

## THIRD DIVISION

[ **A.M. No. MTJ-95-1033, December 06, 1996** ]

**MAMAMAYAN NG ZAPOTE 1, BACOR, CAVITE, COMPLAINANT,  
VS. JUDGE ISAURO M. BALDERIAN, RESPONDENT.**

### RESOLUTION

**MELO, J.:**

The instant administrative case against respondent Judge Isauro M. Balderian of the Metropolitan Trial Court stationed in Bacoor, Cavite stemmed from an election protest, docketed as Election Case No. 94-31 and entitled "Alfredo L. Paredes vs. Corazon Gawaran, et al.," which was assigned to said respondent's sala.

In its letter-complaint, the Mamamayan ng Zapote 1, Bacoor, Cavite, alleged that during the May 9, 1994 Barangay Elections, Corazon Gawaran was declared winner for the position of Barangay Captain of Zapote 1, Bacoor, Cavite; that due to certain alleged irregularities, Alfredo L. Paredes filed an election case against Corazon Gawaran; that the case was heard on June 3 and 6, 1994; that after the parties had presented their evidence, respondent asked for ten days to study the case which was followed by another request five days; and that despite the lapse of those extensions, respondent failed to resolve the election case.

Acting on said letter-complaint, the Court issued a Resolution dated March 20, 1995 requiring respondent to comment thereon within ten days from notice. This notwithstanding, respondent failed to file the required comment and for such failure the Court issued another Resolution dated August 28, 1995, requiring respondent to show cause why he should not be disciplinary dealt with and to file the required comment, both within ten days from notice. Respondent again failed to comply, prompting the Court to impose on him a fine in the amount of ₱500.00.

In the comment he finally filed, respondent averred that after the May 9, 1994 Barangay Elections, 4 cases were filed in his sala, 3 of which were initially assigned to the assisting judge in his sala, while one was heard by him; that in order to expedite the proceedings, all 4 cases were heard and tried by the assisting judge but, in the process thereof, the case subject matter of the present administrative complaint was left behind due to the volume of cases filed in his sala which averaged about 200 cases a month; that when his attention was called to the matter, he exerted utmost efforts to give preferential attention to the case in question; that due to his caseload in the two salas handled by him, plus the many cases remanded to the lower courts in view of the expanded jurisdiction of the Municipal Trial Courts, it was thus humanly impossible for him to act on the case with dispatch; and that the case was finally decided on January 10, 1996.

The Court, in its Resolution dated July 15, 1996, noted both respondent's comment and letter informing the Court that he had already paid the ₱500.00 fine. In the

same Resolution, the matter was referred to the Office of the Court Administrator for evaluation, report, and recommendation.

In due time, the Office of the Court Administrator submitted its Memorandum dated November 4, 1996, with the following findings and recommendation:

Section 252 of the Omnibus Election Code (Batas Pambansa Bldg. 881) states that:

Election contest for barangay offices. -- A sworn petition contesting the election of a barangay officer shall be filed with the proper municipal or metropolitan trial court by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten days after the proclamation of the results of the election. The trial court shall decide the election protest within fifteen days after the filing thereof. The decision of the municipal or metropolitan trial court may be appealed within ten days after receipt of a copy thereof by the aggrieved party to the regional trial court which shall decide the case within thirty days from its submission, and whose decisions shall be final. (Art. XVIII, Sec. 191, 1978 EC; Sec. 20, BP 222)

A cursory review of the records show that Election Case No. 94-31 was filed with respondent court on 20 May 1994 and heard on 3 and 6 June 1994. This allegation in the letter-complaint was not disputed by the respondent.

Under the aforequoted provision, respondent court should have heard and decided the case within fifteen (15) days after filing thereof or on 4 June 1994. This is an election case which ought to have been decided with dispatch; instead, respondent judge rendered the Decision only on 10 January 1996, involving a delay of one (1) year and seven (7) months.

Administrative Circular No. 7-94 dated 25 April 1994 specifically directed among others the Metropolitan and the Municipal Trial Courts to try, hear and decide all cases involving violations of the Election Code as expeditiously as possible.

Failure to decide a case within the given period is not excusable and constitute gross inefficiency. (*Asinas vs. Judge Trinidad*, 242 SCRA 710) Clearly this delay is attributable to respondent Judge who in his Comment admitted the delay interposing as excuse therefore the heavy caseloads in the court he is handling.

Statistics on pending cases in the MTC, Bacoor, Cavite during the period 1 January to 31 December 1994 and 1 January to 31 December 1995 a show a rather high incidence of cases filed totaling 1,181 and 1,591 respectively. This could have been brought about by the expanded jurisdiction of the MTCs which took effect on 15 April 1994. Despite a remarkable 713 and 804 case disposition for this two-year period with Judge Jimmy H.F. Luczon, Jr. as Assisting Judge, respondent's pending cases in the MTC, Bacoor, Cavite rose from 729 in 1 January 1994 to 1,984 in 31 December 1995.