



Republic of the Philippines
Supreme Court
Manila

EN BANC

DR. JULIAN L. ESPIRITU, JR.,
represented by RUBENITO R.
DEL CASTILLO,
Complainant,

A.M. No. RTJ-21-014
[Formerly OCA IPI No. 19-4956-
RTJ]

- versus -

Present:

PRESIDING JUDGE
SANTIAGO M. ARENAS,
Regional Trial Court of Quezon
City, Branch 217,
Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,*
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,*
MARQUEZ,**
KHO, JR., and
SINGH, JJ.

Promulgated:

December 5, 2023

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DECISION

KHO, JR., J.:

* On official leave.

** No part and on official business.

This administrative matter arose from a Complaint¹ filed by complainant Dr. Julian L. Espiritu, Jr., represented by Rubenito R. Del Castillo (complainant) charging respondent Presiding Judge Santiago M. Arenas (Judge Arenas) of the Regional Trial Court of Quezon City, Branch 217 (RTC) of Gross Ignorance of the Law and Gross Inefficiency, in connection with Civil Case No. Q-00-41263 entitled "*Julian Espiritu, Jr., represented by his Attorney-in-fact, Angelito L. Espiritu v. Lily Ann Espiritu-Misa and Jose Mari Misa*" (subject case).

The Facts

Complainant alleged that he is the plaintiff in the subject case which was raffled to Judge Arenas' *sala*. After due proceedings, Judge Arenas promulgated a Decision² dated July 13, 2010 in complainant's favor, and accordingly ordered, *inter alia*, the award of $\frac{5}{6}$ of the property under litigation to the latter. The subject case was then appealed to the Court of Appeals (CA),³ and later on to the Court, wherein Judge Arenas' aforesaid Decision was essentially affirmed. After such ruling attained finality,⁴ the case records were remanded to the RTC for execution proceedings.

According to complainant, he filed a Motion for Execution⁵ as early as July 9, 2015 but the same was only resolved by Judge Arenas almost three years later through an Order⁶ dated July 6, 2018. In this light, complainant contended that such delay constitutes undue delay in the resolution of the motion for execution for which Judge Arenas must be administratively sanctioned.⁷

Complainant further pointed out that despite the finality of the subject case, Judge Arenas still entertained various motions and pleadings filed by therein defendants and set them for hearing, and even allowed complainant and therein defendants' mother to testify. Thus, complainant argued that Judge Arenas' foregoing acts are tantamount to Gross Ignorance of the Law because in effect, Judge Arenas was reopening the decision in the subject case which had long become final and executory.⁸

¹ *Rollo*, pp. 2-10.

² *Id.* at 15-21.

³ *Id.* at 24-45 and 46-47. *See* Decision dated October 30, 2012 and Resolution dated July 17, 2014 of the Court of Appeals, respectively. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Hakim S. Abdulwahid and Edwin D. Sorongon, concurring.

⁴ *Id.* at 49 and 48, *see* Entries of Judgment dated November 25, 2014 and February 3, 2015, respectively. Signed by Deputy Clerk of Court & Chief of the Judicial Records Office Atty. Corazon D. Delos Reyes.

⁵ *Id.* at 51-56.

⁶ *Id.* at 57-85.

⁷ *Id.* at 378.

⁸ *Id.* at 378-379.

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For his part, Judge Arenas filed a Comment⁹ essentially praying for the dismissal of the instant complaint for lack of merit.

