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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

THIRD DIVISION

[A.M. No. RTJ-99-1434. April 29, 1999]

ARNULFO B. TAURO, *complainant, vs.* **JUDGE ANGEL V. COLET, Regional Trial Court of Manila, Branch 8,** *respondent.*

SYNOPSIS

Complainant charged respondent Judge Angel B. Colet of the Regional Trial Court of Manila, Branch 8, of failure to decide 3 criminal cases (in violation of Article 125 of the Revised Penal Code) within the 90-day reglementary period wherein he is the complaining witness. In his comment, respondent judge admitted that he failed to decide the said cases within the prescribed period, but cited numerous reasons.The Office of the Court Administrator (OCA) found respondent judge guilty of having failed to perform his duty to decide cases within the reglementary period. The OCA recommended that respondent be fined in the amount of ₱10,000.00.

The Supreme Court affirmed the recommendation of the OCA. As respondent himself admitted, the charge against him cannot be justified by the claims that the transcripts of stenographic notes (TSN) were not immediately transmitted to him, and that he totally forgot the cases after he was transferred to other stations. The Court added that trial judges are required to take down notes and to proceed in the preparation of decisions, even without the TSN's. The three-month reglementary period

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continues to run, with or without them. Thus, their absense or the delay in their transcription cannot excuse respondent judge's failure to decide the cases within the prescribed period.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; FAILURE TO DECIDE CASES WITHIN THE THREE-MONTH PERIOD PRESCRIBED BY THE CONSTITUTION WITHOUT ASKING THE COURT FOR A REASONABLE TIME TO PREPARE THE DECISION CONSTITUTES3 GROSS INEFFICIENCY.** — Respondent admits that he failed to decide the aforementioned cases within the three-month period prescribed by the Constitution. For this reason, he should be administratively sanctioned. Indeed, judges are mandated to dispose of the court's business promptly and decide cases within the required period. Accordingly, they have been consistently reminded that delay in the disposition of cases ordinarily constitutes gross inefficiency and, as such, is deemed inexcusable. However, should the resolution of the case within the reglementary period prove to be unlikely, they may ask this Court for a reasonable extension of time to prepare a decision. In the present case, respondent judge never asked for extension, for he forgot that the cases were pending.

2. **ID.; ID.; ID.; ID.; ID.; ABSENCE OF THE TRANSCRIPT OF STENOGRAPHIC NOTES OR THE DELAY IN THEIR TRANSCRIPTION CANNOT EXCUSE RESPONDENT JUDGE'S FAILURE TO DECIDE THE CASE WITHIN THE PRESCRIBED PERIOD.** — As respondent himself admits, the charge against him cannot be justified by the claims that transcripts of stenographic notes (TSN) were not immediately transmitted to him, and that he totally forgot the cases after he was transferred to other stations. Judges are required to take down notes and to proceed in the preparation of decisions, even without the TSNs. The Court has held that the three-month reglementary period continues to run, with or without them. Thus, their absence or the delay in their transcription cannot excuse respondent judge's failure to decide the cases within the prescribed period.

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DECISION

PANGANIBAN, *J.*:

The primordial duty of judges is to decide cases justly and expeditiously. Indeed, justice delayed is justice denied.

The Case

The Court stresses this principle in resolving the June 3, 1997 sworn Complaint[1] of Arnulfo B. Tauro, charging Judge Angel V. Colet of the Regional Trial Court of Manila, Branch 8, of failure to decide Criminal Case Nos. 92-109346, 92-109347 and 92-109348 (three counts of violation of Art. 125, Revised Penal Code) within the reglementary period of 90 days.

