

SECOND DIVISION

[A.M. No. MTJ-99-1209, September 30, 1999]

**FLAVIANO G. ARQUERO, COMPLAINANT VS. ACTING PRESIDING
JUDGE TERTULO A. MENDOZA, MUNICIPAL TRIAL COURT,
GUIMBA, NUEVA ECIJA, RESPONDENT.**

D E C I S I O N

MENDOZA, J.:

This is a complaint filed by the Sta. Ana Primary Multi-Purpose Cooperative, Inc. (SAPMPCI), through its president, Flaviano G. Arquero, against Judge Tertulo A. Mendoza of the Municipal Trial Court, Guimba, Nueva Ecija, for Neglect of Duty, Inefficiency, Incompetence, Abuse of Authority, and Conduct Prejudicial to the Best Interest of the Service in connection with his handling of Criminal Cases Nos. 12652, 12653, and 12654, entitled "People of the Philippines v. Solita C. Santos," for violation of B.P. Blg. 22.

The complaint alleges that Solita C. Santos, the accused in the criminal cases before Judge Mendoza, thrice purchased from SAPMPCI palay worth a total of P273, 896.00 in November and December 1994. Santos failed to pay the said amount but, because of demands of SAPMPCI for payment, she issued in June 1995 Metro Bank Check No. 025261, postdated July 20, 1995, which was drawn against her checking account. However, when presented for payment, the check was dishonored on the ground that Santos' account in the bank had already been closed. As subsequent demands of SAPMPCI went unheeded by Santos, SAPMPCI filed a complaint for estafa and violation of B.P. Blg. 22 in the Office of the Provincial Prosecutor of Guimba, Nueva Ecija, which eventually filed an information for violation of B.P. Blg. 22 against Santos. The case was subsequently raffled to respondent judge, who ordered the arrest of the accused and set her arraignment.

The arraignment was originally set for August 15, 1996, but it was postponed nine times before it was finally held. Six of the postponements were for reasons attributable to Santos. She failed to appear on August 15, September 20, and October 11, 1996 without notifying the trial court. On November 8 and December 13, 1996, she appeared with new lawyers who both asked for postponement on the ground that their services had just been engaged and they needed time to study the case. She failed to appear on January 24, 1997 allegedly because she was ill.

SAPMPCI claims that "accused is a member of the Sangguniang Panlalawigan of Nueva Ecija and members of our cooperative are strongly suspecting that accused is using her said position and the influence inherent in said position, to . . . prolong the proceedings . . . We are wondering why . . . the Honorable Judge has liberally tolerated the series of postponements of the arraignment of the accused."