Anent the allegation of undue delay, Judge Arenas pointed out that contrary to the allegations of complainant, the latter's motion for execution dated July 20, 2015 was resolved through an Order¹⁰ dated August 31, 2016, and accordingly, the Writ of Execution¹¹ was issued on August 18, 2017. Furthermore, Judge Arenas pointed out a number of material dates showing that any delay in the execution proceedings was not attributable to him, but rather, to the various subsequent pleadings and motions submitted by the parties-litigants, as well as resettings of hearings pertaining to said motions. Moreover, these pleadings and motions gave rise to various incidents which have yet to be submitted for resolution. In any event, Judge Arenas intimated that he had constantly cautioned therein defendants not to prolong the execution proceedings by filing various pleadings and motions as there is already a final and executory decision in the subject case.¹²

As regards the charge of gross ignorance of the law, Judge Arenas maintained that he is cognizant of the rule that once a decision becomes final and executory, execution shall issue as a matter of right and that the issuance of the writ of execution is the court's ministerial duty. However, Judge Arenas pointed out that there are exceptions to this rule. As such, he was constrained to take into consideration therein defendants' succeeding pleadings and motions, considering that the same were in connection with complainant's motion for execution.¹³

Meanwhile, during the pendency of this case, Judge Arenas compulsorily retired from the Judiciary on October 27, 2020.¹⁴

The OCA Report and Recommendation

In a Memorandum¹⁵ dated January 4, 2021, the Office of the Court Administrator (OCA) recommended, *inter alia*, that: (a) the charge of gross ignorance of the law be dismissed for being judicial in nature; and (b) Judge Arenas be found administratively liable for undue delay in rendering an order, and accordingly, be fined in the amount of PHP 15,000.00 which shall be deducted from his compulsory retirement benefits.

⁹ *Id.* at 98–128.

¹⁰ *Id.* at 129–131.

¹¹ *Id.* at 132–133.

¹² *Id.* at 379–382.

¹³ *Id.* at 382–383.

¹⁴ *Id.* at 383.

¹⁵ *Id.* at 377–387. Signed by Court Administrator Jose Midas P. Marquez (now a Member of this Court) and Assistant Court Administrator Lillian C. Barribal-Co.

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In dismissing the charge of gross ignorance of the law, the OCA found that Judge Arenas' acts of entertaining therein defendant's subsequent pleadings and motions in the subject case, as well as allowing complainant and therein defendants' mother to testify during execution proceedings pertain to Judge Arenas' judicial discretion. Hence, any perceived errors therein should be raised and assailed in appropriate judicial proceedings and not through the instant administrative complaint.¹⁶

As regards the charge of undue delay, the OCA found that there is no cogent reason to hold Judge Arenas liable for the same in connection with complainant's Motion for Execution dated July 9, 2015, considering that records show that the same was resolved through the Order dated August 31, 2016. While it appears that the motion was filed and the order granting the same was issued in 2016, the OCA pointed out that it is not clear from the records as to when the motion was submitted for resolution or when the last pleading was filed. Thus, no administrative liability could be ascribed on Judge Arenas insofar as this matter is concerned.¹⁷

Nonetheless, the OCA found Judge Arenas guilty of such charge with regards to therein defendants' Motion to Enjoin the Implementation of the Writ of Execution which was filed on November 9, 2017. This is considering that the last pleading relative to this Motion, i.e., the Rejoinder, was filed on December 7, 2017, and yet, the incident was only resolved seven months later through an Order dated July 6, 2018. Thus, the OCA concluded that the belated resolution of this incident is a violation of Article VIII, Section 15(1) of the Constitution which mandates lower court judges to resolve cases or matter before their *sala* within three months from the date of submission for resolution.¹⁸

The Issue Before the Court

The issue for the Court's resolution is whether Judge Arenas should be held administratively liable for the acts complained of.

The Court's Ruling

The Court adopts the findings of the OCA with certain modifications, as will be explained below.

¹⁶ *Id.* at 385.

¹⁷ *Id.* at 383-384.

¹⁸ *Id.* at 385-386.

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I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled “*Further Amendments to Rule 140 of the Rules of Court*.” On April 3, 2022, the publication requirement thereof had already been complied with;¹⁹ hence, Rule 140, as further amended (the Rules), is already effective.

In this relation, Section 24 of the Rules explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

SECTION 24. *Retroactive Effect.* — **All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary**, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of the Rules.

II.

At this juncture, it bears pointing out that during the pendency of this case, Judge Arenas compulsorily retired from the Judiciary on October 27, 2020.²⁰ This, however, will not preclude the Court from determining his administrative liability, pursuant to Section 2(2) of the Rules which provides that “once disciplinary proceedings have already been instituted, the respondent’s supervening retirement or separation from service shall not preclude or affect the continuation of the same . . .” In this regard, case law instructs that “for the Court to acquire jurisdiction over an administrative proceeding, the complaint must be **filed during the incumbency** of the respondent public official or employee. This is because the filing of an administrative case is predicated on the holding of a position or office in the government service. However, once jurisdiction has attached, the same is not lost by the mere fact that the public official or employee was no longer in office during the pendency of the case.”²¹ As such, the Court shall now proceed with the determination of Judge Arenas’ administrative liability.

¹⁹ Rules of Court, Rule 140, Section 26 reads:

SECTION 26. *Effectivity Clause.* -- These Rules shall take effect following their publication in the Official Gazette or **in two newspapers of national circulation**. (Emphasis and underscoring supplied)

²⁰ *Rollo*, p. 383.

²¹ *Office of the Court Administrator v. Fuensalida*, 830 Phil. 561, 569-570 (2020) [Per J. Delos Santos, *En Banc*]. See also *Baquerfo v. Sanchez*, 495 Phil. 10 (2005) [*Per Curiam. En Banc*].

Anent the charge of gross ignorance of the law, suffice it to say that the OCA correctly recommended the dismissal of the same, considering that Judge Arenas' acts of entertaining therein defendant's subsequent pleadings and motions in the subject case, as well as allowing complainant and therein defendants' mother to testify during execution proceedings pertain to Judge Arenas' judicial discretion. Plainly, complainant's recourse being judicial in nature, it should have filed the proper remedy to assail Judge Arenas' rulings (e.g., appeal or *certiorari*) instead of filing the instant administrative complaint. It is settled that resort to and exhaustion of judicial remedies and a final ruling on the matter are prerequisites for the taking of appropriate measures against the judges concerned, whether of criminal, civil or administrative nature.²²

As regards the charge of undue delay, the OCA correctly pointed out that Judge Arenas may only be found liable therefor insofar as therein defendants' Motion to Enjoin the Implementation of the Writ of Execution which was filed November 9, 2017 is concerned. Under Article VIII, Section 15(1),²³ of the Constitution, Judge Arenas is given only three months to resolve this incident, with such period being reckoned from the date it is deemed submitted for resolution. In this regard, it is settled that a matter is deemed submitted for resolution upon the filing of the last pleading in connection therewith.²⁴ However, records clearly show that Judge Arenas was only able to resolve this incident seven months after the same was submitted for resolution through the Order dated July 6, 2018. Absent any justifiable reason for the delay, the Court is constrained to agree with the OCA's finding of administrative liability against Judge Arenas.

At this juncture, it bears pointing out that under the Rules, the administrative offense of "Undue Delay in Rendering a Decision or Order, or in Transmitting the Records of the Case" has already been subsumed, either under "Gross Neglect of Duty in the Performance or Non-Performance of Official Functions" under Section 14(d), or "Simple Neglect of Duty in the Performance or Non-Performance of Official Duties" under Section 15(b), depending on the seriousness thereof, pursuant to case law on Gross and Simple Neglect of Duty.²⁵

²² *Re: Verified Complaint of AMA Land, Inc. against Hon. Danton Q. Bueser, Hon. Sesinando E. Villon and Hon. Ricardo R. Rosario, Associate Justices of the Court of Appeals*, A.M. OCA IPI No. 12-202-CA-J, 701 Phil. 462, 468 (2013) [Per J. Perlas-Bernabe, *En Banc*].

²³ CONST., art. VIII, sec. 15(1) reads:

SECTION 15. (1) All cases or matters filed after the effectivity of this 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. (Emphases and underscoring supplied)

²⁴ *Office of the Court Administrator v. Judge Flores*, 758 Phil. 30, 62 (2015) [*Per Curiam, En Banc*], citing *China Banking Corporation v. Judge Jenclo, Jr.* 577 Phil. 176, 182 (2008) [Per J. Carpio, First Division].

²⁵ See annotations to Sections 14(d) and 15(b) of the Rules of Court.

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In this relation, case law instructs that “Simple [N]eglect of [D]uty is defined as ‘the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.’ However, when an employee’s negligence displays want of even the slightest care or conscious indifference to the consequences or by flagrant and palpable breach of duty, the omission is regarded as [G]ross [N]eglect of [D]uty. More precisely, there is [G]ross [N]eglect of [D]uty when a public official or employee’s negligence is characterized by the glaring want of care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently, but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected.”²⁶

Given the foregoing jurisprudential definitions of the types of neglect of duty, and further considering the prevailing circumstances of this case, the Court finds Judge Arenas administratively liable for simple neglect of duty in the performance or non-performance of official functions.

III.

Judge Arenas’ administrative liability for simple neglect of duty having been established, the Court now goes to the proper imposable penalty on him.

Under the Rules, simple neglect of duty—now denominated as “simple neglect of duty in the performance or non-performance of official functions”—is a less serious charge²⁷ which is punishable by any of the following penalties found under Section 17(2) of the Rules, i.e.: (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.²⁸ Since Judge Arenas had already compulsorily retired, the penalty of suspension can no longer be imposed on him. Hence, the Court is constrained to impose on him the penalty of fine.

In determining the proper amount of fine, the Court notes Section 19 (2)(a) of the Rules which state that the Court may, in its discretion, appreciate the aggravating circumstance of “[f]inding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity.” In this relation, Section 20 of the Rules instructs that “[i]f one (1) or more aggravating circumstances and no mitigating circumstances are present, **the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.**”

²⁶ *Office of the Court Administrator v. Atty. Toledo*, 870 Phil. 160, 175 (2020) [*Per Curiam, En Banc*]; citations omitted.

²⁷ See Rules of Court, Rule 140, Sec. 15(5).

²⁸ See Rules of Court, Rule 140, Sec. 17(2).

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Here, the OCA noted that in A.M. No. RTJ-12-2313²⁹ entitled “*GMA Network, Inc. v. Judge Arenas*,” Judge Arenas was previously found guilty of gross inefficiency and undue delay, and accordingly was fined in the amount of PHP 5,000.00.³⁰ As the Court sees it, this previous finding of administrative liability should be considered as an aggravating circumstance under Section 19(2) of the Rules. Consequently, and pursuant to Section 20 of the Rules, Judge Arenas may be meted the penalty of a fine not exceeding double the amount of fine as prescribed under Section 17(2), i.e., PHP 35,000.00 to PHP 100,000.00—or an amount not exceeding PHP 200,000.00.

Given the circumstances of this case, the Court deems it appropriate to impose on him the penalty of a fine in the amount of PHP 120,000.00, payable in accordance with Section 22 of the Rules, which reads:

SECTION 22. *Payment of Fines.* — When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule.

As a final note, the Court hereby reminds all the members of the Judiciary that “the honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions rendered, but also by the efficiency with which disputes are resolved. ‘Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.’”³¹

ACCORDINGLY, the Court finds respondent Presiding Judge Santiago M. Arenas of the Regional Trial Court of Quezon City, Branch 217 **GUILTY** of simple neglect of duty in the performance or non-performance of official functions. He is meted the penalty of a **FINE** in the amount of PHP 120,000.00.

SO ORDERED.


ANTONIO T. KHO, JR.

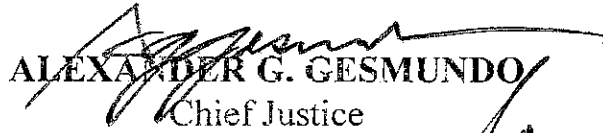
Associate Justice

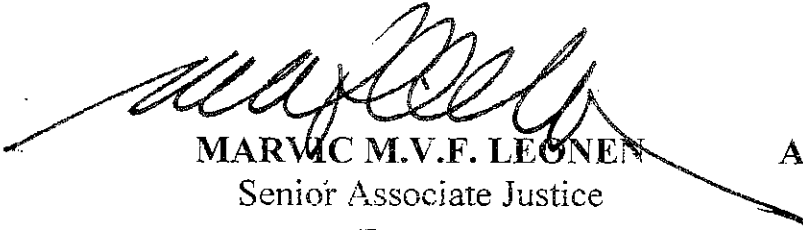
²⁹ See Minute Resolution dated March 5, 2012.

