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of public document, but it does show that respondent was less than impartial in handling complainant's opposition to redemption.

WHEREFORE, the Court finds respondent Carlos Bague to have been *GUILTY* of abuse of official functions and manifest impartiality and *ORDERS* him suspended for six (6) months without pay, with warning that repetition of the same act committed will be dealt with more severely. The complaint for falsification of a public document is *DISMISSED* for insufficiency of evidence.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

SECOND DIVISION

[A.M. No. RTJ-00-1606. June 20, 2001]

PATRIA MAQUIRAN, *complainant, vs.* **JUDGE LILIA C. LOPEZ, Regional Trial Court, Branch 109, Pasay City,** *respondent.*

SYNOPSIS

An administrative complaint for gross negligence was filed against respondent Judge Lilia C. Lopez of the Regional Trial Court, Branch 109, Pasay City. The complainant Patria Maquiran filed a suit for damages arising from the death of her husband due to an accident. The case was submitted for decision in August 1994 after the parties had submitted their memoranda. On March 25, 1996, counsel for complainant moved for the resolution of the case. However, up to the time the complaint in this case was filed on September 16, 1999, no decision had as yet been rendered by respondent judge. Respondent judge explained that during the almost five years that the case was pending decision, many things

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had happened to her: that she was confined in the hospital and was scheduled for an operation for the removal of a mass in her uterus, but for her extremely high blood pressure; that her parents died and she was left with the responsibility of having to take care of her retardate sister and a brother who was suffering from a nervous breakdown; that as Executive Judge, she was given additional administrative duties; and that she had to conduct continuous hearings by reason of the designation of her court as a Special Criminal Court. The Office of the Court Administrator found respondent Judge administratively liable and recommended that she be ordered to pay a fine of ₱4,000.00 for inefficiency with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

The Supreme Court approved the recommendation of the Office of the Court Administrator. The reasons adduced by respondent judge for her failure to decide the case for a period of five years was found by the Court unsatisfactory. Although the Court understood the predicament of respondent, she must also realize that compassion has its limits. Respondent could have asked for time within which to decide cases, although not for such a long time as five years. Then, too, she could have gone on sick leave. But for her not to decide a case for five years cannot be wholly excused. The Court stressed that a heavy caseload may excuse a judge's failure to decide cases within the reglementary period, but not her failure to request for an extension of time within which to decide the case on time.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; GROSS INEFFICIENCY; FAILURE OF JUDGES TO RENDER JUDGMENT WITHIN REQUIRED PERIOD CONSTITUTES GROSS INEFFICIENCY WARRANTING IMPOSITION OF ADMINISTRATIVE SANCTIONS ON THEM.**— Under Art. VIII, §15(1) of the Constitution, lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. Indeed, this Court has constantly impressed upon judges — may it not be said without success — the need to decide cases promptly and expeditiously, for it cannot be gainsaid that

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justice delayed is justice denied. For delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, failure of judges to render judgment within the required period constitutes gross inefficiency warranting the imposition of administrative sanctions on them.

2. **ID.; ID.; ID.; REASONS ADDUCED BY RESPONDENT JUDGE FOR HER FAILURE TO DECIDE A CASE FOR A PERIOD OF FIVE YEARS, UNSATISFACTORY; A HEAVY CASELOAD MAY EXCUSE A JUDGE'S FAILURE TO DECIDE CASES WITHIN THE REGLEMENTARY PERIOD, BUT NOT HER FAILURE TO REQUEST AN EXTENSION OF TIME WITHIN WHICH TO DECIDE THE CASE ON TIME.**— The reasons adduced by respondent judge for her failure to decide Civil Case No. 7548 for a period of five years is unsatisfactory. While respondent judge claimed that she had decided the case and had in fact furnished the parties copies of the same, she did not state when she had done so. It would appear that she did so only shortly before she filed her comment on the complaint in this case on January 10, 2000, after a delay of more than five years. Hence, her excuse. Although we are inclined to be compassionate, respondent must realize that compassion has its limits. After all, respondent could have asked for time within which to decide cases, although not for such a long time as five years. Then, too, she could have gone on sick leave. But for her not to decide a case for five years cannot be wholly excused. A heavy caseload may excuse a judge's failure to decide cases within the reglementary period, but not her failure to request an extension of time within which to decide the case on time.

