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**EN BANC**

[A.M. No. 98-10-138-MTCC. April 21, 1999]

## RE: CASES LEFT UNDECIDED BY JUDGE NARCISO M. BUMANGLAG, JR.

### SYNOPSIS

In view of the retirement of the respondent judge, the Office of the Court Administrator ordered an inventory and submission of a report on the cases submitted for decision before the respondent judge who did not decide the same before his retirement. Records disclosed that at the time of his retirement, respondent judge left seven criminal cases and three civil cases undecided within the 90-day reglementary period, in violation of Section 15, Article VIII of the Constitution of the Philippines. Respondent judge explained that his failure to act and decide subject cases submitted for his decision was due to his illness, which he properly substantiated.

The Court found deserving of due consideration the explanation of respondent judge for leaving ten cases undecided 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. Respondent Judge was adjudged administratively liable for his failure to decide ten cases before he retired from the judiciary. He was fined an amount of two thousand pesos, which was deducted from his retirement benefits.

### SYLLABUS

**ADMINISTRATIVE LAW; JUDGES; FAILURE TO DECIDE CASES WITHIN THE PERIODS FIXED BY LAW CONSTITUTES A NEGLECT OF DUTY, WHICH WARRANTS THE IMPOSITION OF ADMINISTRATIVE SANCTIONS; CASE AT BAR.** — The members of the judiciary have the sworn duty to administer justice without undue delay.

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Failure to decide cases within the periods fixed by law constitutes a 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 serious illness beyond his control, the court is of the sense that the recommended fine of Five Thousand (P5,000.00) Pesos is too much, and a fine of Two Thousand (P2,000.00) 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.

## D E C I S I O N

**PURISIMA, *J.*:**

The Code of Judicial Conduct imposes upon judges the duty to decide and dispose cases promptly within the periods required by law.[1] Section 15, Article VIII of the 1987 Constitution of this country mandates lower courts to decide or resolve cases or matters within three (3) months from date of submission for decision or final resolution. Failure to decide cases within the 90-day reglementary period may warrant imposition of administrative sanction on the erring judge.[2]

On August 17, 1998, upon reaching the compulsory retirement age of 70 years, Judge Narciso M. Bumanglag, Jr. retired as Presiding Judge of the Municipal Trial Court in Cities, Branch 1,

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

[2] Report on the Judicial Audit Conducted in Municipal Trial Court, Sibulan, Negros Oriental, 282 SCRA 463; Report on Audit and Physical Inventory of the Record of cases in MTC Penaranda, Nueva Ecija, 276 SCRA 257.

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Davao City. In view of the retirement of respondent Judge, the Office of the Court Administrator directed the Branch Clerk of Court of the said Municipal Trial Court in Cities to conduct an inventory and submit a report on the cases submitted for decision before the respondent judge who did not decide the same before his retirement.

On August 25, 1988, Branch Clerk of Court Salvacion C. Balasa sent in a Certification[3] stating as follows:

| Case Number | Date Submitted for Decision | Due Date of Decision |
|---|---|---|
| Criminal Cases | | |
| 47, 625-A-97 | 2/10/98 | 5/11/98 |
| 5861-E-93 | 2/13/98 | 5/14/98 |
| 5680-E-93 | 2/13/98 | 5/14/98 |
| 47,637-A-97 | 2/24/98 | 5/25/98 |
| 47,639-A-97 | 2/24/98 | 5/25/98 |
| 45,133-A-96 | 2/25/98 | 5/26/98 |
| 45,134-A-97 | 2/25/98 | 5/26/98 |
| Civil Cases | | |
| 3764-A-97 | 3/27/98 | 6/25/98 |
| 4043-A-97 | 4/17/98 | 7/16/98 |
| 4193-A-97 | 7/20/98 | 9/18/98 |

Records show that at the time of his retirement, respondent judge left seven (7) criminal cases and three (3) civil cases undecided within the 90-day reglementary period, in violation of Section 15, Article VIII of the Constitution of the Philippines.

On November 17, 1998, the Court resolved to require respondent Judge Bumanglag to comment on his failure to decide the aforementioned cases within the 90-day reglementary period.

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[3] *Rollo*, p. 1.

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In the comment he sent in on December 22, 1998, respondent judge explained that his failure to act on and decide subject cases submitted for his decision was due to his illness. In March 1998, he was diagnosed to be suffering from an acute prostate ailment. To prove such illness, he attached the Medical Certificate issued by his attending physician in Davao City, Dr. Laureano Agbisit, a Surgical Pathology Report on his prostatic carcinoma and a certification by Dr. Edgar U. Lim of the Metropolitan Hospital that on May 19, 1998, respondent Judge underwent a surgical operation for prostatic carcinoma and was prescribed complete bed rest for two months. Although the said operation was successful, he was not fully recovered and had to submit himself for periodic check-up every three months.

The matter was referred to the Office of the Court Administrator for evaluation, report and recommendation. On September 29, 1998, the Court Administrator recommended that respondent judge be fined Twenty Thousand (P20,000.00) Pesos, deductible from the latter's retirement benefits. On January 29, 1999, however, the OCAD recommended a reduction of the fine to Five Thousand (P5,000.00) Pesos.

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 a 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 serious illness beyond his control, the court is

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of the sense that the recommended fine of Five Thousand (P5,000.00) Pesos is too much, and a fine of Two Thousand (P2,000.00) 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.

**WHEREFORE**, respondent Judge Narciso M. Bumanglag, Jr. is adjudged administratively liable for his failure to decide the ten (10) cases in question, before he retired from the judiciary, and is hereby *FINED* Two Thousand (P2,000.00) Pesos, which amount may be deducted from whatever retirement benefits due him.

**SO ORDERED.**

*Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes,* and *Ynares-Santiago, JJ.,* concur.

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**EN BANC**

[A.M. No. MTJ 98-1168. April 21, 1999]

**LUALHATI M. LIWANAG,** *complainant, vs.* **JUDGE PATERNO H. LUSTRE, Presiding Judge, Municipal Trial Court, Calamba, Laguna,** *respondent.*

**SYNOPSIS**

This is an administrative case filed by Lualhati M. Liwanag praying that respondent Judge Paterno H. Lustre be dismissed from service for gross immorality and grave misconduct unbecoming of his profession for sexually molesting her. The Court