

THIRD DIVISION

[A.M. No. RTJ-93-1064. January 22, 1996]

EMILIA B. HERNANDEZ, complainant, vs. JUDGE SALVADOR P. DE. GUZMAN, Regional Trial Court, Branch 142, Makati City, respondent.

DECISION

PANGANIBAN, J.:

In a letter-complaint dated August 9, 1993, Emilia B. Hernandez charged Judge Salvador P. de Guzman of the Regional Trial Court (Branch 142), Makati City, with bias as follows:

Pero ang ginawa ng hukom ay lalong pinatagal sa pamamagitan ng re-setting ng re-setting hanggang inabot ng apat na taon at lalong hindi ko malunok sapagkat sa loob ng apat na taon ay P5,000.00 (limang libong piso) lang ang makukuha ko. (*Rollo*, p. 3)

Hernandez was also the complainant in Criminal Case No. 89-1198 entitled *People vs. Yadollah Sichani*, for violation of Art. 34 (i) of P.D. 442, as amended (on illegal recruitment). After trial, respondent Judge rendered a judgment of conviction, dated February 23, 1993, the dispositive portion of which reads:

The accused is therefore found GUILTY beyond reasonable doubt of violating the provisions of Article 34, paragraph i, PD 442, as amended, and is hereby sentenced, as follows:

To pay a fine of P5,000.00 with subsidiary imprisonment in case of unsolvency (sic); and

2.To indemnify Emilia Hernandez in the sum of P5,000.00.

SO ORDERED.

In spite of the foregoing, complainant was not satisfied, claiming that respondent Judge deliberately delayed the trial. She also felt that the P5,000.00 indemnity awarded her was unfair and the result of bias.

In his Verified Comment filed on November 16, 1993, respondent Judge contended that the delay in the resolution of the case (which was received at

Branch 142 on March 16, 1989) IS ATTRIBUTABLE TO MS. HERNANDEZ HERSELF. x x x After her testimony was given, she was allowed seven (7) dates to have the (NAIA) guards (her witnesses) take the stand x x x . After the case was deemed submitted for resolution on May 28, 1992, he immediately prepared the decision. Nevertheless, the promulgation was delayed because the complainant allegedly used to frequent the court house to assure the (rspondent Judges) staff members that the guards at the NAIA have agreed to testify if she will only be given an opportunity to reopen the case.

As to the award of P5,000.00, respondent Judge alleged that, per testimony of the complainant herself, she suffered only P3,000.00 in damages. In rendering the judgment, respondent relied on the order of the POEA, dated May 29, 1989, in Case No. (L) RRB-88-01-016 (*Emilia Hernandez vs. Filipinas Arabia Resources, Inc.*) finding respondent

therein liable to complainant Hernandez for refund of only P3,000.00.

Finally, respondent Judge pointed out that under Section 1 of Rule 140 of the Revised Rules of Court, complaints against judges should be sworn to, whereas Ms. Hernandez complaint is not under oath at all.

By resolution dated December 8, 1993, the Court referred this case to the Court Administrator for evaluation, report and recommendation, and on November 20, 1995, the First Division transferred it to the Third Division for disposition. After due deliberation and consultation, the Court agreed with the recommendation dated February 28, 1994 of Deputy Court Administrator Juanito A. Bernad (which was approved by the Court Administrator) and assigned the writing of this Resolution to undersigned *ponente*. The said recommendation reads in part:

The charge that the trial of the case was unduly delayed is meritorious. Although it appears from the very own admission of respondent Judge that there was delay which is not attributable to him, but to complainant herself, still he should not have allowed such frequent postponements to delay the trial of the case. Circular No. I dated January 28, 1988 provides that Trial Judges should adopt a strict policy on postponement to avoid unnecessary delays in Court procedure. It likewise mandates faithful adherence to Secs. 3, 4 and 5 of Rule 22 of the Rules of Court. Respondent Judge likewise admitted that the case was deemed submitted for decision on May 28, 1992. Therefore, it should have been decided by August, 1992. The fact that complainant repeatedly assured the Court personnel that the NAIA guards had agreed to testify if the case would be reopened does not justify the delay in the rendition of the Judgment. It appears that the Judgment is dated February 23, 1993 but the date of actual promulgation does not appear on record. Reckoned from February 23, 1993, there was already a 6-month delay in the rendition of the judgment. Logically, it was promulgated at a much later date.

The matter of the grant of only P5,000.00 as indemnity to the complainant is judicial in nature.

Complainant could have resorted to other available legal remedies to question the propriety of the award. An administrative complaint is not the proper forum for questioning the propriety of a decision or Order perceived to be unjust or unreasonable.

This Court reminds respondent Judge that he should, at all times, remain in full control of the proceedings in his sala and should adopt a firm policy against improvident postponements. More importantly, he should follow the time limit set for deciding cases. He should not have delayed the preparation and promulgation of the judgment on the hearsay information - which in itself is flimsy - that complainant allegedly wanted the delay to enable her to present additional witnesses. After all, by convicting the accused, respondent Judge did not really need their testimonies anyway.

WHEREFORE, judgment is hereby rendered imposing a **FINE** of five thousand pesos (P5,000.00) on the respondent Judge for the delay in hearing and deciding Criminal Case No. 89-1198, with the stern **WARNING** that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide Jr., Melo, and Francisco, JJ., concur.

Narvasa, C.J., took no part. Close association with party.