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EN BANC

[A.M. No. MTJ-99-1216. October 20, 1999]

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **Judge LEONARDO F. QUIÑANOLA and Branch Clerk of Court RUBEN B. ALBAYTAR, Municipal Trial Court of San Pedro, Laguna (Branch 1),** *respondents.*

SYNOPSIS

In view of the impending compulsory retirement of Judge Leonardo F. Quiñanola, the Office of the Court Administrator (OCA) conducted a judicial and physical inventory of cases pending before his sala, the Municipal Trial Court of San Pedro, Laguna. As a result, it was discovered that as of October 28, 1996, there were one thousand two hundred and sixty-eight (1,268) pending cases, seventeen (17) cases had been submitted for decision, twelve (12) of which were pending beyond the 90-day reglementary period. They also found forty-seven (47) cases with interlocutory matters awaiting resolution, 41 of which had been pending beyond the reglementary period. It was also disclosed that one hundred and thirty-seven (137) cases had not been acted upon or set for hearing even after the lapse of a considerable time, and fifty-three (53) had not been acted upon from the time they were filed. The Branch Clerk of Court also failed to submit to the OCA semi-annual reports on all cases pending in their sala and to post at a conspicuous place or on the door of the court a list of cases submitted for decision as required by Administrative Circular No. 10-94. When the OCA required Judge Quiñanola and Branch Clerk of Court Ruben Albaytar to comment, Judge Quiñanola invoked the heavy docket of his court, particularly in 1993, as reason for his failure to decide cases on time and to promptly resolve other pending matters. He also pointed out that he suffered from cerebral hematoma and stroke in 1994. Branch Clerk of Court Albaytar reasoned out that he misapprehended Administrative Circular No. 10-94.

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In deciding this case, the Court has always emphasized the need and the imperative for judges to decide cases promptly and expeditiously within the constitutionally prescribed 90-day period. Their failure to do so constitutes gross inefficiency, which consequently warrants administrative sanctions. That he was burdened with a heavy case load and suffered "intra-cerebral hematoma (L) [in the] basal ganglia" serves only to mitigate the penalty, not to exonerate him. To be completely faultless, he should have written this Court to explain his predicament and to ask for extensions of time. Had we been apprised of the problem, we could have taken appropriate steps to expedite the resolution of the pending matters.

Likewise, Branch Clerk of Court Albaytar's assertion that he was misled by paragraph 2 (b) of Administrative Circular No. 10-94 was lame and unacceptable. Even if no bad faith can be attributed to him concerning the inaccurate monthly report of cases, he is still administratively liable for being remiss in his duties.

Judge Leonardo F. Quiñanola was found GUILTY of gross efficiency and gross misconduct, and was hereby ordered to PAY a fine of forty thousand pesos (₱40,000) to be taken from his retirement benefits. Branch Clerk of Court Ruben Albaytar was REPRIMANDED.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; FAILURE TO DECIDE CASES WITHIN THE PRESCRIBED PERIOD CONSTITUTES GROSS INEFFICIENCY.** -- This court has always emphasized the need and the imperative for judges to decide cases promptly and expeditiously within the constitutionally prescribed 90-day period. Their failure to do so constitutes gross inefficiency, which consequently warrants administrative sanctions.

2. **ID.; ID.; ID.; TO EXONERATE, WRITTEN EXPLANATION AND REQUESTS FOR EXTENSIONS OF TIME TO RESOLVE PENDING CASES TO THE SUPREME COURT IS REQUIRED.** -- That he was burdened with a heavy case load and suffered "intra-cerebral hematoma (L) [in the] basal ganglia" serves only to mitigate the penalty, not to exonerate

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him. To be completely faultless, he should have written this Court to explain his predicament and to ask for extensions of time. Had we been apprised of the problem, we could have taken appropriate steps to expedite the resolution of the pending matters.

3. **ID.; ID.; ID.; PENALTY; FINES IMPOSED VARY IN EACH CASE.** — The Court has held that "[t]he fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and *other factors*, to wit: the presence of aggravating or mitigating circumstances – the damage suffered by the parties as a result of the delay, the *health and age of the judge,* etc."

