

Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2019** which reads as follows:*

“A.M. No. RTJ-19-2564 (Formerly OCA IPI No. 18-4872-RTJ) – (Dr. Teodorico C. Cacho v. Presiding Judge Rusty M. Naya, Regional Trial Court, Branch 51, Tayug, Pangasinan, in his capacity as Acting Presiding Judge, Regional Trial Court, Branch 56, San Carlos City, Pangasinan; and Atty. Alejandra P. Paningbatan, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, San Carlos City, Pangasinan)

Before the Court is a Motion for Reconsideration¹ filed by Presiding Judge Rusty M. Naya (Judge Naya), of the Regional Trial Court (RTC), Branch 51, Tayug, Pangasinan. He is asking for the reconsideration of this Court’s Resolution² dated July 22, 2019, which re-docketed the instant administrative complaint against him as a regular administrative matter for undue delay in resolving a motion and which imposed upon him a fine in the amount of ₱10,000.00.

Dr. Teodorico C. Cacho filed a Verified Complaint dated August 7, 2018 charging respondents (a) Judge Naya, RTC, Branch 51, Tayug, Pangasinan in his capacity as Acting Presiding Judge, RTC, Branch 56, San Carlos City, Pangasinan with undue delay in resolving a motion and neglect of duty;³ and (b) Atty. Alejandra P. Paningbatan (Atty. Paningbatan), Clerk of Court VI, Office of the Clerk of Court, RTC, San Carlos City, Pangasinan, with undue delay

¹ Rollo, pp. 96-99.

² Id. at 93-95.

³ Relative to Spec. Proc. Case No. SCC-375 entitled, “*Dr. Teodorico C. Cacho, v. Romeo M. Quitaleg, et al., In the Matter of the Probate of the Last Will and Testament of the late Marta Manuel*” and Spec. Proc. Case No. SCC 595-R entitled, “*In the Matter of Settlement of the Intestate Estate of the Deceased Salvador Quitaleg, Romeo Quitaleg as petitioner.*”

in the implementation of the writ of execution and neglect of duty relative to the same cases.

Both respondents filed their respective Comments.

On April 8, 2019, the Office of the Court Administrator (OCA) submitted its Report⁴ recommending the dismissal of the complaint against Atty. Paningbatan for lack of merit. It also recommended that Judge Naya be ordered to pay a ₱10,000.00 fine for undue delay in resolving a motion.

On July 22, 2019, the Court issued the herein assailed Resolution adopting the Report and Recommendation of the OCA.

Judge Naya is before the Court, “on bended knees,” seeking the reconsideration of the subject Resolution. As he explained in his Comment, he holds hearings in RTC, Branch 56, San Carlos City where he is an Acting Presiding Judge, only on Tuesdays and Thursdays, since he holds hearings every Monday, Wednesday and Friday at his regular sala in Branch 51, Tayug, Pangasinan. He avers that considering the limitations in his duties as Acting Presiding Judge, since he reports in Branch 56 only 40% of the time in a week, then merely 69 work days have lapsed from February to September 2018, which is still within the 90-day reglementary period, not even excluding the suspensions of work, Philippine Judges Association meetings and holidays that fell on Tuesdays and Thursdays.

Assuming the 90-day period has lapsed, Judge Naya prays for utmost understanding and compassion from the Court. He has an unblemished record, as MCTC Judge for six years and RTC Judge for six years, up to the present. He explains that, even with the strict and mandatory implementation of the Rule on Continuous Trial in Criminal Cases, this has not prevented him from rendering decisions and resolutions on time, except for this instance. He also points out that even before he received a copy and had full knowledge of the instant complaint, he has already resolved complainant’s motion for the full implementation of the writ of execution and motion to require the intervenors to submit a report of their collections of rent from 2001 to 2017 for properties in Baguio City.

We resolve to grant the motion.

⁴ Rollo, pp. 86-91.

There is no question that a judge is mandated to resolve with dispatch the cases and matters in his court, mindful that any delay in their disposition erodes the faith of the people in the judicial system.⁵

If a judge is unable to comply with the mandatory period for resolving the case, he could ask the Court for a reasonable extension of time to do so. This is because the Court is aware of the heavy caseload of trial courts, and has allowed reasonable extensions of time needed to decide cases or resolve pending incidents. But such extensions must first be requested from the Court since a judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law.⁶

In deciding the penalty to be imposed, the Court takes into consideration several factors, among which are the period of delay, the damage suffered by the parties as a result of the delay, the number of years the judge has been in service, and the caseload of the court presided over by the judge.⁷

Here, we find it reasonable to reconsider and mitigate the penalty to be imposed on Judge Naya in view of his years in service,⁸ the workload in the two branches where he sits, the fact that he has already resolved the subject motions even before receiving a copy of the complaint, and considering that he has no record of previous administrative sanctions.⁹ In view of these considerations, we find that admonition is sufficient and proper in this case.

WHEREFORE, the Motion for Reconsideration is **GRANTED**. The Resolution dated July 22, 2019 of the Court in A.M. No. RTJ-19-2564 is hereby **MODIFIED** in that Presiding Judge Rusty M. Naya of the Regional Trial Court, Branch 51, Tayug, Pangasinan is hereby **ADMONISHED** to be more circumspect in the exercise of his judicial functions. He is **WARNED** that a commission of the same or similar offense in the future shall merit a more severe sanction from the Court.

⁵ *Spouses Sustento v. Lilagan*, 782 Phil. 270, 276 (2016).

⁶ *Tamondong v. Pasal*, A.M. No. RTJ-16-2467, October 18, 2017, 842 SCRA 561, 574.

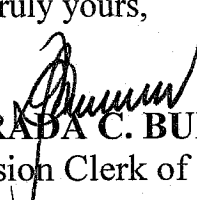
⁷ *Rubin v. Corpus-Cabochan*, 715 Phil. 318, 334 (2013).

⁸ *See Tamondong v. Pasal*, supra note 6, at 575.

⁹ *Rapsing v. Walse-Lutero*, 808 Phil. 389, 401 (2017).

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court ^{m/rtj}
136-A

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Complainant
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San Carlos City, 2420 Pangasinan

Hon. Rusty M. Naya
Respondent – Presiding Judge
Regional Trial Court, Branch 51
Tayug, 2445 Pangasinan

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
OCA, Supreme Court

Atty. Alejandra P. Paningbatan
Respondent – Clerk of Court VI
Office of the Clerk of Court
Regional Trial Court
San Carlos City, 2420 Pangasinan

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7-1-SC)

Hon. Jose Midas P. Marquez (x)
Court Administrator
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court

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