



SUPREME COURT OF THE PHILIPPINE
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Republic of the Philippines
Supreme Court
Manila

EN BANC

**RE: E-MAIL COMPLAINT OF
MA. ROSARIO GONZALES
AGAINST HON. MARIA
THERESA MENDOZA-ARCEGA,
ASSOCIATE JUSTICE,
SANDIGANBAYAN AND HON.
FLERIDA Z. BANZUELA,
PRESIDING JUDGE, REGIONAL
TRIAL COURT, BRANCH 51,
SORSOGON CITY, SORSOGON.**

A.M. No. 18-03-03-SB

Present:

**BERSAMIN, C.J.,
CARPIO,
PERALTA,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
REYES, A. JR.,*
GISMUNDO,
REYES, J. JR.,
HERNANDO, and
CARANDANG, JJ.**

Promulgated:

January 29, 2019

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RESOLUTION

REYES, J. JR., J.:

Subject of this Resolution is the Complaint¹ of Ma. Rosario Gonzales (Gonzales) against Sandiganbayan Associate Justice Ma. Theresa V. Mendoza-Arcega (Justice Mendoza-Arcega), then Presiding Judge of Regional Trial Court, Branch 17, Malolos City, Bulacan (RTC) from November 21, 2012 to January 19, 2016, Judge Sita Jose-Clemente, then pairing judge of the RTC from January 20, 2016 to June 2016, and Judge

* On leave.

¹ Rollo, pp. 3-4.

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Flerida P. Zaballa-Banzuela (Judge Zaballa-Banzuela), then Acting Presiding Judge of the RTC from June 2016 to November 2017.

Gonzales was a party-litigant before the RTC in Civil Case No. 664-M-2012, where she was the petitioner for the annulment of her marriage. She assailed that the judges and personnel of the RTC, particularly Justice Mendoza-Arcega and Judge Zaballa-Banzuela, were incompetent and unprofessional in handling the above-mentioned case. Gonzales highlighted that while her annulment case was uncomplicated and was “extremely simple,” it still took the RTC five years to decide the case. She pointed out that most of the delays in her case, *i.e.*, failure of the judge or the prosecutor to appear on scheduled dates, occurred when Justice Mendoza-Arcega was still the Presiding Judge of the RTC.

In addition, Gonzales specified the following as examples of tardiness of the judges and personnel of the RTC:

1. Summons for her husband was ready for service on January 25, 2013, but was served only on March 21, 2013;
2. The pre-trial hearing was scheduled on August 6, 2013 after more than three months from the order to conduct non-collusion investigation was made on April 26, 2013;
3. It took 12 months from the first pre-trial hearing date until actual hearing was conducted because several pre-trial hearings were cancelled due to the absence of the judge;
4. It took six months after her testimony before the next witness testified;
5. Four months delay in the testimony of the expert witness on account of the absence of the prosecutor during the initial hearing date; and
6. Three months delay in the testimony of the respondent because the prosecutor failed to appear during the original hearing date.²

Further, Gonzales bewailed that Judge Zaballa-Banzuela failed to render the Decision within the 90-day period from the date the case was submitted for decision. She also decried that it took three months after the promulgation of the Decision before an Entry of Final Judgment was made. Gonzales lamented that her case could have been completed within 18 months, but due to the incompetence and carelessness of the RTC, under the supervision of Justice Mendoza-Arcega and Judge Zaballa-Banzuela, she wasted another three years of her life. In addition, she pointed out the fact that the RTC had no telephone or internet connection as another sign of ineptitude.

In its March 13, 2018 Resolution,³ the Court directed the Office of the Court Administrator (OCA) for investigation, report and recommendation. Pursuant to the Court’s Resolution, the OCA requested the RTC to transmit

² Id. at 3-4.

³ Id. at 5.

the entire records of Civil Case No. 664-M-2012 to study the allegations concerning the said case. After going over the records of Civil Case No. 664-M-2012, the OCA directed Judge Zaballa-Banzuela to comment on Gonzales' complaint.

