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ACCORDINGLY, based on the foregoing, respondent Judge Cesar M. Dumlao is FINED in the amount of Five Thousand Pesos (P5,000.00) for violating SC Administrative Circular No. 1-90. He is likewise STERNLY WARNED that a repetition of the same or similar acts shall be dealt with more severely. The complaint against respondent Clerk of Court Danilo B. Ramones is DISMISSED.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno and *Kapunan, JJ.*, concur.

EN BANC

[A.M. No. RTJ-01-1636. February 13, 2002]

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* JUDGE ANTONIO P. QUIZON (Ret.) and BRANCH CLERK OF COURT FELIX C. MENDOZA, Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro, *respondents.*

SYNOPSIS

A judicial audit was conducted in Branches 40 and 41 of the Regional Trial Court of Calapan, Oriental Mindoro, presided by respondent judge after his retirement. The audit team, who found that respondent judge was then in poor health, failed to act upon 132 cases for an unreasonable length of time and to take initial action on 62 civil cases and petitions, while respondent Clerk of Court failed to set 236 cases for hearing, to issue summons and to archive various cases. He died barely a year after his retirement. Respondent Clerk of Court anchored his defense on the poor health of respondent judge.

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The public's faith and confidence in the judicial system is at stake in cases involving delays in the disposition of cases. No less than the Constitution mandates judges to decide cases with deliberate dispatch. The Court, mindful of the heavy caseload of judges, have been sympathetic to requests by judges for extensions of time for deciding cases and other matters and incidents related thereto.

Clerks of Court are bound to conduct a monthly physical inventory of cases and ensure that the records of each case are regularly accounted for, including the preparation of daily court calendar. His failure to discharge his responsibilities constitutes gross inefficiency,

Respondent judge was declared liable for inefficiency in the disposition of cases and fined ₱5,000.00. While respondent branch clerk of court was found liable for inefficiency in the management of cases before the court and fined ₱2,000.00.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; DUTY TO DECIDE CASES WITHIN THE REQUIRED PERIOD; MAY REQUEST THE COURT FOR EXTENSION OF TIME SHOULD HE FIND HIMSELF UNABLE TO COMPLY WITH 90-DAY REQUIREMENT.** — We are mindful of the heavy caseload of judges and the rigors of travel that they sometimes have to make because of detail to vacant salas. This is why we have been sympathetic to requests made by judges for extension of time for deciding cases and other matters and incidents related thereto. Hence, should he find himself unable to comply with the 90-day requirement for deciding cases, a judge can ask for an extension and such request is generally granted.

2. **ID.; ID.; ID.** — While the Court is sympathetic to the plight of judges, it cannot be overemphasized that the public's faith and confidence in the judicial system is at stake in cases involving delays in the disposition of cases. No less than the Constitution mandates judges to decide cases with deliberate dispatch. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of the court's business promptly and decide cases within the required periods. For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the judiciary in rendering decisions and acting upon cases before

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them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge. In view of the attenuating circumstances of respondent Judge's serious illness and his heavy caseload, a fine of ₱5,000.00, to be deducted from the amount of ₱20,000.00 withheld from respondent Judge's retirement benefits, would be appropriate.

3. **ADMINISTRATIVE LAW; PUBLIC OFFICERS; CLERK OF COURT; DUTIES.** — The duty of a clerk of court to conduct a monthly physical inventory of cases for the guidance of the trial judge is important. It is his primary responsibility to prepare such inventory and to ensure that the records of each case are regularly accounted for. Furthermore, it is likewise his duty to "prepare or cause to be prepared a daily Court calendar which may include, at the discretion of the Presiding Judge, cases for pre-trial, arraignment, trial, hearing on motions or incidents and other matters." On him, as much as on the judge, rests the responsibility for ensuring that delay in the disposition of cases is kept to a minimum. His failure to discharge this responsibility constitutes gross inefficiency warranting administrative sanction.

4. **ID.; ID.; ID.; CANNOT EXCUSE HIMSELF FOR NEGLECT IN PERFORMANCE OF DUTIES BY POINTING TO THE ILL-HEALTH OF THE PRESIDING JUDGE.** — In this case, respondent Mendoza cannot excuse himself from being neglectful of his performance of these duties by pointing to the failure of Judge Quizon to attend to his cases on account of the latter's ill health. For "[a] judge alone cannot make the Court function as it should. In the over-all scheme of judicial business, many non-judicial concerns, intricately and inseparably interwoven with the trial and adjudication of cases, must perforce be performed by other individuals that make up the team that complements the Court. Of these individuals, the Clerk of Court eclipses the others in functions, responsibilities, importance and prestige."

D E C I S I O N

MENDOZA, *J.*:

In view of the compulsory retirement of respondent Judge Antonio P. Quizon on July 9, 1997, an audit team of the Office

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of the Court Administrator conducted a judicial audit and physical inventory of cases assigned to the Regional Trial Court, Branch 40, Calapan, Oriental Mindoro, of which respondent Quizon was the Acting Presiding Judge while respondent Felix Z. Mendoza is the Branch Clerk of Court. In addition, an audit was also made of the cases in Branch 41 of the same court, where respondent Judge Quizon was also designated as the Acting Presiding Judge, until the appointment thereto on July 29, 1996 of Presiding Judge Normelito J. Ballocanag.[1]

On January 26, 1998, the audit team submitted its report containing the following findings:

I. RTC, BRANCH 40, CALAPAN, ORIENTAL MINDORO. – This branch had a caseload of 488 cases (238 criminal cases and 250 ordinary civil cases, special civil actions, special proceedings, land registration and agrarian cases) as of 30 June 1997, broken down as follows:

STATUS/STAGE	CRIMINAL	CIVIL	TOTAL
Submitted for Decision/Resolution	4	2	6
With Matters for Resolution	3	3	6
On Trial/Set for Hearing	71	45	116
For Pre-Trial Conference	0	1	1
For Arraignment	51	0	51
Ex Parte Reception of Evidence	0	17	17
With Pending Petitions etc, in Court of Appeals	0	2	2
With Suspended Proceeding	0	1	1

[1] Report on the Judicial Audit and Physical Inventory of Records of Cases in the RTC, Branch 40, Calapan and Branch 41, Pinamalayan both in Oriental Mindoro, dated Jan. 26, 1998, p. 1.

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Not Further Acted or Set in the Court Calendar after Lapse of Considerable Length of Time	40	93	133
With Warrants/ Summoms	69	16	85
Not Acted Since Raffled/Assigned	0	62	62
Newly Raffled/Assigned	0	8	8
Total	238	250	488

CRIMINAL CASES

Of the six (6) cases submitted to Judge Quizon for decision/ resolution, three (3) were appealed cases originating from the lower courts; namely, Criminal Case No. C-5038 and Civil Case Nos. SCA-169 and R-4481. Criminal Case No. C-5038 entitled "*People vs. Venancio Austria*, for Violation of B.P. 22" was appealed from MTC, Calapan, Oriental Mindoro on 6 September 1996. In his Order dated 16 September 1996, Judge Quizon directed the parties to file a memorandum within thirty (30) days. As of audit, neither party filed any. Judge Quizon failed to render his decision within the reglementary period based on records of the proceedings had in the court of origin.

The other three (3) cases submitted for decision were Criminal Case Nos.:

(a) C-3974, entitled "*People vs. Lucas de Leon et al.*," for Attempted Murder, filed on 25 August 1993. This case was partly tried by Judge Quizon and was deemed submitted for decision on 1 March 1996. Judge Quizon failed to decide this case within the 90-day reglementary period. The records of this case were not examined by the Team because according to Ms. Celeste Chua, Clerk-in-Charge, the same were transmitted to the JPDIO for decision;

(b) C-400, entitled "*People vs. Leoncio Aranzado, et al.*," for Falsification of Public Document, filed on 22 September 1993. This case was tried by retired Presiding Judge Mario C. dela Cruz and was deemed submitted for his decision on 25 May

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1995. This case was inherited by Judge Quizon and its record was transmitted to and received by the JPDIO on 13 February 1996; and

(c) C-4522, entitled "*People vs. Marlon Marciano, et al.*," for Robbery, filed on 8 June 1994. This case which was partly tried by Judge Quizon involves a detention prisoner. On 9 May 1996, after the prosecution presented its rebuttal evidence, both parties were given 30 days within which to file [their] memorandum with the caveat that whether the required memoranda are filed or not, the case shall be deemed submitted for decision. As of audit, no party had yet filed a memorandum. Judge Quizon failed to decide this case within the reglementary period.

There are three (3) criminal cases with matters pending resolution. These are:

(a) Criminal Case No. C-4710 entitled "*People vs. R. Martinez, et al.*," for Robbery with Frustrated Homicide. A Demurrer to Evidence was filed by the defense on 19 February 1996. In his Order of 28 February 1996 (his last day in office), Judge Quizon required the prosecution to file its comment within fifteen (15) days, but with or without the required comment, the Demurrer to Evidence shall be deemed submitted for resolution;

(b) Criminal Case No. C-4996, entitled "*People vs. R. Lamina*" for Illegal Recruitment. A Motion to Dismiss the case based on the Pag-uurong Sakdal by the private complainant was filed by the prosecution on 30 June 1997; and

(c) Criminal Case No. 5081, entitled "*People vs. N. Baculo*" for Rape. On 2 December 1996 the prosecution was directed to comment/oppose the Motion to Dismiss filed by the accused who in turn was given 5 days to answer/reply. The prosecution filed its Comment/ Opposition on 16 December 1996. Judge Quizon failed to resolve the incident within the reglementary period.

The forty (40) criminal cases for further action and to be set in the court calendar despite the lapse of a considerable length of time are the following:

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Criminal Case Nos.: C-3134, C-3291, C-3375, C-3523, C-3619, C-3668, C-3837, C-4291, C-4589, C-4710, C-4728, C-4758, C-4761, C-4784, C-4830, C-4847, C-4853, C-4862, C-4871, C-4893, C-4895, C-4908, C-4911, C-4915, C-4925, C-4965, C-4986, C-4987, C-4993, C-5005, C-5009, C-5019, C-5029, C-5050, C-5074, C-5086, C-5171, C-5184, C-5185 and C-5193.

Out of the sixty-nine (69) criminal cases with warrants of arrest, the following thirty-two (32) criminal cases may now be acted upon pursuant to Administrative Circular No. 7-A-92 dated 21 June 1993, Re: Guidelines in the Archiving of Cases, to wit:

Criminal Case Nos.: C-4001, C-4130, C-4141, C-4851, C-4948, C-4953, C-4956, C-4968, C-4988, C-4999, C-5000, C-5002, C-5006, C-5010, C-5013, C-5016, C-5017, C-5018, C-5020, C-5026, C-5035, C-5043, C-5052, C-5054, C-5056, C-5062, C-5065, C-5067, C-5072, C-5073, C-5075 and C-5080.

After collating and tallying the cases actually examined, it was discovered that the records of fifty-four (54) criminal cases were not presented to the Audit Team which could not consequently determine the status thereof.

CIVIL CASES

Judge Quizon failed to render his decisions in the following two (2) civil cases appealed from the lower courts, to wit:

(a) SCA-169, entitled "*Malicad vs. Aceron*," for Forcible Entry. In an order dated 27 January 1997, the parties were given thirty (30) days within which to file their respective memorandum, after the case shall be deemed submitted for decision; and

(b) R-4481, entitled "*Mantaring vs. Mantaring, et al.*" for Forcible Entry, etc. The parties were given thirty (30) days from receipt of Order dated 22 July 1996 within which to file their respective memorandum, after which, the case shall be deemed submitted for decision. The petitioner filed his Position Paper on 11 September 1996.

There are three (3) civil cases with matters for resolution, to wit:

(a) Civil Case No. R-3946, entitled "*Spouses Vigilia vs. Adalia et al.*," for Partition, etc. filed on 4 May 1989. This case was partly heard by Judge Quizon. In his Order dated 5

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August 1996, the defendants were given fifteen (15) days to file comment on plaintiff's Motion for Summary Judgment received on 18 July 1996, after which the matter shall be deemed submitted for resolution;

(b) Civil Case No. R-4528, entitled "*Alferez vs. Vda. de Alferez*" for Judicial Partition etc. filed on 9 December 1996. On 24 February 1997, the plaintiff filed an Opposition to the Motion to Dismiss filed by the defendants on 4 February 1997; and

(c) Civil Case No. N-104, entitled "*Director of Lands vs. Cadiao, et al.*" formerly designated Pinamalayan RTC Cadastral Case No. 7. Due to the request of claimant Leovigildo Mantaring, the Supreme Court in an *En Banc* Resolution dated 17 January 1995 transferred the venue of the hearing of this case to the Regional Trial Court, Branch 40, Calapan. While this case was still in RTC, Pinamalayan, claimant Mantaring filed two (2) petitions, to wit: (1) Petition to Set Aside Order of 20 November 1991 (claimant was ordered to answer the complaint in intervention within 15 days); and (2) Petition Submitting Claim of Claimant Mantaring for Decision. In RTC, Branch 40, Calapan, a Motion for Substitution of Claimant L. Mantaring who died on 10 February 1996 was filed on 4 March 1996. Another Motion to Resolve Pending Incidents and to Submit Case for Decision was filed on 20 April 1996. Judge Quizon was the designated Acting Presiding Judge in Branches 40 and 41.

The following ninety-three (93) civil cases were not further acted upon nor set in the court calendar after the lapse of a considerable length of time, to wit:

Civil Case Nos. R-3644, R-3649, R-3651, R-3638, R-3703, R-4050, R-4052, R-4055, R-4100, R-4138, R-4195, R-4196, R-4197, R-4206, R-4208, R-4212, R-4225, R-4241, R-4267, R-4294, R-4308, R-4320, R-4336, R-4346, R-4389, R-4393, R-4395, R-4403, R-4405, R-4413, R-4423, R-428, R-4432, R-4433, R-4440, R-4446, R-4463, R-4482, R-4492, R-4493, R-4499, R-4508, R-4514, R-4524, R-4525, R-4539, SP-4500, Petition Nos. 16,012, 16,476, 16,602, 16,892, 16,893, 16,949, 17,071, 17,073, 17,149, 17,222, 17,237, 17,238, 17,239, 17,400, 17,530, 17,547, 17,696, 17,865, 18,147,

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18,174, 18,250, 18,328, 18,342, 18,362, 18,386, 18,480, 18,482, 18,483, 18,622, 18,661, 18,662, 18,690, 18,691, 18,692, 18,857, 18,868, 18,871, 18,873, 18,878, 18,879, 18,880, 18,881, 18,882, 18,883, 18,886 and 18,938.

There are also sixty-two (62) civil cases which have not moved from the time they were raffled or assigned to Branch 40. These are:

Civil Case Nos. R-4445, R-4477, R-4521, R-4540, R-4542, R-4543, R-4547, R-4563, OC-20, OC-23, OC-26, Petition Nos. 18,920, 18,954, 18,956, 18,984, 18,999, 19,000, 19,001, 19,002, 19,003, 19,004, 19,005, 19,007, 19,011, 19,013, 19,039, 19,042, 19,044, 19,046, 19,049, 19,050, 19,063, 19,068, 19,071, 19,072, 19,073, 19,076, 19,119, 19,120, 19,122, 19,126, 19,127, 19,159, 19,160, 19,161, 19,163, 19,164, 19,169, 19,204, 19,207, 19,208, 19,241, 19,243, 19,244, 19,264, 19,269, 19,271, 19,278, 19,279, 19,280, 19,312, 19,313.

Out of the sixteen (16) civil cases with summonses, the following ten (10) civil cases may now be acted upon pursuant to Administrative Circular No. 7-A-92 dated 21 June 1993, Re: Guidelines in the Archiving of Cases, to wit:

Civil Case Nos. R-3617, R-3636, R-3655, R-3662, R-3663, R-4166, R-4211, R-4304, R-4305 and R-4394.

2. RTC, Branch 41, Pinamalayan, Oriental Mindoro - Based on this court's available records, sixteen (16) cases were submitted for decision or resolution as of 2 July 1997.

Out of the aforementioned sixteen (16) cases, three (3) criminal cases were totally tried and submitted for decision before Presiding Judge Normelito J. Ballocanag. These are:

(a) Criminal Case No. P-5556 and (b) Criminal Case No. 5557, both entitled "*People vs. Delos Santos*," for Rape, filed on 6 November 1996. The accused is a detention prisoner. In his Order dated 13 January 1997, Judge Ballocanag required the parties to file their respective memorandum within ten (10) days, but, with or without the required memorandum, the case shall be deemed submitted for decision; and

(b) Criminal Case No. P-5569 entitled "*People vs. Delica*," for Rape filed on 15 November 1996. The accused is likewise a detention prisoner. The parties were required on 23 May 1997

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to file their respective memorandum within fifteen (15) days, [but], with or without the required memorandum, the case shall be deemed submitted for decision.

In the above-mentioned cases the reglementary period to decide had not yet expired as of the date of audit.

Thirteen (13) cases out of the sixteen (16) cases submitted for decision were inherited by Judge Ballocanag from his predecessors. The records of said cases were not physically examined by the Audit Team because according to Branch Clerk of Court Damaso C. Gregorio, they had been transmitted to the JPDIO for decision-writing. These are:

(a) Civil Case No. R-1036-90, entitled "*Heirs of Constancio Marabid vs. P. Mutya, et al.*" for Recovery of Possession, etc., filed on 5 December 1990. This case was submitted for decision by deceased Presiding Judge Edilberto S. Ramos in November 1991;

(b) Criminal Case No. P-3904, entitled "*People vs. Nestor Amar, et al.*" for Murder filed on 10 February 1991. The accused are detention prisoners. The record of this case was transmitted to the JPDIO on 7 April 1997. This and the other ten (10) cases were left undecided by Judge Antonio R. Quizon;

(c) Criminal Case No. P-3991, entitled "*People vs. Elpidio Baon, et al.*" for Murder filed on 4 February 1992. This case involves detention prisoners;

(d) Criminal Case No. P-3992, entitled "*People vs. Elpidio Baon, et al.*" for Rape filed on 4 February 1992. This case involves detention prisoners;

(e) Criminal Case No. P-5102, entitled "*People vs. Romeo Subalvaro, et al.*" for Robbery filed on 18 May 1993. The accused are bonded;