The Facts

In his sworn Complaint, Tauro alleges the following:

"1. That I am the complaining witness in *People of the Philippines vs. Jose Sta. Cruz, Sr.* docketed under Criminal Case Nos. 92-109346, 92-109347 and 92-109348 for Violation of Article 125 (b) (Three Counts), raffled to RTC Br. 43, Manila, presided by the Honorable Judge ANGEL V. COLET;

"2. That the presentation of evidence by both parties in the aforementioned cases has been terminated in the early part of December 1995, after postponements, and resettings, and aggravated by the non-punctuality of the Honorable Judge, who often comes to court late, and sometimes absent which caused the said cases to be considerably delayed;

"3. That the said cases were submitted for decision after the same ha[ve] been terminated in the same year of 1995;

"4. That the said Honorable Judge failed to decide my case within the 90 day period as mandated by law;

"5. That after the 90 day period to decide the aforementioned cases lapsed, the said Honorable Judge was transferred to Quezon

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[1] *Rollo*, pp. 1-2.

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City Regional Trial Court bringing with him the records[;] and not long thereafter, I was informed that the said Honorable Judge was again transferred to Baguio City Regional Trial Court with all the pertaining documents relative to the above-cited cases;

"6. That until now the aforementioned cases [have] remained undecided for no valid reasons at all[;] or for more than a year and a half now the said Honorable Judge ignored and blatantly disregarded the 90 day period mandated by law;

"7. That if the said Honorable Judge has collected his monthly salaries and submits REPORTS that he has no pending cases to be decided, then he is not candid with the Honorable Supreme Court;

"8. That under the facts as above presented, it is clear that Honorable Judge ANGEL V. COLET has violated Section 5 of Republic Act 269, as [a]mended, which ordains that judges must decide cases submitted for decision within ninety (90) days; Likewise, Canon 1, Rule 1.02 of the Code of Judicial Conduct which ordains that a judge should administer justice impartially and without delay was grossly violated";[2]

In his Comment filed on October 10, 1997,[3] Respondent Judge Colet admits that he failed to decide the said cases within the prescribed period, but pleads for leniency. In his words:

"1. The delays in the hearings of the cases were caused by the private prosecutor's and the defense counsel's motion[s] for postponement or non-appearance for one reason or another. The records of the case show that I tried and was determined to finish the proceedings [the] soonest possible.

"The Branch Clerk of Court of RTC Manila, Branches 43 and 29, Pasay City, Branch 110[;] and Quezon City, Branch 104 can testify that I have been prompt in reporting to the office and calling the cases for trial as scheduled.

"2. I inherited these cases when I was detailed to Branch 43 in May 1993. Because I received almost all the evidence, on motion of the accused, Judge Manuela F. Lorenzo, the regular Judge of Branch 43, forwarded the records of the cases to

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[2] *Rollo*, p. 2.

[3] *Rollo*, pp. 5-6.

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me at Branch 29 for further proceedings. (Xerox copy of the Order is attached as *Annex '1'*).

"3. On February 7, 1996, with the admission of defense Exhibits 6, 7, 8, 9, and 10, the cases were submitted for decision 'with or without memoranda' after 20 days from the availability of the transcript of stenographic notes. (Xerox copy of the Order is attached as *Annex '2'*).

"4. I decided the case on May 6, 1997. (Xerox copy of the last page of the decision is attached as *Annex '3'*).

"5. The decision was promulgated on June 9, 1997. I acquitted the accused for insufficiency of evidence.

"It is probably because I acquitted the accused that Mr. Tauro filed the administrative charge. His claim that up to now I have not decided the case is obviously false and his charge is obviously intended to get back at me for having acquitted the accused.

"I admit that I decided the cases beyond the 90-day period but please, allow me to state, not to *justify* my fault but to provide basis for Your Honor's leniency which is herein pleaded.