In her Comment⁴ dated November 14, 2018, Judge Zaballa-Banzuela explained that she rendered the July 10, 2017 Decision within the 90-day period for decision making. She noted that she initially granted Gonzales' *ex parte* motion to extend the period for filing of her memoranda until November 20, 2016; however, on December 2, 2016, Gonzales' counsel filed a Motion to Withdraw as counsel. Judge Zaballa-Banzuela expounded that she first resolved the Motion to Withdraw as Counsel and eventually ordered the parties to file their respective memoranda within 30 days from receipt of the Order denying the said motion and submitting the case for decision. As such, Judge Zaballa-Banzuela surmised that even assuming that the parties received the Order dated March 13, 2017 on the same day, the 90-day period commenced only on April 13, 2017 and ending on July 13, 2017. She highlighted that the decision was rendered within the 90-day period as it was promulgated on July 10, 2017.

On the other hand, Judge Zaballa-Banzuela dispelled the allegations of undue delay in the proceedings during her time as the Acting Presiding Judge of the RTC. She pointed out that the June 14, 2016 hearing was cancelled because the prosecutor assigned to the case was indisposed due to a pending case in another court.

Report and Recommendation

In its Report and Recommendation⁵ dated December 7, 2018, the OCA manifested that it did not require Justice Mendoza-Arcega to comment on the complaint since upon a circumspect consideration, it found that the allegations against her are without merit. The OCA averred that while Gonzales may feel that her "very simple" case took a long time to be decided, her annulment went through the mandated procedure such as the pre-trial and the collusion investigation. Further, it noted that there was no delay in the service of the summons to Gonzales' husband as it was to be served outside the territorial jurisdiction of the RTC. The OCA highlighted that the summons was coursed through and received by the Office of the Clerk of Court of Iligan City on March 18, 2013 and was eventually served to Gonzales' husband on March 21, 2013.

In addition, the OCA found that Justice Mendoza-Arcega acted reasonably when she ordered the collusion investigation to be commenced on April 26, 2013 and the pre-trial conference to be set in August. It averred

⁴ Id. at 16-22.

⁵ Id. at 33-40.

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that the period between the collusion investigation and the pre-trial conference was set so as to afford the prosecutor sufficient time to conduct its investigation and prepare its report for the court. The OCA pointed out that the fact that the prosecutor already made a report as early as May 30, 2013 is of no moment especially since Gonzales never requested an earlier setting of the pre-trial conference after receiving the report on June 25, 2013.

As to the delays and resetting during the pre-trial and trial stage, the OCA observed that it was either due to the absence of the judge or the prosecutor due to official business, or inability of Gonzales to attend the proceedings due to illness or foreign travel. It also elucidated that the hearing dates are not set in stone, and, as such, Gonzales could have requested for an earlier setting if she was not amenable to the dates provided by the court.

Meanwhile, the OCA found that there was no delay in the making of the entry of judgment. It clarified that Gonzales' husband received the July 10, 2017 Decision on October 23, 2017 while the Office of the Solicitor General received the same only on November 7, 2013 — the entry of judgment was made on November 24, 2017.

Nevertheless, the OCA opined that Judge Zaballa-Banzuela incurred delay in rendering the decision in Civil Case No. 664-M-2012. It noted that she violated Section 18 of A.M. No. 02-11-10-SC⁶ which provides that the court may require the parties to file their memoranda within 15 days from the date the trial is terminated. The OCA pointed out that Judge Zaballa-Banzuela submitted the case for decision in her Order dated September 20, 2016 giving the parties 30 days to file their respective memoranda. Even assuming that Judge Zaballa-Banzuela's Order granting Gonzales' Motion for Extension to file her memorandum was valid, it is still of the position that she was guilty of delay because she should have commenced preparing the decision on November 20, 2016, or the last day of Gonzales' extension. The OCA expounded that her counsel's December 2, 2016, Motion to Withdraw as Counsel was immaterial since the case was already submitted for decision and no more proceedings were to be conducted.

The Court's Ruling

The Court adopts the recommendation of the OCA.

In *In Re: Verified Complaint of Fernando Castillo against Associate Justice Mariflor Punzalan-Castillo, Court of Appeals, Manila*,⁷ the Court reminded that accusations against members of the judiciary must be

⁶ Rule of Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

⁷ OCA IPI No. 17-267-CA-J, April 24, 2018.

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supported by sufficient evidence especially since the Court will not think twice in disciplining errant members of the judiciary, to wit:

Thus, the Court does not take lightly any accusation or imputation of wrongdoing against members of the judiciary, especially against magistrates of the appellate court. After all, a single member in disrepute will effectively tarnish the image of the judiciary as the bastion of justice and protector of the voiceless and oppressed. The Court will not hesitate to mete out the appropriate penalty to those who fail to uphold the high standards and expectations of the judiciary, even if it means handing out the harshest punishment possible. Neither will the Court blindly castigate erring judiciary officials and personnel without sufficient evidence or proof.

