



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

MARCELINO A. MAGDADARO,
Complainant,

A.M. No. RTJ-12-2331
(Formerly OCA I.P.I. No. 11-3776-RTJ)

Present:

- versus -

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, and
REYES, *JJ.*

JUDGE BIENVENIDO R. SANIEL,
JR., Regional Trial Court, Branch 20,
Cebu City,
Respondent.

Promulgated:

DEC 10 2012

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DECISION

LEONARDO-DE CASTRO, J.:

This is an administrative complaint filed by complainant Marcelino A. Magdadaro against respondent Judge Bienvenido R. Saniel, Jr. of the Regional Trial Court (RTC), Branch 20, Cebu City, for unreasonable delay, gross ignorance of the law, and bias and partiality, in violation of the Code of Judicial Conduct, relative to Civil Case No. CEB-27778, entitled

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Marcelino Magdadaro v. Bathala Marketing Industries Inc., Throva Dore Toboso, Bing Borlasa, Vincent Visara, Antonio Bayato and Vismin Hilacan.

The antecedent facts of the case are as follows:

Civil Case No. CEB-27778 was an action for breach of contract with damages¹ instituted on May 30, 2002 by complainant against Bathala Marketing Industries, Inc. (BMII), Throva Dore Toboso, Bing Borlasa, Vincent Visara, Antonio Bayato, and Vismin Hilacan (collectively referred to herein as BMII, *et al.*), which was raffled to the RTC-Branch 20 of Cebu City, presided over by respondent. Complainant alleged that he was the owner of a Nissan car with Plate No. FDX, covered by Philippine National Bank (PNB)-General Insurers Company, Inc. (GICI) Comprehensive Insurance Policy No. PC-351003 for the period May 31, 2001 to May 31, 2002. On September 27, 2001, complainant's car figured in an accident at SM Megamall. As required by PNB-GICI, complainant submitted at least two repair estimates of the damage that his car sustained. On September 28, 2001, complainant had his car inspected by the Nissan Distributors, Inc. (NDI) to determine the extent of the damage, the parts needed to be replaced, and the repairs to be undertaken. NDI issued Repair Estimate No. 23811 enumerating specifically the damaged parts, which did not include the radiator tank. Complainant also obtained a repair estimate from BMII, which similarly did not mention any damage to the radiator tank. Pending approval of complainant's insurance claim, he continued using his car. However, on several occasions, the car overheated because the radiator had no more water. After repeated follow-ups on his request for repair, the manager of PNB-GICI finally instructed complainant to deliver his car to BMII. Complainant informed BMII that on several occasions, he encountered problems with his car's radiator. Complainant was told that the

¹ *Rollo*, pp. 10-21.

radiator was not included in the repair estimate and would require a supplemental request and approval before it could be considered for repair. The repair of complainant's car lasted for a month. Complainant was able to get his car on December 26, 2001 after he was required to pay the amount of ₱9,120.50 as his share in the repair cost. Immediately after recovery, complainant drove his car around, but after just 20 to 30 minutes, the car's engine started to overheat again. This time, complainant brought his car to Global Motors Cebu Distributors Corp. (Global Motors) and had the radiator tank installed by BMII removed in the presence of a BMMI representative. Global Motors issued a certification stating that the replacement radiator tank that BMII installed in complainant's car was not brand new but a reconditioned old radiator tank. Complainant had to spend ₱500.00 for the services performed by Global Motors, plus he had to buy a brand new replacement radiator tank from Gemini Parts Center for ₱9,500.00. Complainant prayed for judgment awarding in his favor ₱29,182.50 as actual damages, ₱300,000.00 as unearned profits, ₱700,000.00 as moral damages, ₱700,000.00 as exemplary damages, and ₱250,000.00 as attorney's fees.

At the end of the trial, respondent directed the parties to submit their respective memoranda, after which, the case would be submitted for decision. Complainant submitted his Memorandum on November 9, 2008, which was received by RTC-Branch 20 of Cebu City on November 11, 2008.²

Respondent rendered a Decision³ on December 28, 2009 dismissing the complaint in Civil Case No. CEB-27778 for lack of cause of action against the defendants therein.

² Id. at 22-40.

³ Id. at 41-58.

Complainant filed a Notice of Appeal⁴ with RTC-Branch 20 of Cebu City on February 22, 2010 which was acted upon by said court only on December 2, 2010.

In the meantime, frustrated with how RTC-Branch 20 of Cebu City was handling Civil Case No. CEB-27778, complainant filed the present administrative complaint⁵ against respondent on October 17, 2011, alleging unreasonable delay by the respondent in the disposition of Civil Case No. CEB-27778, to the damage and prejudice of complainant. Complainant alleged that there was delay in resolving Civil Case No. CEB-27778, because it took respondent more than one year to decide the case from the time it was submitted for decision. To make matters worse, it took the court almost another year to act on his Notice of Appeal and transmit the records of the case to the appellate court.

Complainant also asserted that respondent was ignorant of the law considering that the latter did not know the respective liabilities and obligations of the parties in a comprehensive car insurance contract. Complainant further claimed that respondent was partial or biased in favor of BMII because respondent, in his Decision dated December 28, 2009 in Civil Case No. CEB-27778, cited certain statements purportedly made by complainant when he testified before the trial court, but which complainant did not actually say; and there were questions and answers which were incorrectly translated or transcribed in the Transcript of Stenographic Notes (TSN) which respondent used against complainant.

⁴ Id. at 59-61.

⁵ Id. at 1-9.

In an undated Supplemental Discussion,⁶ complainant additionally pointed out that on the first page of the Decision dated December 28, 2009 in Civil Case No. CEB-27778, there was a stamp mark “RECEIVED” by the RTC of Cebu City with the date “12/29/09” and time “8:16.” Complainant questioned why the RTC needed to receive its own Decision. Complainant suspected that respondent was not the one who actually wrote the said Decision, but it was written by one of the defendants and then submitted to, and thus, received by the RTC for respondent’s signature.

In his Comment⁷ dated January 17, 2012, respondent alleged that complainant instituted the instant administrative complaint because the latter felt resentful towards the former for rendering the Decision dated December 28, 2009 dismissing Civil Case No. CEB-27778.

Respondent further argued that the filing of the instant complaint was premature given that complainant’s appeal of the Decision dated December 28, 2009 in Civil Case No. CEB-27778 was still pending before the Court of Appeals. Respondent cannot be held liable for gross ignorance of the law for the appellate court may still affirm respondent’s ruling in the appealed judgment.

With respect to the delay in acting upon complainant’s Notice of Appeal and the transmittal of the records of Civil Case No. CEB-27778 to the Court of Appeals, respondent explained that his office was undermanned. There was only one clerk in charge of the civil and special proceedings cases, both current and appealed. When a party appeals, machine copies of the records have to be made. Also, the records must be prepared for transmission. All these take time especially when appeals in

⁶ Id. at 66-67.

⁷ Id. at 76-80.

two or more cases are made at about the same time, as what had happened in this case.

Notably, respondent did not address at all in his Comment the more than one year delay in the resolution of Civil Case No. CEB-27778.

In its Report⁸ dated March 7, 2012, the Office of the Court Administrator (OCA) made the following recommendations:

1. The instant complaint against respondent **Judge Bienvenido R. Saniel, Jr.**, Regional Trial Court, Branch 20, Cebu City, Cebu, be **RE-DOCKETED** as a regular administrative matter; and
2. Respondent **Judge Bienvenido R. Saniel, Jr.**, be **HELD LIABLE** for **Undue Delay in Rendering a Decision** and **Undue Delay in the Proceeding** and be **FINED** in the amount of **Twenty Thousand Pesos (₱20,000.00)** with a **STERN WARNING** that a repetition of the same or any similar act in the future shall merit a more severe penalty.

The Court then issued a Resolution⁹ dated July 4, 2012 re-docketing the administrative complaint against respondent as a regular administrative matter and requiring the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Complainant submitted his Manifestation¹⁰ dated September 24, 2012 on October 2, 2021, while respondent filed his Manifestation¹¹ dated October 8, 2012 on October 11, 2012.