(f) Criminal Case No. P-5169, entitled "*People vs. Wilfredo Opis, et al.*" for Murder filed on 13 September 1993. The accused are detention prisoners;

(g) Civil Case No. R-1106-92, entitled "*Cacha vs. Municipality of Bongabong*" for Specific Performance etc. filed on 1 September 1992;

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(h) Civil Case No. R-1107-92, entitled "*Regalado vs. Municipality of Bongabong*" for specific Performance etc. filed on 1 September 1992;

(i) Civil Case No. R-1120-92, entitled "*Caguida vs. Municipality of Bongabong*" for Specific Performance etc. filed on 1 September 1992. This case and the two (2) next preceding civil cases were submitted for decision by Judge Quizon on 15 March 1995 (the records of which were transmitted to the JPDIO on 24 February 1997);

(j) Civil Case No. R-1163-93, entitled "*Rural Bank of Socorro vs. Spouses Cervaña*" for Sum of Money filed on 21 June 1993. A Report of the Legal Researcher who was commissioned to receive plaintiffs' evidence ex-parte has been submitted on 2 July 1996;

(k) Civil Case No. R-1213-94, entitled "*Rico, et al. vs. Roño, et al.*" for Reconveyance etc. filed on 22 March 1994. This case was fully heard and submitted for decision by Judge Quizon on October 1995;

(l) Civil Case No. R-1259-95, entitled "*Spouses Lam vs. Spouses Tang*" for Reconveyance etc. filed on 14 November 1995. This case was fully heard by Quizon. The case record was transmitted to the JPDIO on 21 February 1997; and

(m) Civil Case No. R-772-85, entitled "*Magararo, et al. vs. Catibog et al.*" for Damages filed on 14 June 1, 1985. The judge to whom this case was submitted for decision was not determined because the record of this case was transmitted to the JPDIO on 11 February 1997.

(1) There are two (2) branches of Regional Trial Court stationed in Calapan, Oriental Mindoro. Branch 39 is presided over by Executive Judge Marciano T. Virola and Branch 40 was under former Acting Presiding Judge Antonio R. Quizon, who before compulsorily retiring on 9 July 1997 filed an application for disability retirement effective 28 February 1997. The sala is now presided over by the newly appointed Presiding Judge Tomas C. Leynes, former Presiding Judge of MTC, Naujan, Oriental Mindoro.

When the Audit Team inspected the records of cases at RTC, Branch 40, Atty. Felix C. Mendoza, Clerk of Court V, informed the team that the sala has a relatively higher caseload compared to RTC,

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Branch 39. Atty. Mendoza emphasized that the present distribution of cases in RTC, Calapan (three (3) for Branch 39 and four (4) for Branch 40) as well as the growing number of heinous cases directly assigned to their sala which was designated as special court to exclusively try heinous cases has contributed to the increase of its docket.

(2) Prior to his application for disability retirement Judge Antonio R. Quizon was not in good health. This observation was forwarded by RTC, Branch 40, Clerk of Court Felix C. Mendoza who claimed that several cases were left unacted upon because of Judge Quizon's poor health.[2]

Acting on these findings, the Office of the Court Administrator recommended on February 20, 1998 that respondent Judge Quizon be fined in the amount of ₱20,000.00, the said amount to be deducted from his retirement benefits, and that respondent Clerk of Court Mendoza be directed to effect the completion, within 30 days from notice, of the transcripts of stenographic notes in several cases, apprise the new Presiding Judge, Honorable Tomas C. Leynes, of the status of various cases, and place on the calendar of the court 133 cases not acted upon by respondent Judge Quizon.

Accordingly, on August 25, 1998, the Court ordered respondent Judge Quizon to explain, within 15 days from notice, why he failed to decide within the reglementary period several criminal and civil cases, to act for an unreasonable length of time upon 132 cases assigned to him, and to take initial action on 62 civil cases and petitions designated to his sala. The amount of ₱20,000.00 was withheld from the retirement benefits of respondent Judge Quizon to answer for any fine which might be imposed upon him by this Court. Respondent Mendoza was directed to ensure completion of the transcript of stenographic notes in all cases left by respondent Judge Quizon and to submit a report on the same, to report to the new Presiding Judge the status of 236 cases assigned to the latter, including 42 cases which had been archived, and to show cause, within 10 days

[2] *Id.*, pp. 1-8.

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from notice, why he should not be administratively dealt with for failure to take steps for the early disposition of the aforesaid cases. On the other hand, Judge Tomas C. Leynes was directed to decide with deliberate speed all cases left by respondent Judge Quizon and to act on the other remaining cases in his sala, while Judge Normelito J. Ballocanag, of Branch 41 of the Regional Trial Court of Pinamalayan, Oriental Mindoro, was directed to inform this Court, within 10 days from notice, whether the decisions in certain criminal cases had been promulgated in time.