A thorough review of the records reveal that Gonzales' accusations against Justice Mendoza-Arcega and Judge Zaballa-Banzuela of delay in the conduct of proceedings in Civil Case No. 664-M-2012 are baseless and unwarranted.

Gonzales laments that her annulment case was uncomplicated and simple, yet, it took the RTC five years before a decision was rendered. Nevertheless, the OCA observed that the Gonzales' annulment case flowed through the usual proceedings from the collusion investigation until the rendition of judgment. It is true that justice must be administered with dispatch, but it must be orderly and expeditious — not only concerned at the speed in which justice was delivered.⁸ In other words, the length or the duration of the proceedings is not the only barometer in determining whether there was delay in the dispensation of justice. Interruptions warranted under the circumstances or allowed by the rules of procedure do not equate to the delay resulting to a failure in the administration of justice — the delay must have been unjustified.

In the present case, other than Gonzales' conclusion that the RTC dilly dallied in deciding her case, there are no evidence to suggest that the proceedings in Civil Case No. 664-M-2012 were tainted with undue delay. On the contrary, circumstances show that the disturbances were justified or were within the bounds of procedural law.

Gonzales' perceived delay in the service of the summons to her husband and in the conduct of the collusion investigation and pre-trial conference are flawed. *First*, it is noteworthy that the summons was served not within the territorial jurisdiction of the RTC, but in Isabela. The summons was served to Gonzales' husband within three days from the time the trial court of Isabela received the same. *Second*, Justice Mendoza-Arcega acted within reason in giving at least three months to the prosecutor to conduct the collusion investigation and to prepare a report before the pre-

⁸ *Escobar v. People*, G.R. Nos. 228349 and 228353, September 19, 2018.

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trial conference. The fact that the prosecutor did not exhaust the entire period is immaterial. In addition, Gonzales never requested for an earlier setting of the pre-trial conference in spite of the knowledge that a report had been made earlier than scheduled.

As to the resetting of hearing dates and the gap between hearing dates, the alleged undue delay is more of a perception than reality. As pointed out by the OCA, the rescheduling of the hearing dates were due to the unavailability of the judge or prosecutor on official business. There were times that it was also due to Gonzales' unavailability on account of her illness or foreign travel. Thus, the causes of the delay were neither unjustified nor arbitrary. On the other hand, it is of judicial notice that hearing dates are calendared based on the schedule of other cases pending before a particular court. As such, the hearing dates may vary depending on the workload of a particular court. Also, it bears emphasizing that Gonzales was represented by her counsel during the proceedings, and if she had any concerns regarding the scheduling of hearing dates, she could have asked for an earlier setting through her counsel.

Likewise, the Court finds that there was no delay in making the entry of judgment. The following are important dates to consider in determining whether there was delay in the entry of judgment: (1) the Decision was rendered on **July 10, 2017**; (2) Gonzales' husband received the Decision on **October 23, 2017**; (3) the OSG received the same on **November 7, 2017**; and (4) the entry of judgment was made on **November 24, 2017**. Entry of judgment is to be issued upon finality of judgment. In turn, a decision or judgment becomes final upon the denial of an appeal or after the lapse of the period to appeal with no appeal being filed.

Decisions in a petition for declaration of absolute nullity or petition for annulment shall become final upon the expiration of the 15 days from notice to the parties.⁹ Prior to the receipt of the decision of the RTC by Gonzales' husband and the OSG, the period before the decision would become final has not yet commenced. The 15-day period before the decision becomes final is not reckoned from the date of promulgation.

A closer look on the accusations of undue delay levelled by Gonzales would show that it was brought about by a lack of knowledge and understanding of the law, its nuances and of legal procedure. This is understandable considering that she is a layperson, who is not expected to fully comprehend the intricacies of the law. As such, no fault could be attributed to Justice Mendoza-Arcega and Judge Zaballa-Banzuela with regard to the allegations of undue delay or inefficiency in the conduct of the proceedings in Civil Case No. 664-M-2012.

⁹ A.M. No. 02-11-10-SC, Section 19(3).

