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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

EN BANC

[A.M. No. 00-8-05-SC. January 31, 2002]

RE: PROBLEM OF DELAYS IN CASES BEFORE THE SANDIGANBAYAN.

SYNOPSIS

Sandiganbayan Presiding Justice Francis E. Garchitorena filed with the Supreme Court a Clarification and Motion for Reconsideration praying that the Court modify and reconsider its resolution imposing on him a fine for inefficiency and gross neglect of duty; temporarily relieving him of his powers, functions and duties as Presiding Justice of the Sandiganbayan and from presiding over the trial of cases as a Justice and Chairman, First Division, so that he may devote himself exclusively to decision-writing, until the backlog of cases assigned to him as well as cases not assigned to any *ponente*, of which he shall be deemed ponente in the First Division, are finally decided.

The Supreme Court denied the motion. The Court in its earlier resolution mildly reprobated PJ Garchitorena for the serious delays in the adjudication of cases pending with the Sandiganbayan which admittedly tarried for over ten (10) years from submission for decision, characterizing it as constituting inefficiency, not to say incompetence. A magistrate should dispose of the court's business promptly and decide cases within the required period. For justice delayed is often justice denied, and delay in the disposition of cases erodes the faith and

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confidence of the public in the institution of justice, lowers standards and brings them into disrepute. It has been held that every judge must cultivate a capacity for quick decisions. He must not delay by slothfulness of mind or body, the judgment which a party justly deserves. No less than the fundamental law requires that cases be decided with dispatch. The requirement that cases be decided within a specified period from their submission is designed to prevent delay in the administration of justice.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; DELAY IN DECIDING CASES WARRANTS ADMINISTRATIVE SANCTIONS, INCLUDING REMOVAL FROM OFFICE.**— PJ Garchitorena could not complain that he "did not know he was at peril of sanctions." A judge worthy of the office ought to know that he is in peril of administrative sanctions, including removal from office, the moment he incurs delay in deciding cases. *Mora decidendi reprobatur in lege.* In *Canson v. Garchitorena,* we admonished PJ Garchitorena that any act that would deprive a party of the right to a just and speedy trial shall be dealt with severely. Furthermore, in the case of *Licaros v. Sandiganbayan, we said that Presiding Justice Garchitorena was in danger of chastisement for delay in the decision in that case, forcing the Supreme Court to dismiss the charges against the accused for violation of his Constitutional right to speedy disposition of the case.*

2. **REMEDIAL LAW; COURTS; SANDIGANBAYAN; PRESIDING JUSTICE; POSSESSES SUPERVISORY POWERS OVER THE COURT.**— As Presiding Justice, PJ Garchitorena possesses vast powers of supervision, direction and control over the Sandiganbayan. PJ Garchitorena has no power to decide cases pending before other divisions of the Sandiganbayan. He knew that much. Nonetheless, he possesses supervisory powers over the court and bears responsibility for the prevailing state of affairs therein, specifically, the lack of an efficient recording and filing system which would enable the court to monitor the flow of cases and to manage their speedy and timely disposition.

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3. LEGAL AND JUDICIAL ETHICS; JUDGES; FAILURE TO DECIDE CASES WITHIN THE REQUIRED PERIOD CONSTITUTES GROSS INEFFICIENCY.— Justice Sabino R. de Leon, Jr. temporized in *Sulla v. Ramos* that "delay in the disposition of cases erodes the faith and confidence of our people, lowers its standards and brings it into disrepute. This Court notes from the letters of Dr. Sulla, a father's frustration with the justice system, having had to wait more than *two (2)* years for the resolution of the case which he hopes would bring justice to his minor daughter. Guarding against this danger is precisely the reason why this Court has repeatedly reminded judges that *failure to decide cases within the required period constitutes gross inefficiency* for which the erring judge is *subject to administrative sanction.*" The Court imposed a fine of ₱5,000.00 for a delay of two years in a single case.

4. ID.; ID.; JUDICIAL FUNCTIONS; DECISION-MAKING; PRIMORDIAL DUTY OF A MEMBER OF THE BENCH.— Decision-making is the primordial duty of a member of the bench. No other matter can be more important than decision-making, certainly, not reviewing *vouchers* and attending to *incoming mail.* We stress that decision-making is the most important duty of a member of the bench. PJ Garchitorena never disputed that from December 21, 2000 to November 16, 2001, or for almost one year, *not one case was decided/* resolved by the Presiding Justice himself. In this area, PJ Garchitorena's performance has been dismal; he has been remiss to the point of plain inefficiency, if not incompetence. He was not idle. He attended to other matters, and more, such as *review of vouchers, attending to incoming mail and conferring with different persons.* The clerk of court or an executive assistant could very well attend to these matters. He wanted to personally attend to the vouchers of expenses of the other justices and to his incoming mail. These are not judicial functions. He took pride in his dispositions of incidental matters, in forty-four (44) cases in fourteen (14) months (average: 3 cases a month), such as to determine probable cause (12 cases), act on demurrers to evidence (2 cases), and motions to withdraw information (30 cases). We examined the papers on these cases. They were routine minutes that the clerk of court prepared and on which he simply gave his approval and affixed his signature. Moreover, these were set on standard forms (*de cajon*), that the clerk of court accomplished.