"1. After Judge Lorenzo was appointed Presiding Judge of RTC Manila, Branch 43, I was allowed to continue with my detail to finish the cases which were about to be finished. Three of those were the above-cited cases;

"2. After I was detailed to Branch 29 about ten months later, the records of the cases were transmitted to me so I could finish and decide them. The cases were submitted for decision when I was the Presiding Judge of Branch 29;

"3. Not very long after, I was transferred to Pasay City RTC Branch 110 and then in June, 1997, I was detailed to Quezon City;

"4. I was reverted to my regular station in La Trinidad, Benguet in April 1997;

"5. After the cases were submitted for decision, I remember having asked for the transcripts which were lacking. I reiterated this request several times and even asked for my notes which were missing;

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"6. Failing to get the notes and transcripts, I set the records of the cases aside and continued to do so in Pasay City;

"7. After I was transferred to Quezon City, I forgot the cases because it must have been sent to me along with many other folders and envelopes;

"8. When I was ordered to return to La Trinidad, Benguet, in the latter part of March, I went over all my records and there I came across the records of the cases. Immediately, I looked for the transcripts and when I finally got them, I decided the case.

"I apologize for this records mis-management and I am ready to face the consequences with this plea for leniency.

"I deny the accusation that I violated Canon 1, Rule 1.02 because I administered justice impartially."[4]

Recommendation of the Court Administrator

The Office of the Court Administrator (OCA) found respondent judge guilty of having failed to perform his duty to decide cases within the reglementary period, *viz.*:

"By his own admission, respondent Judge violated Section 15, par. 1 of Article VIII of the 1987 Constitution which is explicit in its pronouncement that 'All cases or matters filed after the effectivity of this constitution must be decided or resolved within three months for all other lower courts.'

"Respondent Judge should be reminded that assumption of the judicial office casts upon him duties and restrictions peculiar to his position. He is expected to act within the demands of his exalted position. A judge should always be the embodiment of competence, integrity and independence and should administer justice impartially and without delay. He should be faithful to the law and maintain professional competence, dispose of the court's business promptly, and decide cases within the required periods."[5] (Citation omitted)

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[4] *Rollo*, pp. 4-5.

[5] Report, pp. 2-3; *Rollo*, pp. 14-15.

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"In failing to decide the cases subject of the complaint within the prescribed period, respondent judge has violated Canon 1, Rule 1.02 of the Code of Judicial Conduct which provides that 'A Judge should administer justice impartially and without delay."[6] (Citation omitted)

The OCA recommends that respondent be fined in the amount of ₱10,000.

This Court's Ruling

We agree with the recommendation of the Office of the Court Administrator.

Speedy Resolution of Cases

Respondent admits that he failed to decide the aforementioned cases within the three-month period prescribed by the Constitution.[7] For this reason, he should be administratively sanctioned.

Indeed, judges are mandated to dispose of the court's business promptly and decide cases within the required period.[8] Accordingly, they have been consistently reminded that delay in the disposition of cases ordinarily constitutes gross inefficiency and, as such, is deemed inexcusable.[9] However, should the resolution of a case within the reglementary period prove to be

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[6] *Ibid.*, pp. 3-4; *Rollo*, pp. 15-16.

[7] Section 15, Article VIII of the 1987 Constitution.

[8] Rule 3.05, Canon 3, Code of Judicial Conduct.

[9] *Office of the Court Administrator v. RTC Judge Amelita D.R. Beneficio*, AM No. 96-5-176-RTC, September 25, 1998; *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Lapu-Lapu City, Presided over by Judge Teodoro K. Risos*, AM No. 97-9-282-RTC, April 22, 1998; *Lambino v. De Vera*, 275 SCRA 60, 64, July 7, 1997; Re: *Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134 and 147, Makati, Metro Manila*, 248 SCRA 5, 22, September 5, 1995; *Asinas Jr. v. Trinidad*, 242 SCRA 710, March 27, 1995; *Re: Judge Liberato C. Cortez*, 242 SCRA 167, March 7, 1995; *Alfonso-Cortes v. Maglalang*, 227 SCRA 482, 487, November 8, 1993; *Sabado v. Cajigal*, 219 SCRA 800, March 12, 1993.

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unlikely, they may ask this Court for a reasonable extension of time to prepare a decision.[10] In the present case, respondent judge never asked for extension, for he forgot that the cases were pending.

As respondent himself admits, the charge against him cannot be justified by the claims that transcripts of stenographic notes (TSN) were not immediately transmitted to him, and that he totally forgot the cases after he was transferred to other stations.