Complainant is allegedly challenging respondent's Decision dated December 28, 2009 in Civil Case No. CEB-27778, for being illegal, rendered with no basis in fact and law. In truth, however, complainant is

⁸ Id. at 95-103.

⁹ Id. at 104.

¹⁰ Id. at 111.

¹¹ Id. at 107-108.

already asking this Court, through the present administrative complaint, to review the merits of respondent's Decision – something the Court cannot and will not do.

In *Salvador v. Limsiaco, Jr.*,¹² the Court described the instances when a judge may be held administratively liable for a judicial error, to wit:

It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable. **Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.** 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. As we held in *Balsamo v. Suan*:

It should be emphasized, however, that 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. He cannot be subjected to liability – civil, criminal or administrative – for any of his official acts, no matter how erroneous, as long as he acts in good faith. In such a case, the remedy of the aggrieved party is not to file an administrative complaint against the judge but to elevate the error to the higher court for review and correction. 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. Thus, **not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice.** Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge. (Emphases supplied, citations omitted.)

In this case, there is absolutely no showing that respondent was motivated by bad faith or ill motive in rendering the Decision dated December 28, 2009 in Civil Case No. CEB-27778. Thus, any error

¹² *Salvador v. Limsiaco, Jr.*, 519 Phil. 683, 687-688 (2006).

respondent may have committed in dismissing Civil Case No. CEB-27778 may be corrected by filing an appeal of respondent's Decision before the Court of Appeals, not by instituting an administrative case against the respondent before this Court.

Moreover, records show that complainant did file an appeal of the Decision dated December 28, 2009 in Civil Case No. CEB-27778 before the Court of Appeals. Said appeal, docketed as SP Civil Case No. R-1105, is still pending before the appellate court. An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by his erroneous order or judgment. Administrative remedies are neither alternative nor cumulative to judicial review where such review is available to aggrieved parties and the same has not yet been resolved with finality. For until there is a final declaration by the appellate court that the challenged order or judgment is manifestly erroneous, there will be no basis to conclude whether respondent judge is administratively liable.¹³ The Court more extensively explained in *Flores v. Abesamis*¹⁴ that:

As everyone knows, the law provides ample judicial remedies against errors or irregularities being committed by a Trial Court in the exercise of its jurisdiction. The *ordinary remedies* against errors or irregularities which may be regarded as normal in nature (i.e., error in appreciation or admission of evidence, or in construction or application of procedural or substantive law or legal principle) include a motion for reconsideration (or after rendition of a judgment or final order, a motion for new trial), and appeal. The *extraordinary remedies* against error or irregularities which may be deemed extraordinary in character (i.e., whimsical, capricious, despotic exercise of power or neglect of duty, etc.) are *inter alia* the special civil actions of *certiorari*, prohibition or *mandamus*, or a motion for inhibition, a petition for change of venue, as the case may be.

Now, the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary

¹³ *Roxas v. Eugenio, Jr.*, 527 Phil. 514, 517-518 (2006).

¹⁴ 341 Phil. 299, 312-313 (1997).

or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal [in] nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.

Clearly, at this point, there is no basis for complainant's administrative charges against respondent for gross ignorance of the law and knowingly rendering unjust judgment, and said charges are accordingly dismissed.

However, evidence on record satisfactorily establish respondent's guilt for undue delay in resolving Civil Case No. CEB-27778 and in acting upon complainant's Notice of Appeal.

Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within **three months** from the date they are submitted for decision or resolution.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.¹⁵

Judges are oft-reminded of their duty to promptly act upon cases and matters pending before their courts. Canon 6, Section 5 of the New Code of Judicial Conduct for the Philippine Judiciary dictates that "Judges shall

¹⁵ *Gachon v. Devera, Jr.*, G.R. No. 116695, June 20, 1997, 274 SCRA 540, 548-549, citing *Cf. Valdez v. Ocumen*, 106 Phil. 929, 933 (1960); *Alvero v. De la Rosa*, 76 Phil. 428, 434 (1946).

perform all duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.” Administrative Circular No. 1 dated January 28, 1988 once more enjoins all magistrates to observe scrupulously the periods prescribed in Section 15, Article VIII of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

That judges must decide cases promptly and expeditiously cannot be overemphasized, for justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. If they cannot decide cases within the period allowed by the law, they should seek extensions from this Court to avoid administrative liability.¹⁶

Unfortunately, respondent failed to live up to the exacting standards of duty and responsibility that his position requires. Complainant had already submitted his Memorandum in Civil Case No. CEB-27778 on **November 11, 2008**, yet, respondent rendered a decision in the case only on **December 28, 2009**. Indeed, respondent failed to decide Civil Case No. CEB-27778 within the three-month period mandated by the Constitution for lower courts to decide or resolve cases. Records do not show that respondent made any previous attempt to report and request for extension of time to resolve Civil Case No. CEB-27778. Respondent, without providing a reasonable explanation for the delay, is deemed to have admitted the same.

As if to rub salt into complainant's wound, it took RTC-Branch 20 of Cebu City, presided over by respondent, 10 months to approve and act upon complainant's Notice of Appeal. The Court is not convinced by respondent's excuse that his court was understaffed. Even with just one

¹⁶ *Sanchez v. Eduardo*, 413 Phil. 551, 557 (2001).

clerk of record in charge of both civil and special proceedings cases, 10 months is an unreasonable length of time for photocopying and preparing records for transmittal to the Court of Appeals. Judges, clerks of court, and all other court employees share the same duty and obligation to dispense justice promptly. They should strive to work together and mutually assist each other to achieve this goal. But judges have the primary responsibility of maintaining the professional competence of their staff. Judges should organize and supervise their court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.¹⁷

Section 9, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies undue delay in rendering a decision or order, or in transmitting the records of a case, as a less serious charge for which the penalty is suspension from office without salary and other benefits for one month to three months, or a fine of ₱10,000.00 to ₱20,000.00.

However, in A.M. No. RTJ-11-2277,¹⁸ respondent was already found guilty of incompetence and undue delay in resolving a motion and was fined Ten Thousand Pesos (₱10,000.00) with a stern warning that a repetition of the same offense in the future shall be dealt with more severely. Since this is respondent's second infraction of a similar nature in his 10 years in the judiciary, a penalty of a fine in the amount of Fifteen Thousand Pesos (₱15,000.00) is appropriate under the circumstances.


WHEREFORE, respondent Judge Bienvenido R. Sanieel, Jr. is found **GUILTY** of undue delay in rendering a decision and in transmitting the

¹⁷ *Office of the Court Administrator v. Trocino*, A.M. No. RTJ-05-1936, May 29, 2007, 523 SCRA 262, 276.


¹⁸ *Villarin v. Judge Sanieel, Jr.*, A.M. No. RTJ-11-2277, March 28, 2011.

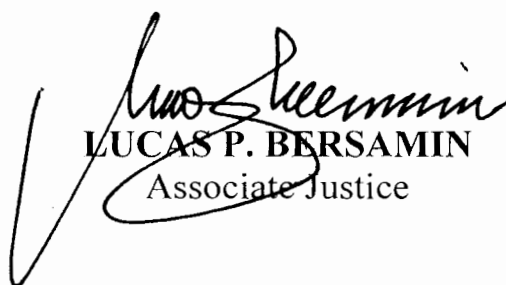
records of a case and is **FINED** in the amount of Fifteen Thousand (₱15,000.00) Pesos.

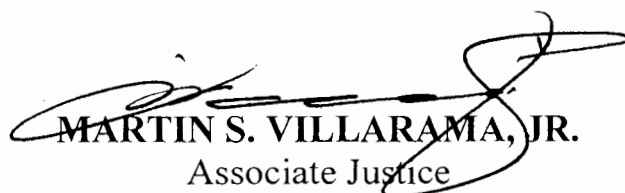
SO ORDERED.



TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice