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recommended penalty of ₱5,000.00 with warning that a repetition of the same or similar act would be dealt with more severely to be commensurate to the offense.[10]

WHEREFORE, we find respondent **JUDGE ROMEO A. RABACA**, Presiding Judge of Branch 25, Metropolitan Trial Court, in Manila guilty of ignorance of the law and procedure, and, accordingly, impose upon him a fine of ₱5,000.00 with warning that a repetition of the same or similar act would be dealt with more severely.

SO ORDERED.

Carpio Morales (Chairperson), Brion, Villarama, Jr., and *Sereno, JJ.,* concur.

THIRD DIVISION

[A.M. No. MTJ-09-1738. October 6, 2010]
(Formerly OCA I.P.I. No. 08-2033-MTJ)

CIRILA S. RAYMUNDO, *complainant, vs.* **JUDGE TERESITO A. ANDOY, Municipal Trial Court (MTC), Cainta, Rizal,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; RULE ON SUMMARY PROCEDURE; REQUIRES THE COURT TO PROMULGATE A JUDGMENT NOT LATER THAN THIRTY DAYS AFTER TERMINATION OF TRIAL; MANDATED PERIOD OF TIME TO DECIDE CASES, VIOLATED IN CASE AT BAR.— We stress at the outset that the subject criminal cases – violation

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[10] See *Domingo v. Pagayatan,* A.M. No. RTJ-03-1751, June 10, 2003, 403 SCRA 381, 388-389.

of B.P. Blg. 22 — are indeed covered by the Rule on Summary Procedure pursuant to A.M. No. 00-11-01-SC (*Re: Amendment to the Rule on Summary Procedure of Criminal Cases*). The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Section 17 of this Rule requires the court to promulgate a judgment *not later than thirty (30) days after termination of trial*. Trial in the present case originally ended on August 4, 2004. For reasons not stated in the records, the cases were again set for trial on November 17, 2004 and later moved to December 20, 2004. The MTC ordered the cases submitted for decision when the accused once again failed to appear in court on December 20, 2004. The MTC reconsidered this order and again set the case for hearing on October 12, 2005. The MTC ordered the testimony of the accused to be stricken off the record and declared the cases again submitted for decision when, again, she failed – despite due notice – to appear in court on October 12, 2005. From this sequence of events, we find it clear that the respondent judge failed to observe the mandated period of time to decide cases under the Rule on Summary Procedure. Following Section 17 of this Rule, he should have rendered a decision within 30 days from the termination of trial on August 4, 2004. Even assuming that the subsequent resettings of the cases for trial were valid, he should have rendered a decision within 30 days from October 12, 2005, or the date the cases were finally considered submitted for decision. His failure to meet this deadline is a patent indication that he did not take into account and had disregarded the Rule on Summary Procedure.

2. POLITICAL LAW; JUDICIAL DEPARTMENT; LOWER COURTS; CASES OR MATTERS FILED BEFORE ALL LOWER COURTS SHALL BE DECIDED OR RESOLVED WITHIN NINETY DAYS FROM THE TIME THE CASE IS SUBMITTED FOR DECISION.— The Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within 90 days from the time the case is submitted for decision. Judges are enjoined to dispose of the court's business promptly and expeditiously and to decide cases within the period fixed by law. Failure to comply with the mandated period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of

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their cases — a lapse that undermines the people's faith and confidence in the judiciary, lowers its standards and brings it to disrepute. This constitutional policy is reiterated in Rule 3.05, Canon 3 of the Code of Judicial Conduct which requires a judge to dispose of the court's business promptly and decide cases within the required periods. x x x We cannot tolerate undue delay in the disposition of cases, given our all-out effort and frequent reminders to minimize, if not totally eradicate, the problem of congestion that has long plagued our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied.

3. LEGAL ETHICS; JUDGES; NEGLECT OF DUTY AND GROSS INEFFICIENCY; FAILURE TO DECIDE WITHIN THE REQUIRED PERIOD, A CASE OF.— In the present case, the subject cases had been submitted for decision since October 12, 2005. As correctly pointed out by the OCA, while the respondent judge attributed his failure to render a decision to the heavy caseload in his sala, he did not ask for an extension of time to decide the cases. This failure to decide within the required period, given that he could have asked for an extension, is inexcusable; it constitutes neglect of duty as well as gross inefficiency that collectively warrant administrative sanction.

