



Republic of the Philippines  
**Supreme Court**  
**Manila**

SUPREME COURT OF THE PHILIPPINES  
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**FIRST DIVISION**

**DANIEL G. FAJARDO,**  
 Complainant,

**A.M. No. RTJ-16-2479**  
**[Formerly OCA IPI No. 10-3567-RTJ]**

Present:

- versus -

**SERENO, C.J.,**  
*Chairperson,*  
**LEONARDO-DE CASTRO,**  
**DEL CASTILLO,**  
**JARDELEZA, and**  
**TIJAM, JJ.**

**JUDGE ANTONIO M. NATINO,**  
**REGIONAL TRIAL COURT,**  
**BRANCH 26, ILOILO CITY,**  
 Respondent.

Promulgated:

**DEC 13 2017**

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**DECISION**

**TIJAM, J.:**

For Our resolution is an Amended Letter Complaint<sup>1</sup> dated November 27, 2010, filed by Daniel G. Fajardo (Fajardo) of Panay News, Inc. against Judge Antonio M. Natino (Judge Natino), Presiding Judge, Regional Trial Court (RTC) of Iloilo City, Branch 26.

Fajardo charged Judge Natino with the violation of the Constitution and the Rules of Court relative to the latter's dispositions in Civil Case No.

<sup>1</sup>Rollo, pp. 2-8.

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20225<sup>2</sup> entitled *Letecia Jaroda Vda. De Lacson, et al. v. Leonardo E. Jiz, et al.*, a case for annulment of title and declaration of nullity of documents of sale with damages, and in Civil Case No. 07-29298<sup>3</sup> entitled *Panay News, Inc. v. Renato Magbutay and Rosendo Mejica*, an action for damages and injunction.

Specifically, as summarized by Investigating Justice Pamela Ann Abella Maxino (Justice Maxino) in her Report and Recommendation<sup>4</sup> dated June 4, 2015, Judge Natino was charged of the following, to wit:

1. Violation of the 90-day period within which a case is to be resolved, counted from the date it is submitted for decision, in relation to Civil Case No. 20225 x x x. Fajardo said that the case was submitted for decision on January 23, 2007, but a decision thereon was only issued on April 21, 2010. In effect, the decision was only rendered more than three years after the case was submitted for decision.
2. Delay in the release of the Decision. The decision in x x x Civil Case No. 20225 was dated April 21, 2010 but according to Fajardo, the decision was released only four months after, or on August 17, 2010.
3. Falsification of Certificate of Service, in that, notwithstanding the fact that Judge Natino failed to resolve the aforementioned case within 90 days, he continued to receive his salary.
4. Failure to resolve the matters covered in the Motion to Show Cause (Contempt), in relation to Civil Case No. 07-29298, x x x.

Fajardo stressed that in said case, Panay News filed on January 6, 2010, a motion to show cause for contempt against Mejica, for the latter's failure to comply with the Order dated October 23, 2009, ordering him to deposit P572,000.00.

The motion to show cause for contempt, according to Fajardo, was never acted upon by the RTC.

5. Entertaining a second motion for reconsideration, in relation to x x x Civil Case No. 07-29298. Fajardo said that while the Order dated October 23, 2009 was already final, Judge Natino entertained a second motion for reconsideration of said Order filed by Mejica, for him to deposit a lesser amount than P572,000.00, or only P428,000.00. Judge Natino supposedly entertained a second motion for reconsideration so as to gain leverage in his request for a certain amount.<sup>5</sup>

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<sup>2</sup>Id. at 3.

<sup>3</sup>Id. at 5.

<sup>4</sup>Id. at 923-936.

<sup>5</sup>Id. at 923-925.

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Essentially, it is Fajardo's theory that the delay in the resolution and release of the decision in Civil Case No. 20225, and the order giving due course to a second motion for reconsideration in Civil Case No. 07-29298, were all due to Judge Natino's maneuver to obtain a part of the amount to be deposited in Civil Case No. 07-29298 from Panay News, Inc., whose counsel was Atty. Leonardo Jiz, a defendant in Civil Case No. 20225.