4. **ID.; CODE OF JUDICIAL ETHICS; JUDGES SHOULD BE PROMPT IN DISPOSING ALL MATTERS SUBMITTED TO THEM.** — Specifically, Judge Quiñanola should be reminded of Canon 6 of the Canons of Judicial Ethics, which provides that judges should be prompt in disposing of all matters submitted to them. To repeat, should the resolution of a case within the reglementary period prove to be unlikely, they should ask this Court for a reasonable extension of time.

5. **ID.; JUDGES; FALSIFICATION OF CERTIFICATE OF SERVICE CONSTITUTES GROSS MISCONDUCT.** — We also note that respondent judge neither denied nor refuted the charge of falsification of the Certificates of Service. Indeed, for several months he persisted in this "odious" behavior which constituted gross misconduct.

6. **POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; CLERK OF COURT ADMINISTRATIVELY LIABLE FOR SUBMITTING AN INACCURATE MONTHLY REPORT OF CASES.** — We concur in the recommendation of the OCA as regards Branch Clerk of Court Albaytar. His assertions that he was misled by paragraph 2 (b) of Administrative Circular No. 10-94 is lame and unacceptable. Even if no bad faith can be attributed to him concerning the inaccurate monthly report of cases, he is still administratively liable for being remiss in his duties.

7. **ID.; ID.; ID.; ID.; CLERK OF COURT REQUIRED TO CONDUCT CONTINUOUS PHYSICAL INVENTORY OF CASES ON MONTHLY BASIS.** — The respondent clerk of

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court should be reminded that the physical inventory of cases is instrumental to the expeditious dispensation of justice. We have already pointed out that there should be a "continuous physical inventory of cases on a monthly basis so that a trial judge is aware of the status of each case. *With the assistance of the branch clerk of court,* a checklist should be prepared indicating the steps to be taken to keep cases moving."

8. **ID.; ID.; ID.; ID.; ID.; MISAPPREHENSION OF ADMINISTRATIVE CIRCULAR IS NOT A VALID REASON FOR FAILURE TO COMPLY THEREWITH.** -- Albaytar should have taken steps to meet the requirements of AC 10-94. If the respondent clerk of court was confused about the interpretation of the said Circular, he could have informed the OCA about the problem earlier. Or, for that matter, he could have asked other branch clerks of court to help him. In short, there were several options open to him to acquire correct information regarding our Circular.

9. **ID.; ID.; ID.; ID.; JUDGES AND BRANCH CLERKS OF COURT SHARE THE SAME DUTY AND OBLIGATION TO DISPENSE JUSTICE PROMPTLY AND SPEEDILY.** -- We would like to remind judges and branch clerks of court alike that they share the same duty and obligation to dispense justice promptly and speedily. In achieving this salutary purpose, their individual roles are corollary, even symbiotic. They should therefore strive to work together and mutually assist each other in the pursuit of this goal.

D E C I S I O N

PANGANIBAN, *J.*:

The Code of Judicial Conduct requires judges to decide cases and matters pending before them within the period fixed by law. Their failure to do so constitutes gross inefficiency and warrants administrative sanctions. A heavy case load and a poor health may partially excuse such lapses, only if the judges concerned request reasonable extensions. In the present case, however, the respondent made no effort to inform this Court of his reasons for the delay, much less to request any extension.

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Worse, he signed certifications that all cases and motions pending before him had been attended to within the prescribed period.

The Case and the Facts

From October 28 to 31, 1996, the Office of the Court Administrator (OCA) conducted a judicial and physical inventory of cases pending before the Municipal Trial Court (MTC) of San Pedro, Laguna, in view of the then impending compulsory retirement of its presiding judge, Leonardo F. Quiñanola, on November 6, 1996.