On July 17, 2001, the Court issued a resolution treating the findings of the OCA judicial audit team as a formal complaint and required respondents Judge Quizon and Branch Clerk of Court Mendoza to answer.

In his manifestation, respondent Judge Quizon explained that he had not returned to Calapan, Oriental Mindoro since August 1998 because he had been confined at the Veterans' Memorial Hospital for treatment of "end stage renal disease secondary to nephrosclerosis," and that before that, on May 26, 1996, he had to be rushed to the Hospital of the Holy Cross in Calapan, Oriental Mindoro and later transferred to the National Kidney Institute in Quezon City, where he stayed until June 4, 1996. He was unable to immediately return to Calapan, Oriental Mindoro because he had to undergo dialysis twice a week and consultations with his doctor, Dr. Filoteo Alano, once a week. He thus filed a sick leave from May 27, 1996 until June 14, 1996. Even after his discharge from the hospital, respondent judge said he could not return to work in Pinamalayan as the doctor advised him against travels to distant places to avoid infection of his fistula, for which he had to undergo surgery. He referred to his letter, dated June 24, 1996, to the Court, in which he requested relief from his duties as acting presiding judge of Branch 41 of the Regional Trial Court at Pinamalayan, Oriental Mindoro. Respondent Judge Quizon stated that he was acting presiding judge of Branch 41 of the Regional Trial Court at Pinamalayan, Oriental Mindoro, about 62 kilometers from Calapan, where he was also Acting Presiding Judge of Branch 40. In addition, he had to attend to urgent cases and proceedings in Branches 42 and 43 of the same court.

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For his part, respondent Mendoza filed a manifestation, dated August 8, 2001, that he had already submitted an inventory of cases for the period 1997 to 2001, enclosing for this purpose copies of the inventory of cases; that the other cases mentioned by the Court in its resolution, dated August 25, 1998, had been decided and/or dismissed by Judge Tomas C. Leynes; that respondent Judge Quizon was sickly and was frequently absent from work; and that respondent Judge Quizon had been dead for almost two years.

On August 14, 2001, Atty. Pilita P. Quizon-Venturanza, daughter of respondent Judge Quizon, informed the Court that respondent Judge had died of acute uremia and renal failure, as evidenced by his death certificate,[3] on December 21, 1998 in Calapan City, Oriental Mindoro.

On October 23, 2001, the matter was referred to the Office of the Court Administrator (OCA) which, on December 3, 2001, recommended: (a) that a fine of ₱20,000.00 be imposed in this case, the same to be taken from the amount withheld from the retirement benefits of Judge Quizon; (b) that respondent Clerk of Court Mendoza be fined in the amount of ₱5,000.00 for his inefficiency in the management of court cases; and (c) that Judge Normelito Ballocanag be absolved from any responsibility.

First. We are mindful of the heavy caseload of judges and the rigors of travel that they sometimes have to make because of detail to vacant salas. This is why we have been sympathetic to requests made by judges for extension of time for deciding cases and other matters and incidents related thereto. Hence, should he find himself unable to comply with the 90-day requirement for deciding cases, a judge can ask for an extension and such request is generally granted.[4]

In this case, respondent Judge Quizon did not deny the veracity of the findings of the judicial audit team that he failed to decide several criminal and civil cases submitted for decision or

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[3] Annex A.

[4] *Report on the Judicial Audit Conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon,* 328 SCRA 543 (2000).

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resolution, and to act upon over a hundred criminal and civil cases assigned to Branches 40 and 41 of the Regional Trial Court in Calapan and Pinamalayan, Oriental Mindoro, respectively. Instead, respondent Judge attributed his failure to decide or act upon these cases to (a) the fact that he also had to try the cases in Branches 42 and 43 of the same court in Pinamalayan, Oriental Mindoro due to the vacancy therein as a result of the retirement of the presiding judges; (b) the fact that he was designated as acting presiding judge of Branch 40, Calapan, Oriental Mindoro and he had to divide his time between Calapan and Pinamalayan, which are about 62 kilometers apart from each other, and he had to travel over rough roads; and (d) the fact that he was suffering from failing health, which was diagnosed as "end stage renal disease secondary to nephrosclerosis," for which he had to undergo hospitalization and dialysis.

What respondent Quizon stated is indeed true, particularly his claim that he was suffering from ill health. Respondent Clerk of Court Mendoza stated in his manifestation, dated August 8, 2001, that respondent Judge Quizon was sickly and often absent because of his illness. The judicial audit team also found him to be in poor health. In fact, respondent Judge Quizon died barely a year after his retirement. However, while his illness serves to mitigate his liability, it cannot completely exonerate him from responsibility to see to it that the disposition of cases is not unduly delayed. To be sure, he requested on June 24, 1996 relief from his additional duty to preside over Branch 41 at Pinamalayan, but not long after, on July 29, 1996 Judge Normelito J. Ballocanag was appointed regular judge. Prior to this, respondent judge could have asked for extension of time to decide the cases and resolve matters pending before his sala. Accordingly, the Court could have taken steps to ease his caseload and other matters submitted for his resolution.[5] As we stated in another case: [6]

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[5] *Office of the Court Administrator v. Quiñanola*, 317 SCRA 37 (1999).

[6] *Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.*, 306 SCRA 50, 53-54 (1999).

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The Court finds deserving of due consideration the explanation of respondent Judge for leaving ten (10) undecided cases before his retirement from the service. Serious illness may justify the inability of a judge to perform his official duties and functions. But then, the Court has to enforce what is required by law and to impose a reasonable punishment for a violation thereof. The members of the judiciary have the sworn duty to administer justice without undue delay. Failure to decide cases within the periods fixed by law constitutes neglect of duty, which warrants the imposition of administrative sanctions. When he was hindered by a grave malignancy, it was incumbent upon the respondent Judge to request this Court, through the Office of the Court Administrator, for additional time to decide the cases which he could not seasonably act upon and decide. For failing to do so, respondent Judge has to suffer the consequences of his omission.

Considering, however, that his failure to decide subject cases was by reason of a serious illness beyond his control, the court is of the sense that the recommended fine of Five Thousand (₱5,000.00) Pesos is too much, and a fine of Two Thousand (₱2,000.00) Pesos should suffice under the premises. As ratiocinated by the Court, in the absence of bad faith, or willful intention to prejudice a party litigant, or any showing that the Judge was impelled by some ulterior ends or ill motives, the administrative liability for his delay in deciding cases before him, especially when such delay is beyond his control, is entitled to mitigation.

While the Court is sympathetic to the plight of judges, it cannot be overemphasized that the public's faith and confidence in the judicial system is at stake in cases involving delays in the disposition of cases.[7] No less than the Constitution[8] mandates judges to decide cases with deliberate dispatch. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of the court's business promptly and decide cases within

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[7] *See Gallego v. Doronila*, 334 SCRA 339 (2000).

[8] 1987 CONSTITUTION, ART. VIII, §15(1) provides: "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."

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the required periods.[9] For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.[10]

In previous cases, we have imposed on judges the penalty of fines ranging from ₱5,000.00[11] to ₱20,000.00[12] for their failure to decide cases within the reglementary period. Under §9, in relation to §11(B), of Rule 140, which took effect on October 1, 2001, the imposable penalty for undue delay in rendering a decision or order includes a fine of ₱10,000.00 but not exceeding ₱20,000.00. In view of the attenuating circumstances of respondent Judge's serious illness and his heavy caseload, a fine of ₱5,000.00, to be deducted from the amount of ₱20,000.00 withheld from respondent Judge's retirement benefits, would be appropriate.

Second. The Office of the Court Administrator found that respondent Mendoza failed to set 236 cases for hearing, to issue summonses, and to archive various cases. To be sure, this Court issued a resolution on August 25, 1998 directing respondent Mendoza (a) to ensure the completion within 30 days from notice of the transcript of stenographic notes of cases left by respondent Judge Quizon; (b) to report to Presiding Judge Tomas C. Leynes, of the Regional Trial Court, Branch 40, Calapan, Oriental Mindoro, the status of the 236 cases, including 42 cases which had already been archived; and (c) to explain to this Court why no administrative sanctions should be taken against him for failure to take the appropriate steps for

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[9] *Balayo v. Buban, Jr.*, 314 SCRA 16 (1999).

[10] *Request for Assistance relative to Special Proceedings No. 28 Pending at Regional Trial Court of Himamaylan, Negros Occidental, Branch 55, Presided by Judge Jose Y. Aguirre, Jr.*, A.M. No. RTJ-01-1624, March 26, 2001.

[11] *Sulla v. Ramos*, 341 SCRA 157 (2000); *Balayo v. Buban, Jr.*, 314 SCRA 16 (1999).

[12] *Re: Request on the Judicial Audit conducted in the RTC, Branch 69, Silay City*, A.M. No. 99-5-162-RTC, May 11, 2001.

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the early disposition of the said cases. However, it was only in his manifestation, dated August 8, 2001, that respondent Mendoza submitted the inventory of cases for the period of January 1, 1996 to June 30, 2001.

Chapter II, §B(1) of the Manual for Clerks of Court defines the duties of the clerk of court as follows:

> The Clerk of Court is the administrative officer of the Court, subject to the control and supervision of the Presiding Judge and/or Executive Judge (in case of multiple sala Courts). Said officer has control and supervision over all Court records, exhibits, documents, properties and supplies; acts on applications for leave and signs daily time records; prepares and signs summons, subpoena and notices, writs of execution, remittance of prisoners, release of prisoners, certified true copies of decisions, orders, and other processes, letters of administration and guardianship, transmittals of appealed cases, indorsements and communications, and monthly reports of cases; determines the docket fees to be paid by the parties-litigants as provided in the Rules of Court; issues clearances in appropriate cases and performs and discharges such duties as may be assigned by the Executive Judge or the Presiding Judge. . . .

The duty of a clerk of court to conduct a monthly physical inventory of cases for the guidance of the trial judge is important.[13] It is his primary responsibility to prepare such inventory and to ensure that the records of each case are regularly accounted for.[14] Furthermore, it is likewise his duty to "prepare or cause to be prepared a daily Court calendar which may include, at the discretion of the Presiding Judge, cases for pre-trial, arraignment, trial, hearing on motions or incidents and other matters."[15] On him, as much as on the judge, rests the responsibility for ensuring that delay in the disposition of cases is kept to a minimum. His failure to discharge this

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[13] *See Office of the Court Administrator v. Albaytar*, A.M. No. P-01-1479, July 11, 2001.

[14] *Report on the Judicial Audit Conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon*, 328 SCRA 543 (2000).

[15] Manual for Clerks of Court, Chap. III, §Q.

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responsibility constitutes gross inefficiency warranting administrative sanction.[16]

In this case, respondent Mendoza cannot excuse himself from being neglectful of his performance of these duties by pointing to the failure of Judge Quizon to attend to his cases on account of the latter's ill health. For "[a] judge alone cannot make the Court function as it should. In the over-all scheme of judicial business, many non-judicial concerns, intricately and inseparably interwoven with the trial and adjudication of cases, must perforce be performed by other individuals that make up the team that complements the Court. Of these individuals, the Clerk of Court eclipses the others in functions, responsibilities, importance and prestige."[17]

In other cases, we have imposed the penalty of censure,[18] reprimand,[19] and/or a fine[20] on erring clerks of court for their failure to conduct monthly inventories of cases and to calendar these cases. Considering, however, that this is the first time that respondent Mendoza has committed these offenses, a fine of ₱2,000.00 would be appropriate under the circumstances.

WHEREFORE, respondent Judge Antonio P. Quizon is declared liable for inefficiency in the disposition of cases for which a fine of five thousand pesos (₱5,000.00), to be deducted from the amount of ₱20,000.00 withheld from his retirement benefits, is imposed on him. The remaining balance of ₱15,000.00 is hereby ordered released in favor of his heirs.

On the other hand, respondent Clerk of Court Felix C. Mendoza is hereby declared liable for inefficiency in the management of cases before the court for which a fine of two thousand pesos

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[16] See Re: Report on the Judicial Audit Conducted in RTC, Br. 82, Odiongan, Romblon, 292 SCRA 1 (1998).

[17] Manual for Clerks of Court, Chap. I, §B.

[18] *Report on the Judicial Audit Conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon,* 328 SCRA 543 (2000).

[19] *Office of the Clerk of Court v. Quiñanola*, 317 SCRA 37 (1999).

[20] *Office of the Court Administrator v. Albaytar*, A.M. No. P-01-1479, July 11, 2001.

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(₱2,000.00) is imposed on him with warning that a repetition of the same or similar offenses will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

THIRD DIVISION

[G.R. No. 117202. February 13, 2002]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **DEORITO PORIO *y* RAPSING,** *accused-appellant.*

SYNOPSIS

Riza, an 11 year old girl, was found dead near a creek. Post mortem examination conducted disclosed that she was raped before being strangled to death. Appellant who was reported to have attempted thrice to rape the victim admitted to Francisco Montes, a Purok Leader, the crime. Montes, however, died before being called to testify. Appellant voluntarily went with Montes to the Olongapo Police Station and reiterated his admission before police officers Agno and Francia. The following day, Pfc Menor conducted an investigation. He apprised appellant of his constitutional rights and provided him counsel in the person of Atty. Atienza who conferred with appellant, informed him of his constitutional rights, the gravity of the crime and its consequences. Appellant then willfully executed a sworn statement in Pilipino wherein he narrated how he raped and strangled the victim specifying details beyond what was being asked. Appellant, at the trial, denied having raped the victim. He assailed his conviction and alleged that his extra judicial confession was secured in violation of his constitutional rights.