

THIRD DIVISION

[A.M. No. RTJ-99-1434, April 29, 1999]

**ARNULFO B. TAURO, COMPLAINANT, VS. JUDGE ANGEL V. COLET,
REGIONAL TRIAL COURT OF MANILA, BRANCH 8, RESPONDENT.**

DECISION

PANGANIBAN, J.:

The primordial duty of judges is to decide cases justly and expeditiously. Indeed, justice delayed is justice denied.

The Case

The Court stresses this principle in resolving the June 3, 1997 sworn Complaint^[1] of Arnulfo B. Tauro, charging Judge Angel V. Colet of the Regional Trial Court of Manila, Branch 8, of failure to decide Criminal Case Nos. 92-109346, 92-109347 and 92-109348 (three counts of violation of Art. 125, Revised Penal Code) within the reglementary period of 90 days.

The Facts

In his sworn Complaint, Tauro alleges the following:

"1. That I am the complaining witness in People of the Philippines vs. Jose Sta. Cruz, Sr. docketed under Criminal Case Nos. 92-109346, 92-109347 and 92-109348 for Violation of Article 125 (b) (Three Counts), raffled to RTC Br. 43, Manila, presided by the Honorable Judge ANGEL V. COLET;

"2. That the presentation of evidence by both parties in the aforementioned cases has been terminated in the early part of December 1995, after postponements, and resettings, and aggravated by the non-punctuality of the Honorable Judge, who often comes to court late, and sometimes absent which caused the said cases to be considerably delayed;

"3. That the said cases were submitted for decision after the same ha[ve] been terminated in the same year of 1995;

"4. That the said Honorable Judge failed to decide my case within the 90 day period as mandated by law;

"5. That after the 90 day period to decide the aforementioned cases lapsed, the said Honorable Judge was transferred to Quezon City Regional Trial Court bringing with him the records[;] and not long

thereafter, I was informed that the said Honorable Judge was again transferred to Baguio City Regional Trial Court with all the pertaining documents relative to the above cited cases;

"6. That until now the aforementioned cases [have] remained undecided for no valid reasons at all[;] or for more than a year and a half now the said Honorable Judge ignored and blatantly disregarded the 90 day period mandated by law;

"7. That if the said Honorable Judge has collected his monthly salaries and submits REPORTS that he has no pending cases to be decided, then he is not candid with the Honorable Supreme Court;

"8. That under the facts as above presented, it is clear that Honorable Judge ANGEL V. COLET has violated Section 5 of Republic Act 269, as [a]mended, which ordains that judges must decide cases submitted for decision within ninety (90) days; Likewise, Canon 1, Rule 1.02 of the Code of Judicial Conduct which ordains that a judge should administer justice impartially and without delay was grossly violated;"^[2]

In his Comment filed on October 10, 1997,^[3] Respondent Judge Colet admits that he failed to decide the said cases within the prescribed period, but pleads for leniency. In his words:

"1. The delays in the hearings of the cases were caused by the private prosecutor's and the defense counsel's motion[s] for postponement or non-appearance for one reason or another. The records of the case show that I tried and was determined to finish the proceedings [the] soonest possible.

"The Branch Clerk of Court of RTC Manila, Branches 43 and 29, Pasay City, Branch 110[;] and Quezon City, Branch 104 can testify that I have been prompt in reporting to the office and calling the cases for trial as scheduled.

"2. I inherited these cases when I was detailed to Branch 43 in May 1993. Because I received almost all the evidence, on motion of the accused, Judge Manuela F. Lorenzo, the regular Judge of Branch 43, forwarded the records of the cases to me at Branch 29 for further proceedings. (Xerox copy of the Order is attached as **Annex `1'**).

"3. On February 7, 1996, with the admission of defense Exhibits 6, 7, 8, 9, and 10, the cases were submitted for decision `with or without memoranda' after 20 days from the availability of the transcript of stenographic notes. (Xerox copy of the Order is attached as **Annex `2'**).

"4. I decided the case on May 6, 1997. (Xerox copy of the last page of the decision is attached as **Annex `3'**).

"5. The decision was promulgated on June 9, 1997. I acquitted the accused for insufficiency of evidence.

"It is probably because I acquitted the accused that Mr. Tauro filed the administrative charge. His claim that up to now I have not decided the case is obviously false and his charge is obviously intended to get back at me for having acquitted the accused.

"I admit that I decided the cases beyond the 90-day period but please, allow me to state, not to **justify** my fault but to provide basis for Your Honor's leniency which is herein pleaded.

"1. After Judge Lorenzo was appointed Presiding Judge of RTC Manila, Branch 43, I was allowed to continue with my detail to finish the cases which were about to be finished. Three of those were the above-cited cases;

"2. After I was detailed to Branch 29 about ten months later, the records of the cases were transmitted to me so I could finish and decide them. The cases were submitted for decision when I was the Presiding Judge of Branch 29;

"3. Not very long after, I was transferred to Pasay City RTC Branch 110 and then in June, 1997, I was detailed to Quezon City;

"4. I was reverted to my regular station in La Trinidad, Benguet in April 1997;

"5. After the cases were submitted for decision, I remember having asked for the transcripts which were lacking. I reiterated this request several times and even asked for my notes which were missing;

"6. Failing to get the notes and transcripts, I set the records of the cases aside and continued to do so in Pasay City;

"7. After I was transferred to Quezon City, I forgot the cases because it must have been sent to me along with many other folders and envelopes;

"8. When I was ordered to return to La Trinidad, Benguet, in the latter part of March, I went over all my records and there I came across the records of the cases. Immediately, I looked for the transcripts and when I finally got them, I decided the case.

"I apologize for this records mis-management and I am ready to face the consequences with this plea for leniency.

"I deny the accusation that I violated Canon 1, Rule 1.02 because I administered justice impartially."^[4]

Recommendation of the Court Administrator

The Office of the Court Administrator (OCA) found respondent judge guilty of having failed to perform his duty to decide cases within the reglementary period, *viz.*: