



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**ATTY. ARTURO JUANITO
T. MATURAN,**

Complainant,

A.M. OCA IPI No. 04-1606-MTJ

Present:

- versus -

SERENO, C.J.,
LEONARDO-DE CASTRO,
BRION,*
BERSAMIN, and
REYES, JJ.

**JUDGE LIZABETH
GUTIERREZ- TORRES,**
Respondent.

Promulgated:

19 SEP 2012

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DECISION

BERSAMIN, J.:

A judge must exert every effort to timely rule upon a case submitted for decision. If she thinks that she would need a period to decide a case or to resolve an issue longer than what the Constitution prescribes, she may request an extension from the Court to avoid administrative sanctions.

Antecedents

On August 12, 2004, complainant Atty. Arturo Juanito T. Maturan (Maturan), the counsel for the private complainant in Criminal Case No. 67659 entitled *People v. Anicia C. Ventanilla*, filed a sworn complaint¹ against Judge Lizabeth Gutierrez-Torres, the former Presiding Judge of

* Vice Justice Martin S. Villarama, Jr., who is on leave per Special Order No. 1305.

¹ Rollo, pp. 1-4.

Branch 60 of the Metropolitan Trial Court in Mandaluyong City, charging her with unjustifiably delaying the rendition of the decision in his client's criminal case. Atty. Maturan averred that the criminal case had remained pending and unresolved despite its having been submitted for decision since June 2002 yet, pertinently alleging in detail as follows:

Court Record show that-

1. 10 April 2002- This is the date of the last hearing during which the defense counsel, Atty. Williard S. Wong, manifested in open court that he has no more documentary exhibit to offer and accordingly rested his case. The Honorable Court then ordered the parties to file their respective memorandum after which, the case was ordered submitted for decision.
2. 03 June 2002- The prosecution filed its MEMORANDUM. (*Copy attached as ANNEX "A"*) The defense waived filing any MEMORANDUM as court records show that up to this day, the defense counsel, Atty. Wong, did not file any.
3. 09 December 2002- The prosecution filed a MOTION TO DECIDE case dated 09 December 2002. (*Copy attached as ANNEX "B"*) The Honorable Presiding Judge simply sat on said motion and did not take any action thereto.
4. 10 July 2003- The prosecution filed a SECOND MOTION TO DECIDE CASE dated 10 July 2003 (*Copy attached as ANNEX "C"*). The Honorable Presiding Judge denied it for the alleged failure to comply with the ORDER dated 03 May 2001. Said ORDER involves sur-rebuttal evidence, however, this has been rendered moot by the proceedings held on 10 April 2002. Court records would show that as mentioned above, Atty. Wong manifested in open court that the defense is already resting its case. In fact, the Honorable Court thereafter ordered the parties to file their respective memorandum and ordered the case submitted for decision thereafter.
5. 04 February 2004- The prosecution filed a THIRD MOTION TO DECIDE CASE dated 04 February 2004 (*Copy attached as ANNEX "D"*).
6. 11 August 2004- In the morning of 11 August 2004, undersigned thoroughly reviewed the court records and discovered that the Hon. Presiding Judge has not taken any action to the motion. Records also show that the Hon. Presiding Judge has not yet made a decision on the case despite the lapse of more than 2 years. When undersigned came back to again examine the records in the afternoon of 11 August 2004, he was surprised to be shown with a newly-signed ORDER also dated 11 August 2004 stating completion of the transcript of records and considered the case is now supposedly "submitted for decision".²

² Id. at 1-2.

Atty. Maturan stated that Judge Gutierrez-Torres' failure to render the judgment within the 90-day period from submission of the case for decision violated Canon 3, Rule 3.05 of the *Code of Judicial Conduct* and the Constitution, and constituted gross inefficiency.³

On August 27, 2004, the Office of the Court Administrator (OCA) directed Judge Gutierrez-Torres through its first indorsement of the complaint to submit her comment, and also to show cause why no disciplinary action should be taken against her for her violation of her professional responsibility as a lawyer pursuant to the Resolution dated September 17, 2002 issued in A.M. No. 02-9-02-SC.⁴

On September 24, 2004, Judge Gutierrez-Torres implored the OCA to grant her a 20-day extension of the period within which to submit her comment. Despite her request being granted, she failed to submit a comment, causing the Court to issue on June 29, 2005 its Resolution "to REQUIRE the respondent to (a) SHOW CAUSE why she should not be administratively dealt with for refusing to submit her comment despite the two directives from the Office of the Court Administrator; and (b) SUBMIT the required COMMENT, both within five (5) days from receipt hereof, failing which the Court shall take the necessary action against her and decide the administrative complaint on the basis of the record on hand."⁵

The records show that Judge Gutierrez-Torres sought four more extensions of the period within which to submit a comment; and that the Court granted her further requests through its Resolutions dated September 12, 2005,⁶ October 19, 2005,⁷ February 8, 2006,⁸ and March 21, 2007.⁹ The Court likewise granted her request to photocopy documents relevant to the

³ Id. at 2.

⁴ Id. at 20.

⁵ Id. at 24.