On November 16, 1996, the OCA's Judicial Audit Team[1] reported that as of October 28, 1996, there were one thousand two hundred and sixty-eight (1,268) pending cases before the sala of Judge Quiñanola. Seventeen (17) cases had been submitted for decision, twelve (12) of which were pending beyond the 90-day reglementary period. They also found forty-seven (47) cases with interlocutory matters awaiting resolution, 41 of which had been pending beyond the reglementary period.

The audit also disclosed that one hundred and thirty-seven (137) cases had not been acted upon or set for hearing even after the lapse of a considerable time, and fifty-three (53) had not been acted upon from the time they were filed.

On December 17, 1996, the OCA submitted its Report to this Court. Subsequently, in an *en banc* Resolution dated February 4, 1997, this Court issued the following resolutions:

"1. Direct the Chief of the Employees Welfare and Benefits Division of this Court to process the claim for retirement benefits of Judge Quiñanola's retirement benefits;

"2. Require the Fiscal Management and Budget Officer of this Court to withhold the amount of Fifty Thousand Pesos (₱50,000.00) from Judge Quiñanola's retirement benefits;

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[1] Composed of Atty. Pascuala S. Magtibay, Exequiel C. Rojas, Charito C. Cruz and Dorothy Dadal.

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"3. Designate Judge Alden V. Cervantes, MTC, Alaminos, Laguna as Acting Judge of MTC, Branch 1, San Pedro, Laguna until the appointment of a new Judge thereat;

"4. Direct Judge Cervantes to take cognizance of the sixty-three (63) cases left undecided/unresolved by Judge Quiñanola;

"5. Direct Branch Clerk of Court Ruben B. Albaytar, MTC, Branch 1, San Pedro, Laguna to:

a) cause the completion and attaching to the respective records of the transcripts of stenographic notes of the fifty-three (53) cases left undecided/unresolved within the reglementary period;

b) apprise Judge Cervantes of the sixty-three (63) cases submitted for decision/resolution left by retired Judge Quiñanola and fifty-three (53) cases not acted upon since these were filed;

c) set in the court calendar the one hundred and thirty-seven (137) cases which were not acted upon after the lapse of a considerable length of time;

d) exercise utmost care with regard to bail bonds so that all the requirements are complied with before the same are submitted for approval by the presiding judge, otherwise, such negligence in the future will be dealt with severely;

e) require the Court Aide/Utility Worker, same court, to sew the original copies of records, pleadings and/or documents in the strict order of dates received in the correct expediente;

f) adopt separate docket books for criminal, civil and other cases in the prescribed forms, pursuant to Rule 136 of the Rules of Court;

g) cause the posting of cases submitted for decision at a conspicuous place in their office, pursuant to Administrative Circular No. 10-94 dated 29 June 1994; and

h) *explain in writing why no administrative sanction should be imposed on him for not complying with the rules and regulations aforestated*; and

"6) Direct Clerk of Court Miguel Almeida, MTC, San Pedro, Laguna to exercise diligence with regard to complaints filed in his office, checking that each complaint is first verified before receiving the

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same; and that the date and time of filing be indicated on the first page thereof with [a] warning that a repetition of the same act will be dealt with severely."[2]

In response, Branch Clerk of Court Albaytar submitted a Report on March 19, 1997, stating that he had immediately circulated a copy of the February 4, 1997 Resolution to the court staff and directed the court stenographers concerned to transcribe the stenographic notes of the cases that Judge Quiñanola failed to decide or resolve within the reglementary period. He likewise instructed the other members of the staff to schedule for hearing the cases that had not been acted upon for a considerable length of time. He further reported that when acting Presiding Judge Alden V. Cervantes reported for work on March 17, 1997, the former apprised the latter of the sixty-three (63) cases pending decision or resolution.

Commenting on his failure to comply with Administrative Circular (AC) 10-94,[3] Albaytar explained that he "was at a loss and was [misled] by paragraph 2-b of the said circular wherein it is stated that 'the tabulation shall end with a certification by the trial judge that he/she has *personally undertaken an inventory of the pending cases*.'"[4] He was under the wrong impression that the task of preparing the semi-annual report as prescribed in AC 10-94 was exclusively that of the presiding judge. He alleged that the matter regarding the inventory had completely slipped off his mind, because of the stroke suffered by Judge Quiñanola that forced the latter to take a long leave of absence and to report for duty irregularly. Albaytar claimed, however, that he had already listed and posted at the door of their office the cases submitted for decision. Stating that he had no intention of ignoring the Circular, he promised to strictly comply with the regulations and directives of this Court.

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[2] Quoted from the Memorandum submitted by Deputy Court Administrator Zenaida N. Elepaño dated June 30, 1999.

[3] The Circular required trial court judges and clerks of court/branch clerks of court to submit to the OCA semi-annual reports on all pending cases.

[4] Report of Branch Clerk of Court, MTC, Branch 1, San Pedro, Laguna, p. 2; *rollo*, p. 13. (emphasis in the original)

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On June 10, 1997, the Court referred Albaytar's letter to the OCA, which thereafter submitted its Report on February 12, 1998. The Court then issued on March 17, 1998, a Resolution instructing the OCA to "formally charge [Albaytar and Judge Quiñanola] administratively, give them an opportunity to explain or comment, and otherwise afford them the essentials of due process before recommending any penalty."[5]

Subsequently, the OCA required Judge Quiñanola to comment on the following allegations:

1. He failed to decide nine (9) criminal cases[6] and three (3) civil cases[7] within the 90-day reglementary period.

2. He failed to resolve within the reglementary period thirty (30) criminal cases[8] and eleven (11) civil cases.[9]

3. For a considerable length of time, he failed to take appropriate court action on eighty-six (86) criminal cases[10] and fifty (50) civil cases.[11]

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[5] *Ibid.*, pp. 1-2.

[6] Criminal Case Nos. 13469, 13565 to 13567, 17778, 17839, 22949, 23677, and 23836.

[7] Civil Case Nos. 2251, 2393 and 2424.

[8] Criminal Case Nos. 13464, 13465, 13467, 14557, 14559, 18851, 20535, 24168, 24363 to 24367, 24667, 24700, 24702, 24706, 24708 to 24710, 25271, 25830 to 25836, 26320, and 26382.

[9] Civil Case Nos. 1580, 2102, 2301, 2441, 2442, 2468, 2475, 2477, 2480, 93-16 and 96-29.

[10] Criminal Case Nos. 13131, 13578, 13581, 13583, 13842 to 13848, 14513, 21317, 21570, 21893, 21916, 21935, 22037, 22315, 22321, 22333, 22354, 22358, 22368, 22372, 22374, 22764, 22770, 22774, 22776, 22778, 22780, 22784, 22786, 22804, 22836, 22859, 23177, 23320, 23348, 23615, 23616, 23745, 23792, 28940, 24019, 24276, 24356, 24357, 24606, 24780, 24830, 24831, 24835, 24874, 24890, 24925, 25303, 25627, 25752, 25753, 25845, 25950, 26073, 26074, 26175, 26249 to 26252, 26306, 26307, 26357, 26359, 26391, 26464, 26552, 26593, 26597, 26626, 26653, 26654, 26694, 26704, 26707 and 26782.

[11] Civil Case Nos. 2134, 2187, 2205, 2207, 2222, 2225, 2227, 2231, 2261, 2268, 2279, 2285, 2289, 2292, 2298, 2306, 2309, 2311, 2313, 2315, 2317, 2321, 2323, 2325, 2333, 2337, 2341, 2343, 2359, 2364, 2368, 2373, 2375, 2378, 2380, 2382, 2384, 2386, 2414, 2416, 2418, 2422, 2458, 2463, 2500, 2517, 2527, 2530, 93-13 and 96-33.

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4. He failed to take initial action on fifty-one (51) criminal cases[12] and two (2) civil cases.[13]

5. He submitted Certificates of Service stating that all proceedings, applications, petitions, motions, and civil and criminal cases had been determined and decided within the reglementary period, despite the fact that cases that had been submitted for decision for more than three (3) years remained undecided, and several others had not been acted upon for a considerable length of time.

