



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 27, 2020 which reads as follows:

“A.M. No. MTJ-20-1941 [Formerly OCA IPI No. 17-2889-MTJ] – Marcelo R. Chua, Teodulo R. Chua, Carlos R. Chua, and Soledad Chua-Ajoc vs. Presiding Judge Julieta N. Bajan, Municipal Trial Court in Cities, Branch 2, Surigao City

Antecedents

Complainants Marcelo R. Chua, Teodulo R. Chua, Carlos R. Chua, and Soledad Chua-Ajoc charged respondent Judge Julieta N. Bajan with Gross Ignorance of the Law or Procedure and/or Gross Incompetence, Knowingly Rendering an Unjust Judgment or Judgment Rendered Through Negligence or Ignorance, Undue Delay in Rendering a Decision, Gross Inefficiency or Neglect of Duty and Habitual Tardiness, and Violation of Supreme Court Rules, Circulars and Directive, relative to Criminal Case No. 15-18233, entitled, “*People of the Philippines v. Nenita Barcos-Chua*,” for perjury.¹

Complainants essentially alleged: They are the siblings of the deceased Vicente Chua (Vicente), husband of Nenita Barcos-Chua (Nenita). They filed a complaint for perjury against Nenita, before respondent’s sala.² In the course of the trial of the perjury case, respondent conducted hearings only in the afternoon and never observed the 2 o’clock schedule of hearings. He often arrived between 3 o’clock and 4 o’clock in the afternoon, keeping the litigants waiting for hours.³

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¹ Rollo, p. 1.

² *Id.* at 1-2.

³ *Id.* at 2.

Respondent is not only habitually tardy, but also grossly inefficient. The perjury case was deemed submitted for decision on August 25, 2016. But, respondent rendered his Decision⁴ only on December 6, 2016, way beyond the ninety (90)-day reglementary period. More, instead of promulgating the Decision, respondent merely served copies thereof to the parties' respective counsel.⁵

Respondent's assailed decision contains many grammatical errors and is highly questionable. Despite evidence showing that Nenita knew petitioners to be her co-heirs when she falsely declared in her affidavit of self-adjudication⁶ that she was Vicente's sole heir, respondent still acquitted Nenita for the prosecution's alleged failure to prove that Nenita deliberately made such false statement in order to acquire the entire property. Respondent concluded that Nenita acted without malice as she executed the affidavit only for the purpose of paying the corresponding estate tax to avoid recurring surcharges and penalties. As a judge, respondent should know that by executing an affidavit of self-adjudication, all the properties described therein would eventually be transferred to Nenita, to the exclusion of other existing heirs. Respondent's ignorance and incompetence in rendering the assailed decision is tantamount to knowingly rendering an unjust judgment or judgment rendered through negligence or ignorance.⁷

Respondent countered,⁸ in the main: (1) Complainants' charge of gross ignorance of the law is merely a belated and malicious response on account of their failure to comply with procedural rules and avail of the proper remedies against the assailed decision. (2) Promulgation of judgment is the primary duty of the Branch Clerk of Court. Hence, it can be done even in his absence. Before the assailed decision could be promulgated, it was erroneously mailed to the parties' respective counsel by Criminal Cases In-Charge Elisa Chua. (3) Complainants did not specify which part of the assailed decision is unjust. They also failed to prove that it was rendered without basis and out of hatred, envy, revenge, greed, or some other similar motive. (4) The delay in the rendition of the assailed decision resulted from the parties' failure to timely file their respective position papers. (5) He generally holds hearings in the afternoon because the court is forty-five (45) kilometers away from his residence and his travel time takes approximately an hour and a half. He devotes his morning schedule instead to reading and studying the cases.⁹

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⁴ *Id.* at 32-36.

⁵ *Id.* at 2-3.

⁶ *Id.* at 14-15.

⁷ *Id.* at 3-5.

⁸ *Id.* at 82-87.

⁹ *Id.* at 72-77.

**The Proceedings before the
Office of the Court Administrator (OCA)**

Pursuant to the OCA's recommendation,¹⁰ respondent was directed to submit his comment on the complaint and show cause why he should not be administratively dealt with for his failure to comply with the OCA's earlier directives to file his comment.¹¹ In his Compliance,¹² respondent begged for forgiveness and promised not to repeat the same offense.

The OCA recommended that respondent be: (a) held liable for gross ignorance of the law, undue delay in rendering a decision, gross inefficiency or neglect of duty, habitual tardiness, and violation of Supreme Court rules, circulars and directives; (b) meted the collective penalty of fine in the amount of Php40,000.00, with stern warning that a repetition of the same or any similar infraction in the future, shall be dealt with more severely; and (c) absolved from the charge of knowingly rendering an unjust judgment for insufficiency of evidence. The OCA further recommended that respondent's Compliance and Comment be noted, and the instant administrative complaint, re-docketed as a regular administrative matter.

The OCA found respondent guilty of gross ignorance of the law for his failure to promulgate the assailed decision pursuant to Section 6, Rule 120 of the Rules of Court. The fact that the case was not set for promulgation in the court's calendar shows that respondent did not intend to follow the rules on promulgation of judgments. Considering that this is respondent's first offense, the OCA deemed it proper to recommend a penalty of fine in the amount of Php21,000.00.

Similarly, the OCA found respondent guilty of gross inefficiency or neglect of duty for undue delay in rendering a decision in the perjury case.

Lastly, it found respondent's excuse for his habitual tardiness to be very flimsy. Respondent's habitual tardiness violated Supervisory Circular No. 14 dated October 22, 1985, Circular No. 13 dated July 1, 1987, and Administrative Circular No. 3-99 enjoining judges to be punctual in performing their judicial duties. The OCA said that judicial indolence is considered gross inefficiency punishable by fine or suspension from the service without pay. Although the degree of

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¹⁰ *Id.* at 64-66.

¹¹ *Id.* at 68- 69.

¹² *Id.* at 70-71.

respondent's culpability does not warrant his removal from office, the OCA deemed it proper to impose stiffer sanctions since he was previously held administratively liable and ordered to pay a fine of Php30,000.00 in A.M. No. MTJ-16-1868 (*Cristeta Abogadye v. Judge Julieto N. Bajan*) for failure to execute judgment; and Php1,000.00, in A.M. No. P-17-3707 (*Re: Order of Judge Bajan suspending Process Server Mercy Canoy for 30 days*).

Ruling

The Court adopts the OCA's factual findings and legal conclusion but modifies the penalty.

Gross Ignorance of the Law

Under Section 6, Rule 120¹³ of the Rules of Court, judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. It may be promulgated by the clerk of court only when the judge is absent or outside of the province or city. None of these circumstances, however, was established here to justify promulgation of judgment in the Perjury case by the clerk of court. Not only was the decision not promulgated, worse, it was not even scheduled for promulgation. These are tell-tale signs of respondent's predilection to disregard the rules on promulgation of judgment.

As a judge, respondent is mandated to maintain professional competence.¹⁴ He is expected to exhibit more than just cursory acquaintance with statutes and procedural laws. He must know the laws and apply them properly in all good faith. Unfamiliarity with the rules is a sign of incompetence.¹⁵ Hence, when the law is so elementary, as in this case, to be unaware of and failure to abide by it constitutes gross ignorance of the law.¹⁶

The fact that court staff Elisa Chua allegedly erred in and apologized for serving copies of the unpromulgated decision on the parties does not exempt respondent from administrative liability. Respondent cannot simply take refuge behind the inefficiency or

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¹³ Section 6. *Promulgation of judgment*. — The judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or outside of the province or city, the judgment may be promulgated by the clerk of court. x x x

¹⁴ Canon 3, Rule 3.01, Code of Judicial Conduct.

¹⁵ *DOJ v. Judge Misleng*, 791 Phil. 219, 228 (2016).

¹⁶ *Mina, et al. vs. Judge Vianzon*, 469 Phil. 886, 894 (2004).

mismanagement of his court personnel, for the latter are not guardians of his responsibilities.

In *Office of the Court Administrator v. Tormis*,¹⁷ where a decision was not promulgated and the clerk of court served copies of the unpromulgated decision to the accused, the Court held the respondent judge administratively liable even though these procedural lapses took place while the judge was serving her suspension.

Undue Delay in Rendering a Decision

The Constitution¹⁸ mandates lower court judges to decide a case within the reglementary period of ninety (90) days. Failure to timely decide cases and other matters constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.¹⁹

Here, respondent failed to observe the reglementary period. He attributed his delay in deciding the Perjury case to the parties' alleged delay in submitting their respective memoranda. Records show, nonetheless, that the case was already submitted for decision on August 25, 2016. Hence, respondent had until November 23, 2016 to decide the case. As it was, however, respondent rendered the assailed decision only on December 6, 2016 or fourteen (14) days late.

Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary and deprives the parties of their right to speedy disposition of their cases. Accordingly, without any order of extension granted by this Court, respondent's failure to decide the perjury case within the required period constitutes gross inefficiency that merits administrative sanction.²⁰

Habitual Tardiness

To inspire public respect for the justice system, the Court has repeatedly reminded the members of the bench to faithfully observe the prescribed official hours. For this purpose, the Court had issued

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¹⁷ 706 Phil. 113, 130-131 (2013).

¹⁸ Section 15 (1), Article VIII, 1987 Constitution.

¹⁹ *Soluren v. Torres*, 645 Phil. 12, 16 (2010).

²⁰ *Id.* at 17.

resolutions or orders, or the continuation of trial on the merits, whenever rendered necessary.²⁵

By requiring judges to be punctual, these circulars indubitably show that the Court values the time of the litigants, witnesses, and lawyers. If respondent himself is not punctual, he sets a bad example to the bar and tends to create dissatisfaction in the administration of justice.²⁶

There is no question that respondent failed to observe the prescribed official hours as repeatedly enjoined by the Court. His tardiness delayed the court sessions. As the OCA aptly found, respondent's excuse for holding hearings only in the afternoon, *i.e.*, his house is forty-five (45) kilometers or ninety (90) minutes away from the court, is very flimsy. The same would not be acceptable especially for litigants, witnesses, and lawyers who, like him, might also be residing far from the court, or even farther.

Knowingly Rendering an Unjust Judgment

In administrative proceedings, the culpability of the judicial officer must be shown by proof beyond reasonable doubt when the charge is penal in character.²⁷

Knowingly rendering an unjust judgment constitutes a serious criminal offense. The term "knowingly" means sure knowledge,

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- ²⁵ To insure speedy disposition of cases, the following guidelines must be faithfully observed:
- I. The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders, or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circular in specified cases.
xxx xxx xxx
 - II. *Judges must be punctual at all times.*
xxx xxx xxx
 - IV. There should be strict adherence to the policy on avoiding postponements and needless delay.
xxx xxx xxx
 - VI. All trial judges must strictly comply with Circular No. 38-98, entitled "Implementing the Provisions of Republic Act No. 8493" ("An Act to Ensure a Speedy Trial of All Cases Before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, Appropriating Funds Therefor, and for Other Purposes") issued by the Honorable Chief Justice Andres R. Narvasa on 11 August 1998 and which took effect on 15 September 1998.

²⁶ *Cahanap v. Quiñones*, A.M. No. RTJ-16-2470, January 10, 2018.

²⁷ *In re AMA Land, Inc.*, 729 Phil. 1 (2014); See *Office of the Court Administrator v. Pascual*, 328 Phil. 978 (1996); *Raquizo v. Castañeda, Jr.*, 171 Phil. 206 (1978).

conscious and deliberate intention to do an injustice. Complainant must, therefore, prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence and was made with deliberate intent to perpetrate an injustice. The judge must have been motivated by hatred, revenge, greed or some other similar motive in issuing the judgment.²⁸ Mere failure to correctly interpret the law does not necessarily render the judge administratively liable.²⁹

Here, the complaint does not impute, much less prove, any ill motive on the part of respondent in issuing the assailed decision. The charge, therefore, should be dismissed for lack of sufficient evidence.

Penalty

The OCA's final recommendation is to impose upon respondent a collective penalty of fine in the amount of Php40,000.00 for all his violations. While it initially recommended a fine of Php21,000.00 for gross ignorance of the law, it did not recommend any specific penalty for each of the other offenses.

Since respondent judge is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation in accordance with *Boston Finance and Investment Corporation v. Gonzalez*.³⁰

Section 11 (A),³¹ Rule 140 of the Rules of Court provides that a serious charge, such as gross ignorance of the law,³² may be punishable by: (a) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office; (b) suspension from office without salary and other benefits for more than three (3), but not exceeding six (6) months; or (c) a fine of more than Php20,000.00, but not exceeding Php40,000.00. As recommended by

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²⁸ *Dadap-Malinao v. Mijares*, 423 Phil. 350, 358 (2001).

²⁹ *In re AMA Land, Inc.*, 729 Phil. 1, 7-8 (2014).

³⁰ A.M. No. RTJ-18-2520, October 9, 2018.

³¹ SECTION 11. *Sanctions*. — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided*, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than P20,000 00 but not exceeding P40,000.00.

³² Section 8, Rule 140, Rules of Court.

the OCA, a fine of Php21,000.00 for respondent's gross ignorance for not promulgating the decision in the perjury case is proper and well-within the prescribed penalty.

On the other hand, Section 11 (B)³³ of the same Rule provides that a less serious charge, such as undue delay in rendering a decision and habitual tardiness,³⁴ may be punishable by: (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than Php10,000.00, but not exceeding Php20,000.00.

In *Madella III v. Pamintuan*,³⁵ where respondent judge was found guilty of undue delay in rendering a decision, the Court imposed a penalty of fine in the amount of Php12,000.00.

In *Cahanap v. Quiñones*,³⁶ the Court found respondent judge guilty of habitual tardiness. His failure to observe the prescribed official hours delayed the start of court sessions. The Court, thus, imposed a fine of Php20,000.00.

Accordingly, the Court imposes on respondent the following separate penalties: (1) for his gross ignorance of the law, fine of Php21,000.00, as recommended by the OCA; (2) for his undue delay in rendering a decision in the Perjury case, fine of Php12,000.00; and (3) for his habitual tardiness which delayed the start of court sessions, fine of Php20,000.00. Judge Bajan is therefore fined a total of Php53,000.00.

Judges are held to higher standards of integrity and ethical conduct than other persons not vested with public trust and confidence. They should uplift the honor of the judiciary rather than bring it to disrepute. The Court will not hesitate to discipline members of the Bench upon their failure to meet the stringent judicial standards,³⁷ as in this case.

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³³ Sec. 11. *Sanctions.* x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00.

³⁴ Section 9, Rule 140, Rules of Court.

³⁵ A.M. No. RTJ-19-2559 [formerly OCA IPI No. 11-3810-RTJ], A.M. No. RTJ-19-2561 [formerly A.M. No. 15-02-49-RTC], August 14, 2019.

³⁶ A.M. No. RTJ-16-2470 (Formerly OCA IPI No. 12-3987-RTJ), January 10, 2018.

³⁷ *Madella III v. Pamintuan*, A.M. No. RTJ-19-2559 [formerly OCA IPI No. 11-3810-RTJ], A.M. No. RTJ-19-2561 [formerly A.M. No. 15-02-49-RTC], August 14, 2019.

WHEREFORE, the Court RESOLVES:

a) to hold Judge Julieta N. Bajan, Presiding Judge, Branch 2, Municipal Trial Court in Cities (MTCC), Surigao City, **LIABLE** for:

- (1) **Gross Ignorance of the Law** and **FINED** therefor in the amount of Twenty-One Thousand Pesos (Php21,000.00);
- (2) **Undue Delay in Rendering a Decision** and **FINED** therefor in the amount of Twelve Thousand Pesos (Php12,000.00); and
- (3) **Habitual Tardiness** and **FINED** therefor in the amount of Twenty Thousand Pesos (Php20,000.00).

He is **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely.

The charge of **Knowingly Rendering an Unjust Judgment** is **DISMISSED** for insufficient evidence.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *2020/08/27*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Marcelo R. Chua, et al.
Complainants
Placer, 8405 Surigao del Norte

Hon. Julieto N. Bajan
Respondent – Presiding Judge
Municipal Trial Court in Cities, Br. 2
8400 Surigao City

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

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

Public Information Office (x)
Library Services (x)
Supreme Court
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