D E C I S I O N

MENDOZA, *J.*:

This is an administrative complaint for gross negligence filed by Patria Maquiran against Judge Lilia C. Lopez of the Regional Trial Court, Branch 109, Pasay City.

It appears that on August 31, 1990, complainant Patria Maquiran filed a suit for damages, docketed as Civil Case No. 7548, arising from the death of her husband due to an accident. The case, entitled "*Heirs of Pablo Maquiran and Jean Castillo v. Manila*

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Aero Transport System, Inc., Captain Anastacio Maravilla and Maria Basilonia So," was assigned to respondent judge. The case was submitted for decision in August 1994 after the parties had submitted their memoranda. On March 25, 1996, counsel for complainant moved for the resolution of the case.[1] However, up to the time the complaint in this case was filed on September 16, 1999, no decision had as yet been rendered by respondent judge.

In her comment, dated January 10, 2000, respondent judge claimed that she had finally decided the case and given copies of the decision to the parties. She explained that during the almost five years that the case was pending decision, many things had happened to her: that she was confined in the hospital and was scheduled for an operation for the removal of a mass in her uterus, but for her extremely high blood pressure; that her parents died and she was left with the responsibility of having to take care of her retardate sister and a brother who was suffering from a nervous breakdown; that as Executive Judge, she was given additional administrative duties; and that she had to conduct continuous hearings by reason of the designation of her court as a Special Criminal Court.

The Office of the Court Administrator found respondent administratively liable and recommended that she be ordered to pay a fine of ₱4,000.00 for inefficiency with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

Except as to the penalty recommended, we find the report of the OCA well taken.

Under Art. VIII, §15(1) of the Constitution, lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. Indeed, this Court has constantly impressed upon judges — may it not be said without success — the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is

[1] Annex "A" of Complaint.

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justice denied. For delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, failure of judges to render judgment within the required period constitutes gross inefficiency warranting the imposition of administrative sanctions on them.[2]

This is not the first time respondent judge is being sanctioned for failure to decide a case within the time for doing so. In *Dizon v. Lopez*,[3] she was found guilty of delay in the decision of a case and inefficiency, thus:

> Judge Lopez claims that on April 22, 1993, when the judgment was promulgated with the reading of the dispositive portion, her decision was already prepared, although to prevent leakage in the process of preparing it, she withheld its dispositive portion until the day of its promulgation. Respondent judge states that after the dispositive portion had been read to complainant, respondent gave it to Ma. Cleotilde Paulo (Social Worker II, presently OIC of Branch 109) for typing and incorporation into the text of the decision. The court found complainant guilty beyond reasonable doubt of falsification of private document under Art. 172, par 2 of the Revised Penal Code. Respondent states that the delay in furnishing complainant with a copy of the decision was unintentional.
>
> Respondent judge referred to difficulties she had in preparing her decision and to a series of personal problems which contributed to this delay in the release of her decision, to wit: she has only two (2) stenographers to attend to daily trials in her court, making it necessary for her to make use of the Social Worker assigned to her to type her decisions. During the period January to December 1993, she had to dispose of 285 cases, apart from the fact that there was an unusually big number of criminal, civil, and land registration cases as well as special proceedings filed in her court which required the holding of hearings in the mornings and in the afternoons. During the same period, she went through some personal tragedies. She lost her niece, Gloria Lopez Roque, whom she had raised from childhood, due to a hospital accident. This was followed by the death on March 1, 1992 of her mother, Margarita Lopez, who had been under respondent's care for the past eight years after suffering a stroke. On September 17, 1993,

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[2] Report on the Judicial Audit Conducted in RTC, Brs. 29, 56, & 57, Libmanan, Camarines Sur, 316 SCRA 272 (1999).

[3] 278 SCRA 483 (1997).

