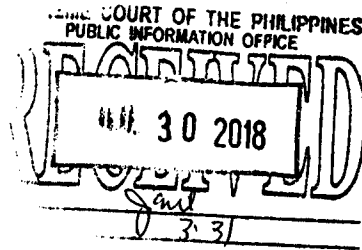




Republic of the Philippines  
Supreme Court  
Manila



SECOND DIVISION

**ATTY. JEROME NORMAN L. TACORDA**  
**and LETICIA RODRIGO-DUMDUM,**  
Complainants,

**A.M. No. RTJ-16-2460**

Present:

CARPIO, J., Chairperson,  
PERALTA,  
PERLAS-BERNABE,  
CAGUIOA, and  
REYES, JR., JJ.

- versus -

**JUDGE PERLA V. CABRERA-FALLER,**  
**Executive Judge, and OPHELIA G. SULUEN,**  
**Officer-in-Charge/Legal Researcher II,**  
**both of Branch 90, Regional Trial Court,**  
**Dasmariñas City, Cavite,**  
Respondents.

Promulgated:

27 JUN 2018

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**RESOLUTION**

**CARPIO, J.:**

**The Case**

Before the Court is a complaint filed by Atty. Jerome Norman L. Tacorda (Atty. Tacorda) and Leticia Rodrigo-Dumdum (Rodrigo-Dumdum) against Presiding Judge Perla V. Cabrera-Faller (Judge Cabrera-Faller) and Ophelia G. Suluen (Suluen), both of Branch 90, Regional Trial Court (RTC), Dasmariñas City, Cavite, for Gross Ignorance of the Law, Gross Inefficiency, Delay in the Administration of Justice, and Impropriety.

**The Facts**

This complaint<sup>1</sup> stems from Civil Case No. 398810, entitled *Sunny S. Salvilla, Kevin S. Salvilla, and Justin S. Salvilla v. Spouses Edwin Dumdum and Leticia R. Dumdum* (Spouses Dumdum), which was initially pending before Judge Fernando L. Felicen (Judge Felicen), Branch 20, RTC, Imus, Cavite.

<sup>1</sup> *Rollo*, pp. 1-5.

On 2 October 2012, Judge Felicen issued an Order requiring the parties to submit their respective pre-trial briefs and setting the pre-trial on 5 February 2013. However, on 16 January 2013, Judge Felicen inhibited himself from the case and the case was raffled to the sala of Judge Cabrera-Faller of Branch 90, RTC, Dasmariñas City, Cavite.

After receipt of the records of the case, Judge Cabrera-Faller set a clarificatory hearing on 19 March 2013, which was, however, rescheduled to 22 May 2013 due to a seminar attended by Judge Cabrera-Faller.

As the last event in the court of origin was for pre-trial, the case was set for pre-trial on 14 and 29 August 2013. However, it was found out that the case had already been referred for mediation, prompting the trial court to suspend the proceedings until receipt of the Mediator's Report. The Mediator's Report was received on 18 September 2013.

Meanwhile, the plaintiffs in the civil case belatedly filed their Pre-Trial Brief on 27 August 2013, which prompted the Spouses Dumdum, through their lawyer Atty. Tacorda, to file a Motion to Expunged [sic] the Pre-Trial Brief Submitted By the Plaintiffs with Manifestation on 3 September 2013.

On 31 July 2015, almost two years after the Motion was filed, Judge Cabrera-Faller denied the motion and set the case for pre-trial conference on 8 October 2015. This, however, was rescheduled to 18 November 2015, because Judge Cabrera-Faller was hospitalized on 8 October 2015.

The delay attendant in resolving the motion prompted Atty. Tacorda and Rodrigo-Dumdum to file this complaint against Judge Cabrera-Faller and Suluen, the Officer-in-Charge (OIC)/Legal Researcher II, for the latter's failure to call the attention of Judge Cabrera-Faller on the delay.

In a Comment<sup>2</sup> filed by Judge Cabrera-Faller and Suluen, they argue that there was (1) no ignorance of the law as the case was immediately acted upon after receipt of the records; (2) no gross inefficiency as the resetting of the hearings was part of the continuing court events and incidents; and (3) no delay in the administration of justice, as the case was merely transferred to them and had gone through mediation for possible settlement, which unfortunately had failed. Judge Cabrera-Faller and Suluen also allege that the complaint is baseless and illusory, designed to disqualify Judge Cabrera-Faller from the proceedings and other cases of Atty. Tacorda which are pending before her.



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<sup>2</sup> Id. at 16-18.

In their Reply,<sup>3</sup> complainants aver that the Comment filed by Judge Cabrera-Faller and Suluen is full of self-serving assertions, denials, alibis, and hearsay matters.