4. ID.; ID.; UNDUE DELAY IN RENDERING A DECISION; CLASSIFIED AS A LESS SERIOUS OFFENSE; PENALTY.— Under Rule 140, Section 9(1), as amended by Administrative Matter No. 01-8-10-SC, the respondent judge's undue delay in rendering a decision is classified as a less serious offense. It carries the penalty of suspension from office without salary and other benefits for not less than one nor more than three months, *or* a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Since the respondent judge had been previously found guilty in *Blanco v. Andoy*, of gross ignorance of procedure and undue delay in the resolution of a motion (for which he was imposed a ₱25,000.00 fine with a stern warning that a repetition of the same or similar act shall be dealt with more severely), we impose on him the maximum allowable fine of ₱20,000.00. This amount shall be deducted from respondent judge's retirement benefits as the record shows that he had already retired from the service on October 3, 2008.

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APPEARANCES OF COUNSEL

M.B. Tomacruz & Associates Law Offices for complainant.

R E S O L U T I O N

BRION, *J.*:

We resolve in this Resolution the administrative complaint for violation of Rule 3.05, Canon 3[1] of the Code of Judicial Conduct filed by complainant Cirila S. Raymundo (*complainant*) against respondent Judge Teresito A. Andoy.

In her complaint-affidavit,[2] the complainant alleged that sometime in 2000, she filed six counts[3] of violation of *Batas Pambansa Bilang* 22 (*B.P. Blg. 22*) against Hermelinda Chang (*accused*) before the Municipal Trial Court (*MTC*) of Cainta, Rizal. The respondent judge presided over the court.

The trial of the cases ended on August 4, 2004 after the respondent judge declared[4] that the accused had waived her rights to present further evidence for repeated failure to appear in court despite due notice. On September 2, 2004, the complainant received a notice from the MTC, setting the cases for trial anew on November 17, 2004. The date was later moved to December 20, 2004.

On December 20, 2004, the accused and her counsel again failed to appear in court, prompting the private prosecutor to move for the reinstatement of the MTC's August 4, 2004 order. The respondent judge granted the motion and declared the cases submitted for decision.[5] The accused moved to reconsider this order; the MTC granted the motion in its order of February 9,

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[1] Rule 3.05 — A judge shall dispose of the court's business promptly and decide cases within the required periods.

[2] *Rollo,* pp. 1-3.

[3] Docketed as Criminal Case Nos. 17681-17683 and 18083-18085.

[4] Annex "A", *rollo,* p. 4.

[5] Annex "B", *id.* at 5.

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2005. Accordingly, the cases were again set for hearing on October 12, 2005.

On October 12, 2005, the accused and her counsel again failed to appear in court despite due notice. The MTC, thus, ordered the direct testimony of the accused to be stricken off the record, and again declared the cases submitted for decision.[6]

On June 23, 2006, the complainant filed with the MTC an *urgent ex parte motion to render decision*.[7] Almost two years later, or on March 12, 2008, the complainant filed a *second ex parte motion to render decision*.[8] The respondent judge did not act on these motions.

The Office of the Court Administrator (*OCA*) required the respondent judge to comment on the complaint. The respondent judge responded with the following explanation:

1. He had prepared his decision in the subject cases, dated July 19, 2008, and had set the same for promulgation on August 18, 2008, at 8:30 in the morning;
2. The only first level court in Cainta, Rizal, this Court has an average active caseload of 1,562 cases. An average of 87 new cases are filed each month. It hears cases daily, except Fridays.
3. Although the undersigned is aware that heavy caseload is not considered by the Supreme Court as an excuse for delay in rendering decisions, the undersigned humbly begs this Honorable Office's utmost consideration, understanding and compassion in evaluating the subject IPI. The undersigned is due to retire on October 3, 2008.[9]

The OCA, in its Report[10] dated February 5, 2009, made the following recommendations: (1) the instant case be re-docketed

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[6] Annex "D", *id.* at 7.

[7] Annex "E", *id.* at 8-10.

[8] Annex "F", *id.* at 11-13.

[9] *Id.* at 15.

[10] *Id.* at 17-20.

as a regular administrative matter; and (2) the respondent judge be found guilty of undue delay in rendering a decision, and a fine of ₱20,000.00 be imposed, to be deducted from his retirement benefits.

The OCA explained that while the Court is not unaware of the heavy caseload of judges, nothing in the records shows that the respondent judge asked for an extension of time to decide the subject criminal cases. In addition, the respondent judge failed to consider that the subject cases required a quicker resolution as they were covered by the Rule on Summary Procedure.

THE COURT'S RULING

After due consideration, we resolve to adopt the findings and recommendations of the OCA.

We stress at the outset that the subject criminal cases – violation of B.P. Blg. 22 — are indeed covered by the Rule on Summary Procedure pursuant to A.M. No. 00-11-01-SC (*Re: Amendment to the Rule on Summary Procedure of Criminal Cases*).