In his Comment<sup>6</sup> to the complaint, Judge Natino explained that the delay in the resolution of Civil Case No. 20225 was caused by circumstances beyond his control. He averred that he started drafting the decision in the said case sometime in April 2007 but the stenographer to whom he started dictating the same and who was to transcribe the stenographic notes of the case resigned and left for Manila. Then, his assumption as Acting Executive Judge in the same year and as a full-fledged Executive Judge in 2008 up to 2010, hampered his case disposal during the period as his tasks included hearing and deciding, not only regular cases, but also urgent administrative cases referred by the court administrator. Judge Natino also cited the renovation of the Iloilo City Hall from April 2010 to May 2010 and some bomb threats that the city hall experienced which led to the suspensions of work causing his case backlog. In addition, according to Judge Natino, power outrages which frequented the city caused the loss of some changes made in the draft decision of Civil Case No. 20225 in that, while the same was finalized sometime in August 2010, the date appearing in the draft (April 21, 2010) remained unchanged.<sup>7</sup>

Judge Natino further justified the extended period of deciding Civil Case No. 20225 by averring that he was just being judicious in his actions, hence, he leaned more towards "quality of administration of justice" than mere "speedy disposition of cases."<sup>8</sup> Hence, it was Judge Natino's submission that the 90-day rule in deciding cases may be considered as directory and shall be considered mandatory only when the delay was attended by vexations, capricious, and oppressive delay.<sup>9</sup>

Judge Natino also denied the allegation on falsification of certificates of service, arguing that the circumstantial delay in rendering the decision in Civil Case No. 20225 did not necessarily mean that he falsified his certificates of service.<sup>10</sup>

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<sup>6</sup>Id. at 40-61.

<sup>7</sup>Id. at 42-43 and 925-926.

<sup>8</sup>Id. at 44.

<sup>9</sup>Id. at 45.

<sup>10</sup>Id. at 926.

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As to the charges relating to Civil Case No. 07-29298, *i.e.*, failure to resolve matter on the Motion to Show Cause (for contempt) and giving due course to a second motion for reconsideration to gain leverage in his request for a certain amount from a party in that case, Judge Natino refuted the same by citing in full his Order dated October 18, 2010 in the said case. The said order stated the circumstances which led to the postponements of the subject motions' hearings, as well as the court's actions thereafter.<sup>11</sup>

In Our Resolution dated April 3, 2013, the complaint was then referred to the Executive Justice of the Court of Appeals, Cebu to be raffled to the Associate Justices therein for investigation, report, and recommendation.<sup>12</sup>

The case was eventually raffled to Justice Maxino. In the scheduled hearing during the investigation, only Judge Natino and his counsel appeared. Fajardo failed to attend hearings despite notice. Thus, Judge Natino was allowed to testify and present documentary evidence in his defense during the hearings, which comprised of: (1) his medical records to show that he had health problems since 1990 and a medical certificate to show that he was admitted in the hospital from December 6 to 8, 2010; (2) evidence of his appointment as Executive Judge from 2008 to 2010 with indorsements and reports on the administrative cases that he heard as Executive Judge in addition to his regular case loads; (3) certification that the Iloilo City Hall was renovated from August 2009 to July 2010; (4) certification from the Panay Electric Company, stating that the area where Iloilo Hall of Justice was situated experienced a total of 201 power outages from January 2007 to August 2010; (5) his approved leave applications from 2007 to 2010 to prove that he followed all the civil service rules insofar as his attendance is concerned; (6) certification from the Office of the Court Administrator (OCA) dated January 30, 2015, stating that he had been filing his certificates of service since 2006; and (7) a copy of the Order dated October 18, 2010 in Civil Case No. 07-29298 to refute the charge that he did not act on Panay News, Inc.'s Motion to Show Cause, as well as the charge that he entertained a second motion for reconsideration.<sup>13</sup>

In her Report and Recommendation, Justice Maxino noted Fajardo's failure to appear in the hearings and to present evidence to support his allegations against Judge Natino. With that, the Investigating Justice found no merit in all charges against Judge Natino, except as regards the long overdue action in the resolution of Civil Case No. 20225, for want of evidence.<sup>14</sup>

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<sup>11</sup>Id. at 45-54.