### **The Recommendation of the Office of the Court Administrator**

The Office of the Court Administrator (OCA), upon evaluation of the complaint, found that the allegation of gross ignorance of the law against Judge Cabrera-Faller and Suluen was bereft of any evidence. The OCA found that the complaint did not allege any act or demeanor committed by the respondents that would directly constitute impropriety in the performance of their official functions and as private individuals.

On the other hand, the OCA found that Judge Cabrera-Faller was guilty of gross inefficiency and delay in the administration of justice. The OCA held that the fact that the trial judge failed to act from 22 May 2013, when the case was set for pre-trial, to 31 July 2015, when the motion to expunge was denied, was in clear violation of the 1987 Constitution and the Code of Judicial Ethics. The OCA found that the failure of Judge Cabrera-Faller to explain what transpired in 2014 relative to the civil case was an obvious attempt to conceal her gross inefficiency and thus confirmed that Judge Cabrera-Faller had unjustifiably sat on the case.

As against Suluen, the OIC/Legal Researcher of Judge Cabrera-Faller, the OCA found that there was no evidence on record to substantiate the charges against her and cleared her of administrative liability. The OCA reasoned that the responsibility to resolve the motion was with the judge and not with the OIC/Legal Researcher.

Finding Judge Cabrera-Faller guilty of gross inefficiency and delay in the administration of justice, the OCA recommended the imposition of a fine in the amount of Twenty Thousand Pesos (₱20,000.00) payable within thirty (30) days from the receipt of notice with a warning that a commission of the same or similar offense shall be dealt with more severity, and the dismissal of the charges against Suluen for lack of merit.<sup>4</sup>

### **The Ruling of the Court**

Upon review of the records, the Court agrees with the findings of the OCA.

First, as to the allegation of gross ignorance of the law, we find that Atty. Tacorda and Rodrigo-Dumdum failed to substantiate the charges against Judge Cabrera-Faller and Suluen.

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<sup>3</sup> Id. at 23-29.

<sup>4</sup> Id. at 34.

To be held liable for gross ignorance of the law, it must be shown that the error must be so gross and patent as to produce an inference of bad faith.<sup>5</sup> Moreover, the acts complained of must not only be contrary to existing law and jurisprudence, but should also be motivated by bad faith, fraud, dishonesty, and corruption.<sup>6</sup> In this case, there was no allegation or mention of any bad faith, fraud, dishonesty, and corruption committed by Judge Cabrera-Faller or Suluen. Complainants also failed to allege any gross and patent ignorance of the law which would indicate any bad faith.

Additionally, there are no allegations as to specific acts which would constitute impropriety on the part of Judge Cabrera-Faller or Suluen, either in the course of the performance of their official functions or as private individuals. Necessarily, the complaint for gross ignorance of the law and impropriety must fail.

However, we find merit in the complaint for gross inefficiency and delay in the administration of justice against Judge Cabrera-Faller when she failed to promptly act on the motion filed by the Spouses Dumdum. On the other hand, as against Suluen, the charges must be dismissed. As correctly pointed out by the OCA, the responsibility of acting and resolving a pending matter or incident before a court rests primarily on the judge, and Suluen, who was merely an OIC/Legal Researcher, could not be held responsible for the delay incurred by the respondent judge. Based on the facts on record, only Judge Cabrera-Faller may be held liable for the delay in the disposition of cases.

Delay in the disposition of cases amounts to a denial of justice, which brings the court into disrepute, and ultimately erodes public faith and confidence in the Judiciary.<sup>7</sup> Judges are therefore called upon to exercise the utmost diligence and dedication in the performance of their duties.<sup>8</sup> More particularly, trial judges are expected to act with dispatch and dispose of the court's business promptly and to decide cases within the required periods. The main objective of every judge, particularly trial judges, should be to avoid delays, or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics.<sup>9</sup>

The Constitution clearly provides that all lower courts should decide or resolve cases or matters within three months from the date of submission.<sup>10</sup> Moreover, Section 5, Canon 6 of the New Code of Judicial Conduct<sup>11</sup> provides:

<sup>5</sup> *Ora v. Judge Almajar*, 509 Phil. 595 (2005), citing *Joaquin v. Madrid*, 482 Phil. 795 (2004).

<sup>6</sup> *Monticalbo v. Judge Maraya, Jr.*, 664 Phil. 1 (2011).

<sup>7</sup> *In Re: Compliance of Judge Maxwel S. Rosete*, 479 Phil. 255 (2004).

<sup>8</sup> *Pantig v. Daing, Jr.*, 478 Phil. 9 (2004), citing *Guintu v. Judge Lucero*, 329 Phil. 704 (1996).

<sup>9</sup> *Office of the Court Administrator v. Judge Hamoy*, 489 Phil. 296 (2005).

<sup>10</sup> Article VIII, Section 15, Constitution.