6. He failed to comply with Administrative Circular No. 10-94 dated June 29, 1994, directing all trial judges to conduct a physical inventory of their dockets every semester.[14]

Branch Clerk of Court Albaytar was also required to comment on these charges:

1. He failed to submit to the OCA semi-annual reports on all cases pending with the MTC (Branch 1) of San Pedro, Laguna, and to post at a conspicuous place on the door of the court a list of cases submitted for decision as required by Administrative Circular 10-94.

2. He submitted an inaccurate monthly report of cases for September 1996 by indicating therein that only one (1) case was submitted for decision,[15] when actually there were twelve (12) cases — five (5) criminal[16] and seven (7) civil.[17]

Judge Quiñanola and Branch Clerk of Court Albaytar were also required to manifest if they were amenable to have the

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[12] Criminal Case Nos. 24174, 24176, 24810, 24812, 24872, 25039, 25040, 25261, 25603 to 25606, 25639, 25945 to 25948, 26108, 26322 to 26324, 26408, 26409, 26488, 26490 to 26495, 26502 to 26509, 26710, 26767, 25776, 26777, 26779, 26780, 26784 to 26788, 26790 and 26812.

[13] Civil Case Nos. 2307 and 96-28.

[14] First Indorsement, May 4, 1998.

[15] First Indorsement, May 4, 1998.

[16] Criminal Case Nos. 13469, 17778, 22949, 23644 and 23677.

[17] Civil Case Nos. 2251, 2330, 2393, 2424, 2471, 2502 and 93-11.

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respective cases against them submitted for resolution based on the pleadings received, without need of further proceedings. In their respective Comments, both signified their agreement.

In his Comment dated June 15, 1998, Judge Quiñanola invoked the heavy docket of his court, particularly in 1993, as reason for his failure to decide cases on time and to promptly resolve other pending matters. He also pointed out that he suffered from cerebral hematoma and stroke in 1994 as shown by a Medical Certificate issued by Dr. Mayvelyn de Dios-Gose.

Albaytar, for his part, reiterated that he had not been submitting inventory reports of cases pending in their court, because of his misapprehension of paragraph 2-b of Administrative Circular 10-94. As to the alleged inaccurate monthly report of cases for the month of September 1996, which indicated that only one case had been submitted for decision when actually there were twelve (12) cases, he explained that he had no intention of giving the impression that only one case had been submitted for decision. In sum, what he reported was the number of cases submitted for decision *during* the month of September, instead of the number of cases submitted for decision *as of* September. He also informed this Court of the status of the twelve (12) cases that had been submitted for decision as of the said month.

On October 27, 1998, incumbent Judge Carmelita Manahan submitted a Progress Report[18] on the cases mentioned in our February 4, 1997 Resolution.

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[18] In its Memorandum for the Chief Justice, the OCA summarized the Progress Report as follows:

"As borne out by the report of Judge Manahan, out of the twelve (12) cases which Judge Quiñanola failed to decide within the reglementary period, seven (7) were already decided, Civil Case No. 2281 was submitted for decision only on 25 September 1998 and Criminal Case Nos. 13469, 13565, 13566 and 13567 were set for continuation of trial. Forty-one (41) cases with matters for resolution were all set for hearing. Out of the thirty-nine (39) cases to be archived, seventeen (17) were actually archived, the remaining twenty-two (22) were either dismissed, submitted for decision or decided. Out of the sixty-three (63) cases for completion of transcripts of stenographic notes,

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The OCA's Recommendation

In its Memorandum which we quote below, the OCA, through Deputy Court Administrator Zenaida N. Elepaño, recommended that respondent judge be fined in the amount of ₱40,000 and respondent clerk of court be reprimanded.

"An examination of the records shows that Judge Leonardo F. Quiñanola was remiss in the performance of his duties when he failed to decide twelve (12) cases and to resolve forty-one (41) other cases with matters pending resolution within the reglementary period of ninety (90) days. This is aside from the fact that numerous cases were unacted upon for a considerable length of time.

The excuses proffered by Judge Quiñanola that he was burdened by a heavy caseload and he suffered from intracerebral hematoma deserve consideration, although these should not completely obliterate his administrative liability. Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. It is the duty of a judge to take note of the cases submitted for his decision and see to it that the same are decided within the 90-day period fixed by law. Failure to decide a case within the required period constitutes gross inefficiency.

If it is true that a heavy caseload and his poor health prevented him from disposing cases within the period prescribed by law, Judge Quiñanola should have requested the Court for reasonable extensions of time to decide the cases involved. However, it appears that there was no attempt whatsoever on his part to inform this Court of his alleged predicament and to make such a request.

Regrettably, Judge Quiñanola did not refute [or] interpose any defense to the charge of falsification of Certificates of Service. In this respect, we secured copies of Judge Quiñanola's Certificates of Service for the months of July, August, and September 1996 and

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the stenographic notes in Criminal Cases Nos. 13465, 13467 and 14557 were not transcribed. It was also disclosed that the fifty-three (53) cases where there [was no] initial action and the one hundred and thirty-seven (137) cases which were not acted upon after the lapse of a considerable length of time were either dismissed, archived, [or] forwarded to the Office of the Provincial Prosecutor for continuation of trial."

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discovered that he continued to certify that 'x x x all proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission or determination for a period of ninety (90) days or more have been determined and decided,' despite the fact that cases submitted for decision for more than (3) years remained undecided and several cases also remained unacted upon for a considerable length of time.

A judge who fails to decide cases within the reglementary period and continues to collect his salaries upon his certification that he has no pending matters to resolve, transgresses the constitutional right of the people to the speedy disposition of their cases, and if he falsifies his Certificate of Service, he is not only administratively liable for serious misconduct under the Rules of Court but is also criminally liable under the Revised Penal Code.

Considering the foregoing circumstances and the fact that Judge Quiñanola was compulsorily retired from government service on 6 November 1996 and taking into account his age and failing health, this Office recommends that he be fined Forty Thousand Pesos (₱40,000.00), the same to be taken from the amount withheld from his retirement benefits.

As to the administrative liability of Branch Clerk of Court Ruben B. Albaytar, we find his contention that he has not been submitting inventory reports of cases pending in their court because he was 'at a loss and misled' unavailing and unacceptable. If he was truly in doubt as to how [a] physical inventory of cases should be conducted, he could have easily consulted the Office of the Court Administrator or asked assistance therefrom. He did not.

Regarding the charge that he submitted an inaccurate Monthly Report of Cases, it is worth to note that no bad faith or deliberate intent to deceive can be attributed to him when he stated in his report that there was only one case submitted for decision. He merely misconstrued that what should be reported was the number of cases submitted for decision during the month of September 1996 instead of the number of cases submitted for decision as of September 1996.

It is also worth to note that this is Albaytar's first offense in his fourteen (14) years stint in the judiciary. As such, a mitigating circumstance is in his favor."[19] (citations omitted)

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[19] Memorandum for the Chief Justice, pp. 3-10, June 30, 1999.

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The Court's Ruling

We agree with the recommendations of the OCA.

Judge Quiñanola

This court has always emphasized the need and the imperative[20] for judges to decide cases promptly and expeditiously within the constitutionally prescribed 90-day period.[21] Their failure to do so constitutes gross inefficiency, which consequently warrants administrative sanctions.[22]

In this case, respondent judge was remiss in the performance of his duties. As borne out by the findings of the OCA, he failed to decide twelve (12) cases within the prescribed period and to resolve matters pending in forty-one (41) others.

That he was burdened with a heavy case load and suffered "intra-cerebral hematoma (L) [in the] basal ganglia"[23] serves only to mitigate the penalty, not to exonerate him.[24] To be

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[20] Rule 3.05, Canon 3 of the Code of Judicial Conduct, provides:

"A judge shall dispose of the court's business promptly and decide cases within the required periods."

[21] Sec. 15 (1), Art. VII of the 1987 Constitution, provides:

"Sec. 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 to 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."