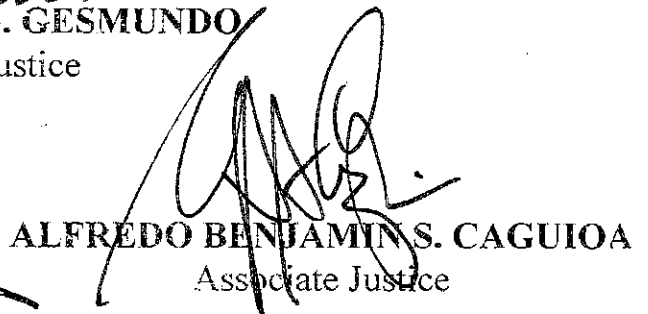
³⁰ See *rollo*, p. 383.

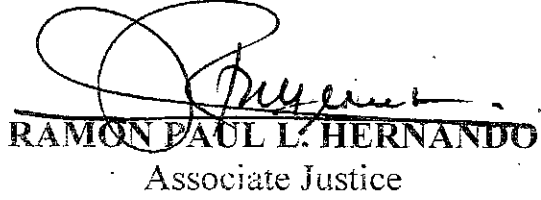
³¹ *Office of the Court Administrator v. Judge Casales*, 785 Phil. 350, 359 (2016) [Per J. Peralta, Third Division], citing *Re: Report on the Judicial Audit conducted in the RTC – Branch 56, Mandaue City*, 658 Phil. 533, 540-541 (2011) [Per J. Peralta, Second Division].

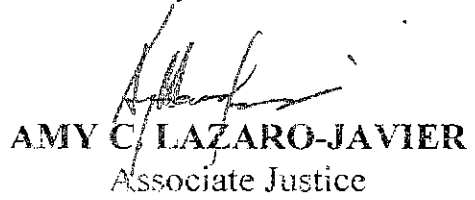
WE CONCUR:

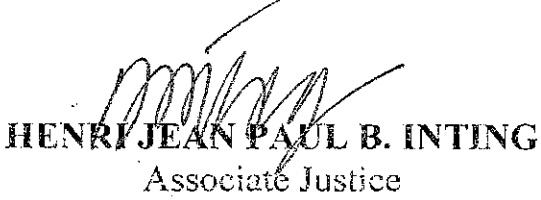

ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice

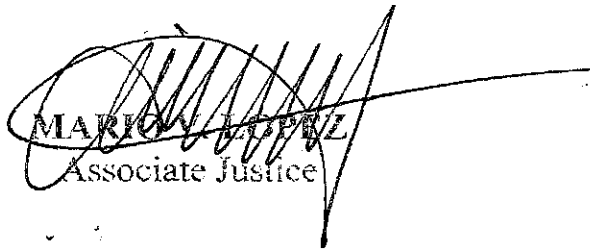

ALFREDO BENJAMINS S. CAGUIOA
Associate Justice

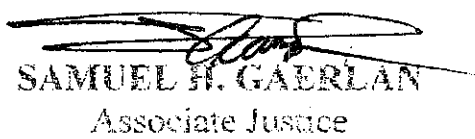

RAMON PAUL L. HERNANDO
Associate Justice

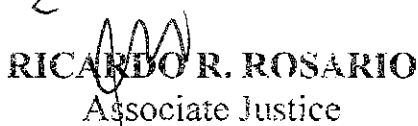

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

On official leave
RODIL V. ZALAMEDA
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MARION LOPEZ
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SAMUEL H. GAERLAN
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