⁶ Id. at 31.

⁷ Id. at 39.

⁸ Id. at 44.

⁹ Id. at 48.

complaint.¹⁰ Notwithstanding the liberality of the Court in granting several extensions, she still did not submit a comment.

In its Memorandum dated August 25, 2011,¹¹ the OCA rendered the following findings, to wit:

The respondent has consistently exhibited indifference to the Court's Resolutions requiring her to comment on the instant complaint. Her behavior constitutes gross misconduct and blatant insubordination, even outright disrespect for the Court. It must be borne in mind that a resolution of the Court requiring comment on an administrative complaint is not a mere request, nor should it be complied with partially, inadequately or selectively. Failure by the respondent to comply betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.

Moreover, she has no defense whatsoever to refute the charges against her. The records are replete with documentary evidence that in Criminal Case No. 67659, entitled "*People of the Philippines vs. Anicia C. Ventenilla*," she miserably failed to decide the said case within the reglementary period of 90 days. In fact, three (3) successive Motions to Decide Case dated 9 December 2002, 10 July 2003 and 4 February 2004, were filed by the prosecution without any action on the part of the respondent. By the time the instant administrative complaint was filed on 12 August 2004, more than two (2) years had already elapsed since the said criminal case was submitted for decision. Clearly, the respondent is not only **guilty of insubordination and gross inefficiency**, but also of **grave and serious misconduct**, having violated Canon 3, Rule 3.05 of the Code of Judicial Conduct and Section 15, Article VIII of the 1987 Constitution.

Considering the gravity of the above-mentioned offenses committed by the respondent, the penalty of dismissal from the service is commensurate, imposing the penalty of dismissal from the service on the respondent will be in consonance with the ruling of the Court in the consolidated cases of *Alice Davila vs. Judge Joselito S.D. Generoso* and *Leticia S. Santos vs. Judge Joselito S.D. Generoso*, to wit:

"The failure of the respondent judge to comply with the show-cause resolutions aforecited constitutes 'grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.' It is noteworthy that respondent judge was afforded several opportunities to explain his failure to decide the subject cases long pending before his court and to comply with the directives of the Court, but he has failed, and continues to fail, to heed the orders of the Court; a glaring proof that he has become disinterested in his position in the judicial system to which he belongs.

¹⁰ Id. at 51.

¹¹ Id. at 57-60.

It is beyond cavil that the inability of respondent judge to decide the cases in question within the reglementary period of ninety (90) days from their date of submission, constitutes gross inefficiency and is violative of Rule 3.05, Canon 3 of the Code of Judicial Conduct, which provides that *'[a] judge shall dispose of the court's business promptly and decide cases within the required periods.'*

The separation of the respondent judge from the service is indeed warranted, if only to see to it that the people's trust in the judiciary be maintained and speedy administration of justice be assured."

It bears mentioning that the instant case is not an isolated one. Several administrative cases against the respondent are still pending before the Court, all of which invariably charge her with gross misconduct and inexcusable inefficiency, among others, for failing to decide cases or resolve pending incidents for inordinately long periods of time. In similar lackadaisical fashion, the respondent has ignored the orders of the Court directing her to comment on said complaints. She has likewise been previously penalized with fines and suspensions. However, the respondent Judge has not shown any sign of remorse or contrition, even as the administrative complaints against her piled up. And worse, in her sala, hundreds of criminal and civil cases submitted for decision and/or resolution remained untouched and unresolved, gathering dust as they aged.

Finally, on 23 November 2010, in three (3) consolidated cases against the respondent, docketed as *A.M. No. MTJ-08-1719*, *A.M. No. MTJ-08-1722*, and *A.M. No. MTJ-08-1723*, the Court, in a *Per Curiam* Decision, finally DISMISSED the respondent from the service with forfeiture of all retirement benefits except earned leave and vacation benefits, with benefits, with prejudice to employment in any branch of the government or any of its instrumentalities including government-owned and controlled corporations. The court ruled therein that:

"The magnitude of her transgressions in the present consolidated cases – gross inefficiency, gross ignorance of the law, dereliction of duty, violation of the Code of Judicial Conduct, and insubordination, taken collectively, cast a heavy shadow on her moral, intellectual and attitudinal competence. She has shown herself unworthy of the judicial robe and place of honor reserved for guardians of justice. Thus, the Court is constrained to impose upon her the severest of administrative penalties – dismissal from the service, to assure the people's faith in the judiciary and the speedy administration of justice."

Even though the respondent has been dismissed from the service, this does not necessarily mean that she cannot be held administratively liable in the instant case. In its fairly recent Decision in *Narag vs. Manio*, the Court ruled that:

"Unfortunately for the respondent, this did not render her case moot. **She must not be allowed to evade administrative liability by her previous dismissal from the service.** Thus, for this case involving additional serious offenses, the Court finds it

proper to impose upon her a fine of P20,000 to be deducted from her accrued leave credits in lieu of dismissal from the service.”

