Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ERNESTO HEBRON, Complainant,	**A.M. No. RTJ-12-2334**
	Present:
- versus -	SERENO, *CJ.*, *Chairperson,* LEONARDO-DE CASTRO, BERSAMIN, VILLARAMA, JR., and REYES, *JJ.*
JUDGE MATIAS M. GARCIA II, **Regional Trial Court, Branch 19,** **Bacoor City, Cavite,** Respondent.	Promulgated: NOV 14 2012

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RESOLUTION

REYES, *J.*:

This case stems from the administrative complaint[1] dated September 30, 2011 filed with the Office of the Court Administrator (OCA) by complainant Ernesto Hebron (Hebron), charging respondent Judge Matias M. Garcia II (Judge Garcia) with gross ignorance of the law, incompetence, abuse of authority and abuse of discretion.

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[1] *Rollo*, pp. 1-10.

Hebron was the complainant in Criminal Case No. CC-07-43, a case for falsification of public document which he filed against one Aladin Simundac (Simundac) relative to the latter's application for free patent over a property situated in Carmona, Cavite. When Simundac's motion to suspend proceedings was denied by the Municipal Trial Court (MTC) of Carmona, Cavite where the criminal case was pending, Simundac filed with the Regional Trial Court (RTC) of Bacoor, Cavite a petition for *certiorari* with prayer for issuance of temporary restraining order (TRO) and writ of preliminary injunction, docketed as BSC No. 2009-02 and raffled to RTC, Branch 19, presided by respondent Judge Garcia. Hebron filed a motion for Judge Garcia's inhibition, citing his perceived bias and partiality of Judge Garcia, who had earlier dismissed Civil Case No. BCV-2005-94 also filed by Hebron against Simundac.

A hearing on Simundac's application for injunctive writ was conducted by Judge Garcia on April 16, 2009, when he issued the following Order:

> When this case was called for Temporary Restraining Order and/or Writ of Preliminary Injunction, Atty. Frolin Remonquillo filed a Motion to Inhibit which was received by the Court only yesterday. Atty. Bingle B. Talatala, counsel for the petitioner[,] moved that she be given ten (10) days to file her comment. Atty. Remonquillo prayed that he be given the same number of days within which to file his reply, if necessary. After which, the incident [is] submitted for resolution.
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> Both parties agreed to [maintain] the status [quo] until this Court could have resolved the incident.
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> **SO ORDERED**.[2]

On June 2, 2009, Judge Garcia set for June 8, 2009 another hearing on the application for TRO. Come June 8, 2009, he issued an Order that states, "[b]y agreement of the parties, let them be given time to file their respective position paper[s]."[3] On September 18, 2009, he finally issued his Order granting Simundac's application for preliminary injunction, which led to the

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2 Id. at 70.

3 Id. at 74.

suspension of the proceedings in Criminal Case No. CC-07-43. He denied in the same Order Hebron's motion for inhibition.

Against the foregoing antecedents, Hebron filed the administrative complaint with the OCA, claiming that: (1) Judge Garcia "distorted the facts"[4] to justify his issuance of the writ of preliminary injunction; (2) neither Hebron nor his counsel could have agreed on June 8, 2009 to file a position paper on Simundac's application for injunctive writ, since they were both absent during the hearing on said date; (3) Judge Garcia was guilty of "ignorance of the rule and jurisprudence"[5] for ordering the issuance of a writ of preliminary injunction without first conducting a hearing thereon; (4) Judge Garcia had ignored existing jurisprudence, making his rulings "beyond the permissible margin of error"[6]; and (5) Judge Garcia should have recused himself from Civil Case No. BSC No. 2009-02, given his bias and partiality in favor of Simundac.

Hebron had previously asked the RTC to reconsider the Order dated September 18, 2009, but as stated in his complaint charging Judge Garcia:

> On October 30, 2009, we filed a Motion for Reconsideration of the Order of Judge Matias Garcia [II] dated September 18, 2009. x x x.
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> On **November 25, 2009**, accused thru counsel filed his comment [on] the motion for reconsideration **which is the last pleading** and the motion was submitted for resolution.
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> On April 20, 2010, we filed a motion to resolve our motion for reconsideration and set the same for hearing on April 29, 2010. x x x
>
> On **September 7, 2010**, **we filed our second motion to resolve our motion for reconsideration** and set the same for hearing on September 28, 2010. x x x.
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> Up to the present, after the lapse of one (1) year, nine (9) months and fourteen (14) days[,] no notice of resolution on our Motion for Reconsideration was sent to our counsel or to the undersigned. Any motion, regardless of whether the motions were frivolous or dilatory, and not germane to the pending case x x x respondent judge should have resolved the same citing the facts and the law on which the order was

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4 Id. at 3.
5 Id. at 4.
6 Id. at 7.

based within the time prescribed by the rules (**Aries vs. Beldia, 476 SCRA 298**).[7]

In his Comment, Judge Garcia gave a lengthy discussion of his bases for his past rulings. Particularly on the matter of his failure to immediately resolve Hebron's motion to reconsider the Order dated September 18, 2009, Judge Garcia, explained:

> **The Motion for Reconsideration was inadvertently not acted upon by the Court for an unreasonable length of time. The Court noticed only of the pending Motion for Reconsideration when it conducted its inventory of cases in July 2011 which was further extended to September 2011 due to the program of this Honorable Office entitled "Case Delay and Docket Reduction Project (CDDRP)["]** wherein this Court was one of the designated pilot courts for its implementation. For about five (5) months, the Court almost literally stopped all its proceedings to give way to the said program. x x x.
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> **The Court would not be washing its hand for the delay, and admits the lapse but would rather ask the indulgence and understanding of this Honorable Office on its predicament**. **The delay was not deliberately and maliciously motivated. The Court is swamped with thousands of cases and undersigned is just overwhelmed thereof**. As of July 2011[,] the Court [has] about 3,788 pending cases. From January to October 2011[,] about 879 cases were raffled to the Court. The Court is trying its best to comply with the mandate of the law on resolving pending incidents. But with such workload, the Court could not simply comply.
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> The overload of cases has been brought to the attention of the CDDRP during its meeting with the Supreme Court and Office of the Court Administrator Officials and Personnel. It was explained to us that the said program was to find ways and means [on] how to [unclog] the docket of the Court. Statistics would not help the Courts of Bacoor. What we need is the creation of new salas. For the meantime, we are doing our best and undersigned promised that the same incident would not happen again and if it could not be avoided, promised to file an extension of time to resolve.[8] (Emphasis ours)

The OCA's Report and Recommendation

In its Report[9] dated September 12, 2012, the OCA explained that Judge Garcia could not be disciplined for the charges that pertained to his discharge of adjudicative functions. If Hebron truly believed that the rulings

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7 Id. at 7-8.
8 Id. at 110.
9 Id. at 238-244.

of Judge Garcia were erroneously made, the same could not be corrected through the filing of an administrative complaint.[10]

Nonetheless, the OCA held that Judge Garcia could be held administratively liable for his undue delay in resolving Hebron's motion for reconsideration. It declared:

> Records show that the motion was submitted for resolution on 25 November 2009. However, respondent Judge claimed that the motion was inadvertently not acted upon for an unreasonable length of time because the court only noticed the same when it conducted its inventory of cases in July 2011. **Evidently, respondent Judge failed to resolve the motion within the 90-day reglementary period provided in the Constitution.** "*Reglementary periods fixed by law and the various issuances of the Court are designed not only to protect the rights of all the parties to due process, but also to achieve efficiency and order in the conduct of official business."* Further, *"[j]udges are enjoined to dispose of the court's business promptly and expeditiously, and to decide cases within the period fixed by law."*[11] (Citations omitted and emphasis ours)

The OCA then recommended that Judge Garcia be found guilty of undue delay in rendering an order, and accordingly be fined in the amount of ₱5,000.00 with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[12]

Before the Court could have acted upon the OCA's Report, Hebron filed with the OCA a Letter dated October 2, 2012, withdrawing his complaint against Judge Garcia. He claimed to have filed the administrative complaint only upon the prodding of his former lawyer, Atty. Frolin H. Remoquillo, and that he signed it without even fully understanding the contents thereof. Furthermore, he reasoned that he was already ailing at 69 years of age, and he already yearned to rectify the mistakes that he had committed, including his loss of trust in the justice system.

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10 Id. at 242.
11 Id. at 243.
12 Id. at 244.

The Court re-docketed the administrative complaint as A.M. No. RTJ-12-2334.

This Court's Ruling

At the outset, we emphasize that Hebron's withdrawal of his complaint against Judge Garcia does not necessarily warrant its dismissal. In *Bayaca v. Ramos*,[13] we explained:

> We have repeatedly ruled in a number of cases that mere desistance or recantation by the complainant does not necessarily result in the dismissal of an administrative complaint against any member of the bench. **The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent**. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. **The Court's interest in the affairs of the judiciary is of paramount concern. x x x.**[14] (Citations omitted and emphasis ours)

Given this doctrine, the Court has resolved to allow the administrative case to proceed, especially after taking due consideration of the nature of the offense which, per the evaluation of the OCA, had been committed by Judge Garcia.

The Court fully agrees with the OCA's report that Judge Garcia cannot be held administratively liable for the alleged wrongful rulings that he made in Civil Case No. BCV-2005-94 and BSC No. 2009-02. Time and again, we have ruled that the errors attributed to judges pertaining to the exercise of their adjudicative functions should be assailed in judicial proceedings instead of in an administrative case.[15] As the Court held in *Dadula v. Judge Ginete*:[16]

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13 A.M. No. MTJ-07-1676, January 29, 2009, 577 SCRA 93.
14 Id. at 102.
15 *Spouses Chan v. Judge Lantion*, 505 Phil. 159, 164 (2005).
16 493 Phil. 700 (2005).