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Nevertheless, the Court agrees that Judge Zaballa-Banzuela was guilty of undue delay in rendering a decision in Gonzales' annulment case. At the onset, it bears emphasizing that she failed to comply with Section 18¹⁰ of A.M. No. 02-11-10-SC. As noted by the OCA, Judge Zaballa-Banzuela gave the parties 30 days to submit their respective memoranda from the time the trial was terminated—beyond the 15 days allowed by the rules. Observance of the 15-day period is vital as the rules provide that the case is considered submitted for decision after the lapse of the said period, even if no memoranda were submitted. As applied in the present circumstances, the case should have been deemed submitted for decision on October 5, 2016 because the trial was terminated on September 20, 2016. However, Judge Zaballa-Banzuela even granted Gonzales' Motion for Extension to file a Memorandum and gave her until November 20, 2016 to file one.

In addition, even assuming that Judge Zaballa-Banzuela's orders regarding the submission of the memoranda and the extension given to Gonzales were in order, she still failed to render a decision within the prescribed 90-day period. The 90-day period to render a decision is constitutionally mandated and failure to decide cases within the same constitutes a ground for administrative sanction except when there are valid reasons for the delay.¹¹ The prompt disposal of cases is necessary as undue delay erodes the public's faith and confidence to the justice system and brings it into disrepute.¹²

Here, even after the extension Judge Zaballa-Banzuela had granted, no memoranda were submitted. Thus, she should have considered the case submitted for decision and prepared drafting the same in order to comply with the 90-day period. Judge Zaballa-Banzuela erred in deferring the rendering of the decision just because of a Motion to Withdraw as Counsel was filed by Gonzales' counsel. The said motion pertained to issues tangentially related to those in the main case. Judge Zaballa-Banzuela could have resolved Gonzales' annulment case notwithstanding the pendency of the motion to withdraw as counsel.

Undue delay in rendering a decision is a less serious charge¹³ which may subject the erring judge to suspension from office without salary and other benefits from one to three months, or a fine of ₱10,000.00 to ₱20,000.00.¹⁴ However, the Court may defer from imposing the actual

¹⁰ SEC. 18. *Memoranda*. — The court may require the parties and the public prosecutor, in consultation with the Office of the Solicitor General, to file their respective memoranda in support of their claims **within fifteen days** from date the trial is terminated. It may require the Office of the Solicitor General to file its own memorandum if the case is of significant interest to the State. No other pleadings or papers may be submitted without leave of court. After the lapse of the period herein provided, the case will be considered submitted for decision, with or without the memoranda.

¹¹ *Edaño v. Judge Asdala*, 651 Phil. 183, 187 (2010).

¹² *Office of the Court Administrator v. Judge Reyes*, 566 Phil. 325, 333(2008).

¹³ RULES OF COURT, Rule 140, Section 9(1) of A.M. No. 01-8-10-SC.


¹⁴ *Id.* at Section 11(B)(1).

penalties in the presence of mitigating factors.¹⁵ As pointed out by the OCA, this is Judge Zaballa-Banzuela's first offense in her more than seven years of service. In addition, she was motivated by honest intentions in deferring the resolution of the case by wanting to resolve the issues raised in the motion to withdraw as counsel. Based on the circumstances, it is best to just reprimand Judge Zaballa-Banzuela to be circumspect in complying with the prescribed period for deciding cases.

WHEREFORE, the complaint against Associate Justice Ma. Theresa V. Mendoza-Arcega is **DISMISSED**.

Judge Florida P. Zaballa-Banzuela is **GUILTY** for undue delay in rendering a Decision. She is **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or a similar offense will be dealt with more severely.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice


ANTONIO T. CARPIO
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

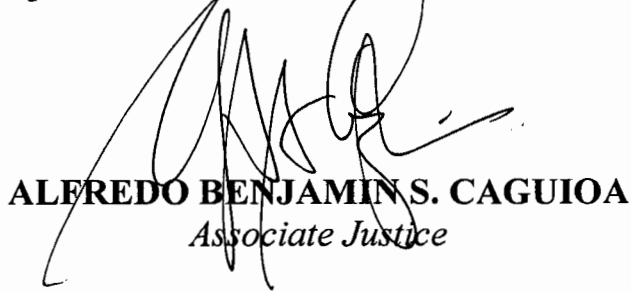
¹⁵ *Judge Arganosa-Maniego v. Salinas*, 608 Phil. 334, 346 (2009).



MARVIC M.V. F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(On Leave)
ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

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