The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Section 17 of this Rule requires the court to promulgate a judgment *not later than thirty (30) days after termination of trial*. Trial in the present case originally ended on August 4, 2004. For reasons not stated in the records, the cases were again set for trial on November 17, 2004 and later moved to December 20, 2004. The MTC ordered the cases submitted for decision when the accused once again failed to appear in court on December 20, 2004. The MTC reconsidered this order and again set the case for hearing on October 12, 2005. The MTC ordered the testimony of the accused to be stricken off the record and declared the cases again submitted for decision when, again, she failed — despite due notice — to appear in court on October 12, 2005.

From this sequence of events, we find it clear that the respondent judge failed to observe the mandated period of time

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to decide cases under the Rule on Summary Procedure. Following Section 17 of this Rule, he should have rendered a decision within 30 days from the termination of trial on August 4, 2004. Even assuming that the subsequent resettings of the cases for trial were valid, he should have rendered a decision within 30 days from October 12, 2005, or the date the cases were finally considered submitted for decision. His failure to meet this deadline is a patent indication that he did not take into account and had disregarded the Rule on Summary Procedure.

At any rate, even if we adopt a liberal approach and consider the subject cases to be outside the coverage of the Rule on Summary Procedure, the respondent judge still cannot escape liability.

The Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within 90 days from the time the case is submitted for decision.[11] Judges are enjoined to dispose of the court's business promptly and expeditiously and to decide cases within the period fixed by law. Failure to comply with the mandated period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases — a lapse that undermines the people's faith and confidence in the judiciary, lowers its standards and brings it to disrepute.[12] This constitutional policy is reiterated in Rule 3.05, Canon 3 of the Code of Judicial Conduct which requires a judge to dispose of the court's business promptly and decide cases within the required periods.

In the present case, the subject cases had been submitted for decision since October 12, 2005. As correctly pointed out by the OCA, while the respondent judge attributed his failure to

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[11] Section 15(1), Article VIII: 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.

[12] *Salvador v. Limsiaco, Jr.*, A.M. No. MTJ-08-1695, 551 SCRA 373, 376.

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render a decision to the heavy caseload in his sala, he did not ask for an extension of time to decide the cases. This failure to decide within the required period, given that he could have asked for an extension, is inexcusable; it constitutes neglect of duty as well as gross inefficiency that collectively warrant administrative sanction.

We cannot tolerate undue delay in the disposition of cases, given our all-out effort and frequent reminders to minimize, if not totally eradicate, the problem of congestion that has long plagued our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied.[13] As we explained in *Bontuyan v. Judge Villarin*:[14]

> This Court is not unmindful of the heavy dockets of lower courts. Thus, upon their proper application for extension, especially in meritorious case involving difficult questions of law or complex issues, it grants them additional time to decide beyond the reglementary period. In the instant case, however, no such application was filed by respondent. Had he done so and indicated the reason therefor, he would not have been subjected to disciplinary action.
>
> "Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their duties. The failure or inability of a judge to decide a case within the period fixed by law subjects him to administrative sanctions." This is because undue delay in the disposition of cases contributes to the people's loss of faith and confidence in the judiciary and brings it into disrepute.

Under Rule 140, Section 9(1),[15] as amended by Administrative Matter No. 01-8-10-SC,[16] the respondent judge's undue delay

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[13] See *Prosecutor Visbal v. Judge Sescon*, A.M. No. RTJ-03-1744, August 18, 2003, 456 Phil. 552 (2003).

[14] 436 Phil. 560, 568-569 (2002).

[15] 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[.]

[16] Re: Proposed Amendment to Rule 140 of the Rules of Court.

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in rendering a decision is classified as a less serious offense. It carries the penalty of suspension from office without salary and other benefits for not less than one nor more than three months, *or* a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.[17]

Since the respondent judge had been previously found guilty in *Blanco v. Andoy*,[18] of gross ignorance of procedure and undue delay in the resolution of a motion (for which he was imposed a ₱25,000.00 fine with a stern warning that a repetition of the same or similar act shall be dealt with more severely), we impose on him the maximum allowable fine of ₱20,000.00. This amount shall be deducted from respondent judge's retirement benefits as the record shows that he had already retired from the service on October 3, 2008.

WHEREFORE, in light of all the foregoing, Judge Teresito A. Andoy is hereby found *GUILTY* of (1) undue delay in rendering a decision and (2) violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct. He is ordered to pay a *FINE* of twenty thousand pesos (₱20,000.00), to be deducted from his retirement benefits.

SO ORDERED.

Carpio Morales, Bersamin, Villarama, Jr., and *Sereno, JJ.,* concur.

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[17] SEC. 11 Sanctions. — x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

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.

[18] A.M. No. MTJ-08-1700, July 23, 2008, 559 SCRA 328.