<sup>12</sup>Id. at 66.

<sup>13</sup>Id. at 928-929.

<sup>14</sup>Id. at 931.

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As regards the charge that Judge Natino delayed the release of the decision in Civil Case No. 20225, the Investigating Justice found no proof to support the same and noted that there was no pattern in Judge Natino's actuation that says that he has been known and shown to have adhered to a practice of delaying release of decisions. What was clear, as shown in the subject decision, was that Judge Natino finished drafting the same on April 21, 2010. The Investigating Justice was convinced that the power outages which frequented the area had caused the confusion in the date of the subject decision and ruled that such inadvertence did not necessarily militate punishment or sanction but reminded judges to exercise prudence in writing every aspect of their decision.<sup>15</sup>

There was also no proof as to the alleged falsification of certificates of service as the questioned certificates were not presented in evidence.<sup>16</sup>

The allegation on the failure to act upon the Motion to Show Cause, as well as the imputation of corruption in entertaining a second motion for reconsideration in Civil Case No. 07-29298 were also unsubstantiated. According to the Investigating Justice, Judge Natino's October 18, 2010 Order in the said case showed the downright falsity of such charges.<sup>17</sup>

The Investigating Justice, however, found Judge Natino guilty of undue delay in rendering the decision in Civil Case No. 20225 despite consideration of Judge Natino's justifications and/or explanations on such delay. Hence, Justice Maxino recommended the imposition of a fine amounting to ₱20,000, with a stern warning that a repetition of the same or similar act in the future would be dealt with more severely.<sup>18</sup>

In its Memorandum dated July 12, 2016, the OCA adopted the Investigating Justice's findings and recommendations.<sup>19</sup>

### **The Issue**

This Court is now burdened for its final action to resolve the matter, the only issue being: whether or not Judge Natino is guilty of the charges against him.

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<sup>15</sup>Id. at 931-932.

<sup>16</sup>Id. at 932.

<sup>17</sup>Id.

<sup>18</sup>Id. at 935.

<sup>19</sup>Id. at 954-959.

### The Court's Ruling

The Court agrees with the findings and recommendations of the Investigating Justice, as adopted by the OCA except for the penalty charged.

Indeed, aside from Fajardo's uncorroborated allegations, the records are bereft of any proof to support the allegation on the intentional delay on the release of the Civil Case No. 20225, much less the charge of corruption against Judge Natino.

Likewise, the alleged falsification of certificates of service was never proven. There is no clear evidence that Judge Natino intentionally, if at all, falsified his monthly certificate of service. Admittedly, there may have been a delay in the rendition of a decision in this case but, as it appears, this is an isolated case, which cannot be the basis to sweepingly conclude that Judge Natino has been falsifying his certificates of service to continuously receive his salary.<sup>20</sup>

As to the charges on the alleged failure to act upon Panay News, Inc.'s motion, as well as, again, the imputation of corruption against Judge Natino in Civil Case No. 07-29298, the October 18, 2010 Order indeed comprehensively refuted said charges as it states in details the court's actions on the said motion.

On the undue delay in the resolution of Civil Case No. 20225, however, We agree with the finding of guilt against Judge Natino.

The pronouncement of this Court in *Re: Cases Submitted for Decision Before Hon. Baluma*,<sup>21</sup> is relevant, thus:

Article VIII, Section 15(1) of the 1987 Constitution provides that lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Moreover, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. In addition, this Court laid down guidelines in SC Administrative Circular No. 13 which provides, *inter alia*, that "[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so." The Court has reiterated this admonition in SC Administrative Circular No. 3-99 which requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases and the failure to comply

<sup>20</sup>*Esguerra v. Judge Loja*, 392 Phil. 532, 535 (2000).

<sup>21</sup>717 Phil. 11 (2013).

therewith is considered a serious violation of the constitutional right of the parties to speedy disposition of their cases.

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.<sup>22</sup>

This Court has constantly emphasized that the office of a judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.<sup>23</sup>

It is undisputed in this case that Judge Natino failed to decide Civil Case No. 20225 within the 90-day period provided in the Constitution. Records show that the said case was filed on January 30, 1992, submitted for decision on January 23, 2007, and decided only in August 2010 or after more than three years from the time it was submitted for decision.

We have previously ruled that the 90-day period within which to decide cases is mandatory.<sup>24</sup> Consequently, failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross inefficiency warranting a disciplinary sanction.<sup>25</sup>

Certainly, We have considered the justifications and explanations on such delay, proffered by Judge Natino, which, while may be recognized as true and reasonable, are not sufficient to exonerate him from liability. To be sure, the mandatory nature of the period to decide cases provided under the Constitution cannot be considered as beyond the limits of acceptability or fairness. We are also aware of the heavy case load of trial courts,<sup>26</sup> as well as the different circumstances or situations that judges may encounter during trial such as those averred by Judge Natino in this case. Thus, the Court has allowed reasonable extensions of time needed to decide cases, but such extensions must first be requested from the Court.<sup>27</sup> Whenever a judge cannot decide a case promptly, all he has to do is to ask the Court for a reasonable extension of time to resolve it.<sup>28</sup> Unfortunately for Judge Natino,

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<sup>22</sup>Id. at 16-17.

<sup>23</sup>*Duque v. Judge Garrido*, 599 Phil. 482, 487 (2009).

<sup>24</sup>Id.

<sup>25</sup>Id. at 489.

<sup>26</sup>*Re: Cases Submitted for Decision Before Hon. Baluma*, *supra* note 21, at 17.

<sup>27</sup>Id.

<sup>28</sup>*Duque v. Judge Garrido*, *supra* note 23, at 488.


he did not avail of such remedy. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law.<sup>29</sup>

Under Section 9(1),<sup>30</sup> Rule 140, as amended by Administrative Matter No. 01-8-10-SC,<sup>31</sup> undue delay in rendering a decision or order is a less serious charge, which is penalized with suspension from office without salary and other benefits for not less than one nor more than three months or a fine of more than ₱10,000 but not not more than ₱20,000.

However, depending on the circumstances of each case, the fine to be imposed may vary.<sup>32</sup> In one case, We imposed a fine of ₱10,000 against a judge who rendered a decision beyond the 90-day period, considering that it was his first offense.<sup>33</sup> In another case, the Court imposed a fine of only ₱2,000 on the same offense, considering the good record of the respondent-judge therein as regards case disposal, his length of service, and that it was his first infraction.<sup>34</sup> Hence, for this case, taking into account that this is Judge Natino's first infraction and that he already retired last June 30, 2016 after serving the Judiciary for more than 33 years, We find that the imposition of a fine amounting to ₱10,000 is commensurate to the offense that he committed.

**WHEREFORE**, premises considered, the Court finds Judge Antonio M. Natino, former judge of the Regional Trial Court of Iloilo City, Branch 26, **GUILTY** of undue delay in rendering a decision, for which he is **FINED** in the amount of Ten Thousand Pesos (₱10,000), to be deducted from his retirement benefits withheld by the Financial Management Office, Office of the Court Administrator. Thereafter, the balance of his retirement benefits shall be released without unnecessary delay.

**SO ORDERED.**

  
**NOEL GIMENEZ TIJAM**  
Associate Justice

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<sup>29</sup>Re: *Cases Submitted for Decision Before Hon. Baluma*, *supra* note 21, at 17.

<sup>30</sup>SEC. 9. *Less Serious Charges*. – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x."

<sup>31</sup>Re: Proposed Amendment to Rule 140 of the Rules of Court Re: Discipline of Justices and Judges effective October 1, 2001.

<sup>32</sup>Re: *Cases Submitted for Decision Before Hon. Baluma*, *supra* note 21, at 18.

<sup>33</sup>*Duque v. Judge Garrido*, *supra* note 23, at 490-491.

<sup>34</sup>*Esguerra v. Judge Loja*, *supra* note 20, at 536.



**WE CONCUR:**



**MARIA LOURDES P.A. SERENO**

Chief Justice

Chairperson



**TERESITA J. LEONARDO-DE CASTRO**

Associate Justice



**MARIANO C. DEL CASTILLO**

Associate Justice



**FRANCIS H. JARDELEZA**

Associate Justice