> Even assuming *arguendo* that respondent Judge made an erroneous interpretation of the law, the matter is judicial in nature. Well-entrenched is the rule that **a party's remedy, if prejudiced by the orders of a judge given in the course of a trial, is the proper reviewing court, and not with the OCA by means of an administrative complaint. As a matter of policy, in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action even though such acts are erroneous**. The Court has to be shown acts or conduct of the judge clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.[17] (Citations omitted and emphasis ours)

However, Judge Garcia's undue delay in resolving Hebron's motion for reconsideration is a wrong of a different nature which warrants a different treatment. Article VIII, Section 15 of the 1987 Constitution mandates that "[a]ll cases or matters filed after the effectivity of [the] Constitution must be decided or resolved within twenty-four months from date of submission for the [SC], and, unless reduced by the [SC], twelve months for all collegiate courts, and three months for all other courts." In relation thereto, SC Administrative Circular No. 13-87 provides that "[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so."

Judge Garcia failed to meet this three-month deadline. He explained his delay by saying that "[t]he Motion for Reconsideration was inadvertently not acted upon by the Court for an unreasonable length of time,"[18] because it noticed its pendency only when it conducted an inventory of its cases in July 2011. Unfortunately for Judge Garcia, such poor excuse merits no weight for his exoneration from the charge. It, in fact, demonstrates serious errors in Judge Garcia's performance of his duties and the management of his

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17 Id. at 711-712.

18 *Rollo*, p. 110.

court. For such error, even Judge Garcia has admitted that the delay in resolving the motion to reconsider has dragged on for an "unreasonable length of time."[19] Furthermore, we observe that he should have been prompted to take immediate action by the two motions to resolve that were filed by Hebron, yet even these two motions remained unacted upon.

To the Court, the volume of Judge Garcia's pending cases did not justify the delay. In *Angelia v. Grageda,*[20] we held:

> In consonance with the Constitutional mandate that all lower courts decide or resolve cases or matters within three (3) months from their date of submission, the Code of Judicial Conduct in Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3, provide:
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> > Rule 1.02 – A judge should administer justice impartially and without delay.
> >
> > Rule 3.05 – A judge should dispose of the court's business promptly and decide cases within the required periods.
> >
> > x x x x
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> The Court, however, finds **no merit in Judge Grageda's explanation that the reason for the delay in resolving the motion was the pressure from equally urgent matters in connection with the 800 pending cases before his sala**. **Firstly, he is duty-bound to comply with the above-cited rules under the Canons in the Code of Judicial Conduct, and the administrative guidelines laid down by this Court. Secondly, as this Court is not unmindful of the circumstances that may delay the speedy disposition of cases assigned to judges, respondent Judge Grageda should have seasonably filed a request for an extension to resolve the subject motion.** For failing to do so, he cannot evade administrative liability.
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> **Judges must decide cases and resolve matters with dispatch because any delay in the administration of justice deprives litigants of their right to a speedy disposition of their case and undermines the people's faith in the judiciary.** Indeed, justice delayed is justice denied.[21] (Emphasis ours)

The failure to decide cases and other matters within the reglementary period of ninety (90) days constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring judge. This is not

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19 Id.

20 A.M. No. RTJ-10-2220, February 7, 2011, 641 SCRA 554.

21 Id. at 556-557.

only a blatant transgression of the Constitution but also of the Code of Judicial Conduct, which enshrines the significant duty of magistrates to decide cases promptly.[22] Under Section 9, Rule 140 of the Revised Rules of Court, delay in rendering a decision or order is considered a less serious offense that is punishable by either (1) suspension from office without salary and other benefits for not less than one nor more than three months, or (2) a fine of more than ₱10,000 but not exceeding ₱20,000. The sheer volume of Judge Garcia's work may, at most, only serve to mitigate the penalty to be imposed upon him, as in the case of *Angelia* where the fine was reduced to ₱5,000.00 given therein respondent judge's 800 pending cases before his sala.

In the present case, we deem a fine of ₱2,000.00 sufficient, after considering Judge Garcia's caseload of more than 3,700 pending cases. It is also our view that his delay in resolving Hebron's motion for reconsideration was not prompted by bad faith or malice, that even his complainant had later filed with the OCA a letter that sought the withdrawal of the charges. Finally, we take note of the OCA's observation that the delay committed by Judge Garcia involves a single motion, and that this is his first administrative offense.[23]

All told, the Court adopts the OCA's recommendation for the Court to hold Judge Garcia guilty of undue delay in rendering an order, but the recommended fine of ₱5,000.00 is reduced to ₱2,000.00, still with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

WHEREFORE, the Court finds respondent Judge Matias M. Garcia II **GUILTY** of undue delay in rendering an order, and orders him to pay a **FINE** of Two Thousand Pesos (₱2,000.00). He is **STERNLY WARNED**

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22 *Medina v. Judge Canoy*, A.M. No. RTJ-11-2298, February 22, 2012, 666 SCRA 424, 436.

23 *Rollo*, p. 244.

that a repetition of the same or similar act in the future shall be dealt with more severely. The other charges are dismissed.

SO ORDERED.

BIENVENIDO L. REYES
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice