

FIRST DIVISION

[A.M. RTJ-99-1430 (Formerly OCA IPI No. 97-430-RTJ), October 22, 1999]

JUDGE NARCISO G. BRAVO, COMPLAINANT VS. JUDGE RICARDO M. MERDEGIA, RESPONDENT.

R E S O L U T I O N

DAVIDE, JR., C.J.:

In a sworn complaint dated 25 August 1997, Judge Narciso G. Bravo, Presiding Judge of Branch 46 of the Regional Trial Court of Masbate, charged respondent Judge Ricardo M. Merdegia, Presiding Judge of Branch 45 of said court, with (1) falsification of the Certificate of Service and (2) rendition of an unjust judgment through negligence or gross ignorance of the law. These acts were allegedly committed in connection with Civil Case No. 4241, entitled *Narciso J. Bravo vs. Masbate Colleges, Inc., and Manuel J. Bunan*, which was assigned to respondent's sala.

Complainant alleged that on 24 January 1995 he filed a Manifestation calling respondent's attention to defendant's non-compliance with the 17 January 1995 Order for the payment of P1,500 as reimbursement for the deposit for surveyor's fee. On 1 March 1995, he reiterated his manifestation and moved for the issuance of a writ of execution on his second cause of action. Despite his manifestations and motion for its resolution, his motion for execution was resolved only on 10 June 1997 in the dispositive portion of the decision in the main case. Yet, in his certificate of service, he reported that he had resolved all incidents and cases submitted for decision within the reglementary period of ninety days.

Complainant further averred that in the said decision he was ordered to pay moral damages of P10,000; attorney's fees of P10,000; and litigation expenses of P3,000. Such awards had no legal basis, as they did not fall under the provisions of Articles 2219 and 2208 of the Civil Code. Respondent then committed a felonious act of rendering an unjust judgment through negligence or gross ignorance of the law.

Complainant thereafter submitted to the Office of the Court Administrator a certified true copy of respondent's decision in Civil Case No. 4241 and a copy of his letter written in the official stationery of his office, addressed to the respondent wherein he pointed out and discussed the alleged palpable errors in the decision.

In his comment of 5 March 1998, respondent prayed for the dismissal of the complaint, alleging that his failure to act on complainant's motion for a writ of execution was due to his honest belief that the motion was merely incidental to the main case and that the resolution of the same could be had when the case would be finally decided. Anent the second charge, respondent pointed out that on 29 September 1997, complainant also filed a criminal complaint before the Municipal Trial Court (MTC) of Masbate charging him with rendering a manifestly unjust

judgment through inexcusable negligence or ignorance of the law under Article 205 of the Revised Penal Code. After submission of his counter-affidavit the MTC dismissed the criminal case.

In the meantime, having compulsorily retired on 2 March 1998, respondent asked for an early resolution of this case. He manifested that he was amenable to the retention of any amount from his retirement benefits to answer for any liability which he might be directed to pay in this administrative case.

In our resolution in A.M. No. 9650-Ret., we approved the application of respondent for compulsory retirement under R.A. No. 910; granted the release of his retirement benefits; but directed the withholding therefrom of P50,000 pending resolution of the instant case.

On 15 February 1999, we ordered that OCA IPI No. 97-430-RTJ be docketed as a regular administrative matter, and directed the parties to manifest whether they would submit this case for resolution on the basis of the pleadings already filed. In their separate Manifestations, the complainant and the respondent answered in the affirmative.

In his memorandum of 15 December 1998, Deputy Court Administrator Reynaldo Suarez submitted this evaluation:

EVALUATION: From the facts on record which were augmented by the respondent's admission, it is clear that respondent Judge was guilty of delay in the disposition of complainant's Manifestation dated January 24, 1995 and Motion dated March 1, 1995. However, such delay does not appear to be deliberate.

Respondent's explanation that the reason for such delay was due to his honest belief that the resolution of these incidents could still be had when the case is finally decided will only mitigate but will not exonerate him from administrative liability.

In the case of *Ubarra v. Tecson*, 134 SCRA 4, the Court stressed:

"Delay in resolving motions and incidents pending before a judge's sala within the reglementary period of ninety (90) days fixed by the Constitution and the law is not excusable and should not be condoned."

Canon 3, Rule 3:05 of the Canons of Judicial Ethics [should be Code of Judicial Conduct] is also very explicit on the duty of judges to be prompt in the performance of judicial duties, to wit:

"A judge shall dispose of [the] court's business promptly and decide cases within the required period[s]."

Anent the charges of ignorance of the law and knowingly rendering unjust judgment, a cursory reading of the complaint and its annexes shows that these charges arose from respondent's appreciation of the evidence of the parties in the civil case in which complainant as plaintiff lost. It is respondent's decision which is actually being questioned.