Judges are required to take down notes and to proceed in the preparation of decisions, even without the TSNs. The Court has held that the three-month reglementary period continues to run, with or without them.[11] Thus, their absence or the delay in their transcription cannot excuse respondent judge's failure to decide the cases within the prescribed period.

Further, respondent was remiss in his duty to adopt a system of record management, as evidenced by the loss of the records of the cases. Worse, he did not even endeavor to locate the missing documents. In fact, he totally forgot about the pending cases, until he accidentally came across them. In this light, members of the bench are reminded that they are required to

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[10] *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Lapu-Lapu City, Presided over by Judge Teodoro K. Risos*, AM No. 97-9-282-RTC, April 22, 1998; *Report on the Judicial Audit Conducted in the Municipal Trial Court of Sibulan, Negros Oriental*, 282 SCRA 463, December 5, 1997; *Re: Report of Justice Felipe B. Kalalo*, 282 SCRA 61, 74, November 18, 1997; *Lambino v. De Vera*, 275 SCRA 60, 64, July 7, 1997; *Bolalin v. Occiano*, 266 SCRA 203, 208, January 14, 1997; *Re: Judge Fernando P. Agdamag*, 254 SCRA 644, 650-651, March 13, 1996; *Mappala v. Nunez*, 240 SCRA 600, January 26, 1995; *Cruz v. Basa*, 218 SCRA 551, 557, February 9, 1993.

[11] *Office of the Court Administrator v. Judge Walerico B. Butalid*, AM No. RTJ-96-1337, August 5, 1998; *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Lapu-Lapu City, Presided over by Judge Teodoro K. Risos*, AM No. 97-9-282-RTC, April 22, 1998; *Re: Judge Danilo M. Tenerife*, 255 SCRA 184, March 20, 1996; *Re: Report on the Judicial Audit Conducted in the Regional Trial Court (Branches, 61, 134 and 147) Makati, Metro Manila*, 248 SCRA 5, 23, September 5, 1995; *Celino v. Abrogar*, 245 SCRA 304, 309, June 27, 1995.

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organize their courts so as to bolster the prompt and efficient dispatch of business.[12] In *Office of the Court Administrator v. Villanueva*, we ruled:

"A judge x x x is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. x x x Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions."[13]

Accordingly, we adopt the recommendation of the OCA that respondent judge be fined ₱10,000. In *Celino v. Abrogar*,[14] the Court imposed the same fine to the respondent, who failed to decide a civil case within the three-month period.[15]

WHEREFORE, Judge Angel V. Colet is found *GUILTY* of gross inefficiency and is hereby ordered to *PAY* a fine of ten thousand pesos (₱10,000). He is *WARNED* that a repetition of the same or similar acts shall be dealt with more severely. Let a copy of this Decision be attached to his personal records.

SO ORDERED.

Romero (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

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[12] Paragraph 8 of Canons of Judicial Ethics.

[13] 279 SCRA 267, 273, September 18, 1997, per Melo, *J.*; citing *Agcaoili v. Ramos*, 229 SCRA 705, 710. See also *Office of the Court Administrator v. RTC Judge Amelita D.R. Benedicto*, AM No. 96-176-RTC, September 25,1998 and *Mamamayan ng Zapote 1, Bacoor, Cavite v. Balderian*, 265 SCRA 360, December 6, 1996; *Celino v. Abrogar*, 245 SCRA 304, June 27, 1995.

[14] 245 SCRA 304, June 27, 1995.

[15] See also *Re: Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo*, 280 SCRA 637, October 16, 1997; *Re: Report on Audit and Physical Inventory of the Records of Cases in the MTC of Peñaranda, Nueva Ecija*, 276 SCRA 257, July 28, 1997; *Re: Judge Danilo M. Tenerife*, 255 SCRA 184, March 20, 1996; *Lopez v. Alon*, 254 SCRA 166, February 28, 1996.