Upon the foregoing findings, the OCA recommended that Judge Gutierrez-Torres be administratively sanctioned as follows:

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2. Respondent Lizabeth Gutierrez-Torres be found **GUILTY** of **INSUBORDINATION, GROSS INEFFICIENCY**, and **GRAVE** and **SERIOUS MISCONDUCT**;
3. In view of her previous dismissal from the service, a **FINE of ₱20,000.00** instead be imposed upon her, to be deducted from her accrued leave credits;

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Ruling

We adopt the findings and uphold the recommendations of the OCA.

Article VIII, Section 15(1) of the 1987 Constitution requires that all cases or matters filed after the effectivity of the Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts. Thereby, the Constitution mandates all justices and judges to be efficient and speedy in the disposition of the cases or matters pending in their courts.

Reiterating the mandate, the *New Code of Judicial Conduct for the Philippine Judiciary* requires judges to “devote their professional activity to judicial duties, which include xxx the performance of judicial functions and responsibilities in court and the making of decisions xxx,”¹² and to “perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.”¹³ Likewise, Rule 3.05, Canon 3 of

¹² Section 2, Canon 6.

¹³ Section 5, Canon 6.

the *Code of Judicial Conduct* imposes on all judges the duty to dispose of their courts' business promptly and to decide cases within the required periods.

These judicial canons directly demand efficiency from the judges in obvious recognition of the right of the public to the speedy disposition of their cases. In such context, the saying *justice delayed is justice denied* becomes a true encapsulation of the felt need for efficiency and promptness among judges.

To fix the time when a case pending before a court is to be considered as submitted for decision, the Court has issued Administrative Circular No. 28 dated July 3, 1989, whose third paragraph provides:

A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. **The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or upon the expiration** of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same.

The time when a case or other matter is deemed submitted for decision or resolution by a judge is, therefore, settled and well defined. There is no longer any excuse for not complying with the canons mandating efficiency and promptness in the resolution of cases and other matters pending in the courts. Hence, all judges should be mindful of the duty to decide promptly, knowing that the public's faith and confidence in the Judiciary are no less at stake if they should ignore such duty. They must always be aware that upon each time a delay occurs in the disposition of cases, their stature as judicial officers and the respect for their position

diminish. The reputation of the entire Judiciary, of which they are among the pillars, is also thereby undeservedly tarnished.

A judge like Judge Gutierrez-Torres should be imbued with a high sense of duty and responsibility in the discharge of the obligation to promptly administer justice. She must cultivate a capacity for promptly rendering her decisions. Should she anticipate that she would need a period longer than what the Constitution and the issuances of the Court prescribe within which to render her decision or resolution, she should request a proper extension of the period from the Court, through the OCA, and lay out in the request the justification for her inability. Yet, she did not at all do so in Criminal Case No. 67659 entitled *People v. Anicia C. Ventanilla*. She was clearly guilty of gross inefficiency, especially because her inability to decide the case within the required period became absolutely devoid of excuse after she did not bother to proffer any explanation for her inability.

The gross inefficiency of Judge Gutierrez-Torres warranted the imposition of administrative sanction against her.¹⁴ 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 as a less serious charge punishable by either: (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. We adopt the OCA's recommendation as to the fine in the maximum of ₱20,000.00, considering that she had already been dismissed from the service due to a similar offense of unjustified delay in rendering decisions.¹⁵

As a final word, the Court must focus attention to the indifference of Judge Gutierrez-Torres towards the Court's directive for her to file her comment despite the repeated extensions of the period to do so liberally

¹⁴ *Mina v. Mupas*, A.M. No. RTJ-07-2067, June 18, 2008, 555 SCRA 44, 50.

¹⁵ *Lugares v. Gutierrez-Torres*, A.M. No. MTJ-08-1719, November 23, 2010, 635 SCRA 716.

extended by the Court at her request. Such indifference reflected not only that she had no credible explanation for her omission, but also that she did not care to comply with the directives of the Court. The latter represents an attitude that no judge should harbor towards the Highest Tribunal of the country, and for that reason is worse than the former. She should not be emulated by any other judge, for that attitude reflected her lack of personal character and ethical merit. To be sure, the Court does not brook her insubordination, and would do more to her had she not been removed from the Judiciary. Accordingly, the Court must still hold her to account for her actuations as a member of the Law Profession, which is what remains to be done after first giving her the opportunity to show cause why she should not.

WHEREFORE, the Court finds former Metropolitan Trial Court **JUDGE LIZABETH GUTIERREZ-TORRES** guilty of gross inefficiency, and imposes on her a fine of ₱20,000.00, to be deducted from her accrued leave credits, if any.

The Court orders **JUDGE GUTIERREZ-TORRES** to show cause in writing within ten days from notice why she should not be suspended from membership in the Integrated Bar of the Philippines for her act of insubordination towards the Court.

The Court directs the Employees Leave Division, Office of Administrative Services–OCA to compute the balance of Judge Gutierrez-Torres' earned leave credits and forward the same to the Finance Division, Fiscal Management Office–OCA which shall compute its monetary value.

SO ORDERED.


LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice



TERESITA J. LEONARDO-DE CASTRO

Associate Justice



ARTURO D. BRION

Associate Justice



BIENVENIDO L. REYES

Associate Justice