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respondent's father died of diabetes, a renal failure, pneumonia, and cardiac arrest. Respondent was the one who single-handedly brought them in and out of the hospital because all her able-bodied relatives are abroad. Respondent herself was found to be suffering from diabetes and hypertension, necessitating her treatment and leave of absence from September 27, 1994 to December 12, 1994, in addition to her other leaves of absence. Aside from these, respondent's family suffered financial reverses because of estafa committed against them.[4]

Considering that the case was respondent's first one and that her failure to decide the case on time was occasioned by the death of her parents, financial reverses of the family, and respondent's poor health — factors which this Court considered mitigating — respondent was simply given a reprimand and a warning:

If indeed all that had to be done after the dispositive portion had been read in open court on April 22, 1993 was to incorporate it in the text of the decision allegedly then already prepared, it is difficult to see why it took respondent judge one year and eight more months before she was able to do so. Respondent claims that she was prevented from putting out her decision by a series of personal and other problems which leads the Court to believe that when she promulgated her sentence she had not finished the preparation of the entire decision. At all events, she could have applied for extension of time to decide the case and put off the promulgation of judgment until she had finished it.[5]

However, respondent judge was again found administratively liable in *Ricafranca, Jr. v. Lopez*,[6] for failure to decide a case until five years after it was submitted for resolution. It is noteworthy that her excuse is the same one given in this case, to wit:

That on or about those dates, the undersigned was in and out of the hospital for the removal of a mass on both (sic) her uterus and in fact was scheduled for operation several times and was rolled in and out of the operating table (sic) five (5) times only to be brought out of the operating room upon advice of her cardiologist because of extremely high blood pressure.

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[4] *Id.* at 486-487.

[5] *Id.* at 488-489.

[6] A.M. No. RTJ-00-1583, November 15, 2000.

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Likewise, on or about said times, she lost both her parents and had to take care of her handicapped sister (a retardate) and a brother (who is suffering from a nervous breakdown and always lost his way) and the undersigned single-handedly has to look for him at least (*sic*) he dies of hunger and exposure to the elements, thus even aggravating further her health condition.

Additionally, she was designated as one of the Special Criminal Courts and lately as the only Family Court continuously hearing cases mornings and afternoons not to mention her administrative duties as a former executive judge and representing courts in other official functions.[7]

While again noting respondent's predicament in mitigation of her liability, this Court imposed on her a fine of ₱5,000.00. This Court said:

We note that this is not the first time that an administrative case was filed against respondent judge for delay in deciding a case pending before her *sala*. In 1997, in the case of *Dizon v. Lopez*, the Court reprimanded respondent judge for a similar offense. Nonetheless, we also note, as in the case of *Dizon*, that there were factors beyond the control of respondent that prevented her from giving her full attention to her official duties and responsibilities at the time. Aside from the fact that she was afflicted with a grave illness, she also had to take care of her sister and brother who were both suffering some disability. Although these do not justify her failure, they nonetheless serve to mitigate her culpability. In the light of these circumstances, we hold that the imposition of a fine of five thousand pesos upon respondent judge is just and reasonable.[8]

The reasons adduced by respondent judge for her failure to decide Civil Case No. 7548 for a period of five years is unsatisfactory. While respondent judge claimed that she had decided the case and had in fact furnished the parties copies of the same, she did not state when she had done so. It would appear that she did so only shortly before she filed her comment on the complaint in this case on January 10, 2000, after a delay of more than five years. Hence, her excuse. Although we are inclined to be compassionate, respondent must realize that compassion has

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[7] *Id.*

[8] *Id.*

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its limits. After all, respondent could have asked for time within which to decide cases, although not for such a long time as five years. Then, too, she could have gone on sick leave. But for her not to decide a case for five years cannot be wholly excused. A heavy caseload may excuse a judge's failure to decide cases within the reglementary period, but not her failure to request an extension of time within which to decide the case on time.[9]

Respondent likewise blames her failure to decide Civil Case No. 7548 on her administrative duties as Executive Judge of the Regional Trial Court of Pasay City and the fact that she was required to conduct continuous trials because her court had been designated a Special Criminal Court. However, she could have declined her designation as Executive Judge. She could also have asked to be relieved of her other duties. But she never did so.

WHEREFORE, a fine in the amount of Five Thousand Pesos (₱5,000.00) is imposed on respondent Judge Lilia C. Lopez for delay in deciding Civil Case No. 7548 with warning that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

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[9] *Adao v. Lorenzo*, 316 SCRA 570 (1999); *Request of Judge Irma Zira V. Masamayor, RTC-Branch 52, Talibon, Bohol for Extension of Time to Decide Criminal Case No. 96-185*, A.M. No. 99-1-16-RTC, 308 SCRA 553 (1999).