<sup>11</sup> A.M. No. 03-05-01-SC, 1 June 2004.



Sec. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and **with reasonable promptness**.  
(Emphasis supplied)

The Court has, time and again, reminded judges to decide cases promptly and expeditiously under the time-honored principle that justice delayed is justice denied.<sup>12</sup> More specifically, presiding judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts.<sup>13</sup> To repeat, trial court judges, who serve as the frontline officials of the judiciary, are expected to act at all times with efficiency and probity.<sup>14</sup>

In this case, Judge Cabrera-Faller failed to meet the expectation of promptness and efficiency that is required of a trial court judge. She failed to act on the Motion to Expunge [sic] the Pre-Trial Brief for almost two years, which is a clear delay in the administration of justice. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency which warrants the imposition of administrative sanctions.<sup>15</sup>

Judge Cabrera-Faller failed to offer any satisfactory reason to explain the reason for this delay. The fact that the case was re-raffled to her sala or that the case was referred to mediation is hardly an excuse for her inaction for almost two years. In fact, the Mediator's Report was received on 18 September 2013 but Judge Cabrera-Faller denied the motion of the Spouses Dum Dum only on 31 July 2015. This is clearly an unreasonable delay for which Judge Cabrera-Faller should be held administratively liable.

Under Section 9, Rule 140 of the Revised Rules of Court, undue delay in rendering a decision or order is considered a less serious offense which is punishable by:

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 ₱10,000.00 but not exceeding ₱20,000.00.<sup>16</sup>

In this case, the delay in resolving the motion was for almost two years. Based on this period of delay, we find that a fine of Twenty Thousand Pesos (₱20,000.00) is appropriate.

However, we note that Judge Cabrera-Faller has already been dismissed from the service in *Marcos v. Cabrera-Faller*<sup>17</sup> for gross

<sup>12</sup> *Sanchez v. Judge Eduardo*, 413 Phil. 551 (2001).

<sup>13</sup> Supreme Court Administrative Circular No. 1-88, 28 January 1988.

<sup>14</sup> *Angelia v. Judge Grageda*, 656 Phil. 570 (2011).

<sup>15</sup> *Visbal v. Judge Buban*, 443 Phil. 705 (2003).

<sup>16</sup> Section 11, Rule 140, Revised Rules of Court.

<sup>17</sup> A.M. No. RTJ-16-2472, 24 January 2017, 815 SCRA 285.

ignorance of the law and for violating Rule 1.01 and Rule 3.01, Canon 3 of the Code of Judicial Conduct. Subsequently, she was found guilty of gross ignorance of the law and gross misconduct constituting violations of the Code of Judicial Conduct in *Office of the Court Administrator v. Cabrera-Faller*,<sup>18</sup> where she was fined in the amount of ₱80,000.00. In the same case, Suluen was found by the Court to have committed simple neglect of duty for which she was suspended for a period of one month and one day with a warning that a repetition of the same or similar acts shall warrant a more severe penalty.<sup>19</sup>

While we find that in this case, Suluen cannot be held liable for the charges against her, the complaint against Judge Cabrera-Faller for unreasonable delay is meritorious. In view of the foregoing, the fine of Twenty Thousand Pesos (₱20,000.00) shall be deducted from whatever amounts may still be due Judge Cabrera-Faller.

**WHEREFORE**, we find Judge Perla V. Cabrera-Faller of Branch 90, Regional Trial Court, Dasmariñas City, Cavite **GUILTY** of Gross Inefficiency and Delay in the Administration of Justice and impose on her a **FINE** of Twenty Thousand Pesos (₱20,000.00) which shall be deducted from whatever amounts may still be due her.

The charges against Ophelia G. Suluen, Officer-in-Charge/Legal Researcher II of Branch 90, Regional Trial Court, Dasmariñas City, Cavite are hereby **DISMISSED** for lack of merit.

**SO ORDERED.**




**ANTONIO T. CARPIO**  
Senior Associate Justice

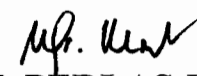
<sup>18</sup> A.M. No. RTJ-11-2301, 16 January 2018.

<sup>19</sup> Id.

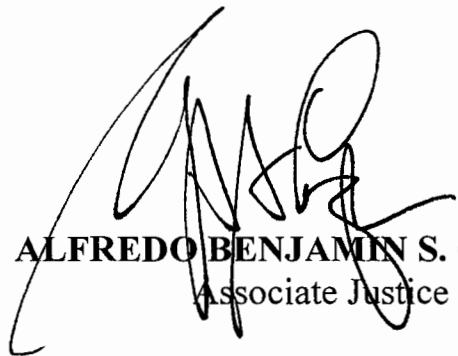
**WE CONCUR:**




**DIOSDADO M. PERALTA**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice