1998 and a corresponding opposition was filed on March 9, 1998. Hence, the incident is still pending resolution by the court. Based on the foregoing respondent was able to resolve the motion for inhibition almost six (6) months after it was submitted for resolution. This notwithstanding, respondent judge issued