[22] See *Bernardo v. Judge Fabros,* AM No. MTJ-99-1189, May 12, 1999; *Sanchez v. Vestil,* AM No. RTJ-98-1419, October 13, 1998; *Office of the Court Administrator v. Judge Butalid,* 293 SCRA 589, August 5, 1998; *Report on the Judicial Audit Conducted in RTC Branches 29 and 59, Toledo City,* 292 SCRA 8, July 8, 1998; *Abarquez v. Judge Rebosura,* 285 SCRA 109, January 28, 1998; *Report of the Judicial Audit Conducted in Municipal Trial Court, Sibilan, Negros Oriental,* 282 SCRA 463, December 5, 1997; *Report of Audit and Physical Inventory of the Records of Cases in MTC of Peñaranda, Nueva Ecija*, 276 SCRA 257, July 28, 1997; *Lambino v. De Vera,* 275 SCRA 60, July 7, 1997.

[23] As per certification by Dr. Mayvelyn de Dios-Gose.

[24] *Re: Judge Fernando P. Agdamag*, 254 SCRA 644, March 13, 1996.

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completely faultless, he should have written this Court to explain his predicament and to ask for extensions of time. Had we been apprised of the problem, we could have taken appropriate steps to expedite the resolution of the pending matters.

The Court has held that "[t]he fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and *other factors,* to wit: the presence of aggravating or mitigating circumstances — the damage suffered by the parties as a result of the delay, the *health and age of the judge,* etc."[25]

Specifically, Judge Quiñanola should be reminded of Canon 6 of the Canons of Judicial Ethics, which provides that judges should be prompt in disposing of all matters submitted to them. To repeat, should the resolution of a case within the reglementary period prove to be unlikely, they should ask this Court for a reasonable extension of time.[26]

We also note that respondent judge neither denied nor refuted the charge of falsification of the Certificates of Service. Indeed, for several months he persisted in this "odious" behavior which constituted gross misconduct. In *Re*: *Judge Fernando P. Agdamag*,[27] the Court ruled:

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[25] *Bernardo v. Judge Fabros,* AM No. MTJ-99-1189, p. 9, May 12, 1999, per Panganiban, *J.,* quoting *Report on the Judicial Audit Conducted in RTC-Branches 29 and 59, Toledo City*, 292 SCRA 8, 23, July 8, 1998, per Puno, *J.* (italics ours)

[26] See *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, November 18, 1997; *Lambino v. De Vera,* 275 SCRA 60, July 7, 1997; *Bolalin v. Occiano*, 266 SCRA 203, January 14, 1997; *Re: Judge Fernando P. Agdamag*, 254 SCRA 644, March 13, 1996; *Mappala v. Nunez,* 240 SCRA 600, January 26, 1995; *Cruz v. Basa,* 218 SCRA 551, February 9, 1993.

[27] *Supra*, p. 650, per Bellosillo, *J.* See also *Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134, and 147, Makati, Metro Manila,* 248 SCRA 5, September 5, 1995.

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"As officers of the court, judges are duty bound to scrupulously adhere and hold sacred the tenets of their profession. They must be reminded, lest they have already conveniently forgotten, that a certificate of service is not merely a means to one's paycheck. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases. This transgression [was] compounded when respondent continued to collect his salaries upon certification that he had but one case submitted for decision. The act becomes more odious because it was committed by an officer of the court. Instead of being the embodiment of competence, integrity, probity and independence, he has allowed himself to be an instrument of fraud."

Taking into account his failing health and his having already compulsorily retired, Judge Quiñanola should be fined in the amount of forty thousand pesos (₱40,000).[28]

Branch Clerk of Court Albaytar

Likewise, we concur in the recommendation of the OCA as regards Branch Clerk of Court Albaytar. His assertions that he was misled by paragraph 2 (b) of Administrative Circular No. 10-94 is lame and unacceptable. Even if no bad faith can be attributed to him concerning the inaccurate monthly report of cases, he is still administratively liable for being remiss in his duties.

The respondent clerk of court should be reminded that the physical inventory of cases is instrumental to the expeditious dispensation of justice. We have already pointed out that there should be a "continuous physical inventory of cases on a monthly basis so that a trial judge is aware of the status of each case. *With the assistance of the branch clerk of court,* a checklist should be prepared indicating the steps to be taken to keep cases moving."[29] Thus, in *Juan v. Arias*,[30] we underscored the importance of this physical inventory:

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[28] *Re: Judge Fernando P. Agdamag, supra.*

[29] Par. 6, Supreme Court Circular No. 13, July 31, 1987 (italics ours). Cf. Administrative Circular No. 1, January 28, 1988, and Administrative Circular No. 10-94, June 19, 1994.

[30] 72 SCRA 404, August 23, 1976, per Muñoz Palma, *J.*

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"x x x [F]or it is only by this that the judge can keep himself abreast of the status of the pending cases and informed that everything is in order in his court. Had respondent Judge made such an inventory or examination in one, two or three years after he allegedly issued his transmittal order . . . he would have surely discovered within a shorter period of time that Case 1322 was lying dormant and gathering dust in his court."

Although this responsibility primarily rests in the presiding judge, it is shared with the court staff.[31] Accordingly, Albaytar should have taken steps to meet the requirements of AC 10-94.

If the respondent clerk of court was confused about the interpretation of the said Circular, he could have informed the OCA about the problem earlier. Or, for that matter, he could have asked other branch clerks of court to help him. In short, there were several options open to him to acquire correct information regarding our Circular. However, he conveniently chose to forget all about it and then tried to pass the buck to the presiding judge, while knowing that the latter had just suffered a serious illness.

One final point. We would like to remind judges and branch clerks of court alike that they share the same duty and obligation to dispense justice promptly and speedily. In achieving this salutary purpose, their individual roles are corollary, even symbiotic.[32] They should therefore strive to work together and mutually assist each other in the pursuit of this goal.

WHEREFORE, Judge Leonardo F. Quiñanola is found *GUILTY* of gross inefficiency and gross misconduct and is hereby ordered to *PAY* a fine of forty thousand pesos (₱40,000) to be taken from his retirement benefits. Ten thousand pesos (₱10,000), the balance of the amount withheld earlier from such benefits, is hereby ordered *IMMEDIATELY RELEASED* to him, absent any other administrative case pending against him. Branch Clerk

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[31] See *Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134, and 147, Makati, Metro Manila, supra.*

[32] *Ibid.*

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of Court Ruben B. Albaytar is *REPRIMANDED*, with a *STERN WARNING* that a more severe sanction will be imposed on him for any repetition of the same or a similar offense in the future.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Mendoza, Purisima, Pardo, Buena, Gonzaga-Reyes, and *De Leon, Jr., JJ.*, concur.

Bellosillo, Kapunan, Quisumbing, and *Ynares-Santiago, JJ.*, are abroad on official business.

FIRST DIVISION

[A.M. No. RTJ-99-1500. October 20, 1999]

VICTORIANO B. CARUAL, *complainant, vs.* **JUDGE VLADIMIR B. BRUSOLA, Regional Trial Court, Branch 6, Legazpi City,** *respondent.*

SYNOPSIS

Complainant Victoriano Carual filed with the Office of the Ombudsman a sworn complaint against respondent Judge Vladimir B. Brusola, Regional Trial Court, Branch 6, Legazpi City, for violation of the Code of Judicial Conduct and the Anti-Graft and Corrupt Practices Act (RA 3019). Complainant alleged that the house of a certain Andres Bo had encroached a portion of his son's lot located at Barangay Fatima, Albay. Complainant sought the assistance of lawyer Julian Cargullo who wrote Andres Bo ordering him to remove his house from the lot. Andres Bo allegedly engaged the legal services of respondent judge who wrote Atty. Cargullo stating that the lot in question had been sold to Crispin and Ursula Bo, landlord of Andres Bo. Complainant contended that respondent's act amounted to private practice of law. The Office of the Ombudsman referred the complaint to the Office of the Court