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5. ID.; ID.; NON-ASSIGNMENT OF CASES TO A *PONENTE* CONSTITUTES NEGLECT OF DUTY; CASE AT BAR.— PJ Garchitorena belittles his non-assignment of cases as a mere "administrative lapse," or an "administrative error." We cannot see it his way. We view his inaction as serious and gross. An administrative lapse or error, done blatantly several times over a long period of time, sixteen years of his tenure, constitutes inefficiency to say the least. PJ Garchitorena's inaction was not just in a single case. It was consistent, blatant and patent. We cannot imagine why many cases submitted for decision as far back as 1990 have not been assigned for the writing of a decision, extended opinion or resolution. The law clearly states that a case submitted for decision must be decided in ninety (90) days. How can the case be decided if not assigned? To leave it not even assigned to a *ponente for more than ten years* is neglect of duty resulting in injustice to the parties. This, we cannot countenance.

RESOLUTION

PARDO, *J.*:

What is before the Court is Sandiganbayan Presiding Justice Francis E. Garchitorena's "Clarification and Motion for Reconsideration"[1] praying that the Court modify and reconsider its resolution of November 28, 2001, imposing on him a fine of twenty thousand pesos (₱20,000.00) for inefficiency and gross neglect of duty; temporarily relieving him of his powers, functions and duties as Presiding Justice, Sandiganbayan and from presiding over the trial of cases as a Justice and Chairman, First Division, so that he may devote himself exclusively to decision-writing, until the backlog of cases assigned to him as well as cases not assigned to any *ponente*, of which he shall be deemed *ponente* in the First Division, are finally decided.

We quote PJ Garchitorena's prayer:

"WHEREFORE, it is respectfully prayed that the Judgment of this Honorable Court be modified and reconsidered in that:

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[1] Filed on December 21, 2001, after securing a ten-day extension.

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"1. the order for him to dispose of all the cases unassigned as of the time of the audit consisting of 36 sets of cases (or 60 individual cases) be set aside; and

"2. the fine imposed on him be likewise set aside."

The Court's Ruling

We DENY the motion.

At the heart of PJ Garchitorena's motion is that the Court denied him due process of law. PJ Garchitorena states that:

"he was *not made aware* that he *was at peril of sanctions*, nor was he made aware of what were the findings of the Court Administrator (*right to notice*) which he should explain or clarify, if clarification was proper at all (*right to be heard*)."[2]

Essentially, PJ Garchitorena bewails the fact that he was not given notice of the charges, neither was he given the opportunity to explain or clarify. Also, that he was "*single(d) out, and with such severity.*"[3] PJ Garchitorena posits that he was denied equal protection of the law.

Due Process of Law

Deploring the lack of notice, PJ Garchitorena contends that the IBP Resolution, which the Court treated as an administrative complaint, "did *not* involve *matters attributable to him,* and for which, therefore, he should *not be held accountable.*"[4] We disagree.

On July 31, 2000, the IBP submitted to the Court a resolution recommending that the Court "*make an inquiry into the causes of delay in the resolution of incidents and motions and in the decision of cases before the Sandiganbayan for the purpose of enacting measures intended at avoiding such delays.*"[5] On August

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[2] Clarification and Motion for Reconsideration, p. 3.

[3] Clarification and Motion for Reconsideration, p. 29.

[4] Clarification and Motion for Reconsideration, p. 13.

[5] *Rollo*, pp. 3-4.

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8, 2000, the Court required PJ Garchitorena to comment on the IBP resolution and to submit a list of *all* Sandiganbayan cases pending decision. PJ Garchitorena admitted the number of cases submitted for decision but not decided as of September 2000, as follows:

"*Cases Submitted For Decision*"

"1st Division	341
"2nd Division	5
"3rd Division	12
"4th Division	5
"5th Division	52
"Total	**415**

The inquiry conducted by the Court showed: **First**, the Sandiganbayan's First Division, of which PJ Garchitorena is Chairman had the bulk of the backlog.[6] **Second**, the cases in the backlog date as far back as ten years ago. **Third**, the Sandiganbayan had no accurate filing and recording system of cases, an administrative task under the direction and control of the Presiding Justice.

We precisely enacted measures to address the IBP resolution. **First**, the Court ruled that cases submitted for decision must be decided within three (3) months, not twelve (12) months, from submission. **Second**, Supreme Court Administrative Circular 10-94 applied to the Sandiganbayan. **Third**, the Court relieved PJ Garchitorena of administrative duties to give him time to devote himself solely to decision-making to dispose of the backlog of cases remaining pending before the First Division of which he is Chairman. Thus, we cannot see how the IBP Resolution did not involve matters attributable to PJ Garchitorena for which he could be held responsible.

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[6] In his report of September 27, 2000, PJ Garchitorena admitted the number of cases submitted for decision or resolution before the divisions.

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PJ Garchitorena could not complain that he "did not know he was at peril of sanctions." A judge worthy of the office ought to know that he is in peril of administrative sanctions, including removal from office, the moment he incurs delay in deciding cases.[7] *Mora decidendi reprobatur in lege.* In ***Canson v. Garchitorena***,[8] we admonished PJ Garchitorena that any act that would deprive a party of the right to a just and speedy trial shall be dealt with severely.[9] Furthermore, in the case of ***Licaros v. Sandiganbayan,***[10] ***we said that Presiding Justice Garchitorena was in danger of chastisement for delay in the decision in that case, forcing the Supreme Court to dismiss the charges against the accused for violation of his Constitutional right to speedy disposition of the case.***

Speaking for the Court, Justice Minerva Gonzaga Reyes said:

"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 required periods. All judges must be reminded that a case should be decided within ninety days from its submission, otherwise, the judge would be guilty of gross inefficiency and neglect of duty. Failure to render a decision beyond the ninety day (90) period from the submission of the case for decision is detrimental to the honor and integrity of his office and in derogation of a speedy administration of justice.[11]

"The members of the judiciary have the sworn duty to administer justice without undue delay. For failing to do so, respondent judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary. The Court has consistently impressed

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[7] *Cadauan v. Alivia*, 344 SCRA 174, 176 [2000]; *Gil v. Janolo,* 347 SCRA 6, 8-9 [2000].

[8] 370 Phil. 287 [1999].

[9] *Supra*, at p. 288.

[10] G.R. No. 145851, November 21, 2001.

[11] *Cadauan v. Alivia*, *supra*, Note 7, citing *Saylo v. Rojo*, 330 SCRA 243 [2000]; *Alonto-Frayna v. Astih,* 300 SCRA 199 [1998].

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upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. It is the duty of every judge to resolve cases filed before him with good dispatch. Failure to decide the case within the reglementary period is not excusable and constitutes inefficiency warranting the imposition of administrative sanctions on the defaulting judge."[12]

Neither can we accept the view that PJ Garchitorena did not have the opportunity to be heard. He himself filed the compliance in behalf of the Sandiganbayan that incriminated him.[13] He wrote a letter to the Chief Justice admitting his backlog.[14] Furthermore, the audit conducted by Justice Ramirez of the OCA was based on reports and memoranda prepared by the Sandiganbayan of which he is head of office.[15] Admittedly, a reason for the delay is the non-assignment of the cases to its respective *ponente*.

PJ Garchitorena does not dispute the fact that he himself provided the information used as basis for the OCA memorandum. In his motion, he states that the reasons found by the Court Administrator in his report of January 25, 2001 referred to conditions in the entire court; all the presiding justice could give then was data provided by the other Divisions – as well as that pertinent to the First Division.[16]

Equal Protection of Laws

PJ Garchitorena complains that "he was singled out." Begrudged is how it appears to him. Truth is, it was PJ

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[12] *Cadauan v. Alivia, supra*, Note 7, citing *Office of the Court Administrator v. Judge Aquino*, 334 SCRA 179 [2000]. Only one case was involved in this case. See also *Ricafranca, Jr. v. Lopez*, 344 SCRA 583 [2000].

[13] Dated September 26, 2000, *Rollo*, pp. 6-18.

[14] *Rollo*, p. 56.

[15] The Clerks of Court of the five divisions of the Sandiganbayan provided the information contained in Justice Ramirez' compliance report (Compliance Report, *Rollo*, p. 342).

[16] Clarification and Motion for Reconsideration, p. 5.

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Garchitorena's actions and inactions that singled him out. PJ Garchitorena stands out in the entire judiciary. He gave the backlogs to the other justices unloading to them cases already submitted for decision long ago in the guise of reorganization. Such unloading of cases submitted to PJ Garchitorena and re-assignment to the newly appointed justices was not warranted under the law creating additional divisions of the Sandiganbayan. **First**, he has been Presiding Justice for the last sixteen (16) years. **Second**, the First Division he chairs suffers from the biggest backlog of both pending and unassigned cases. He has not assigned the cases, or worse, he chose the cases to be re-assigned or unloaded.

Functions, Responsibilities of a Presiding Justice

As Presiding Justice, PJ Garchitorena possesses vast powers of supervision, direction and control over the Sandiganbayan.

PJ Garchitorena has no power to decide cases pending before other divisions of the Sandiganbayan. He knew that much. Nonetheless, he possesses supervisory powers over the court and bears responsibility for the prevailing state of affairs therein, specifically, the lack of an efficient recording and filing system which would enable the court to monitor the flow of cases and to manage their speedy and timely disposition.[17]

PJ Garchitorena complains that we unfairly held him responsible for ***all*** the pending cases ***in the other divisions*** of the Sandiganbayan. Our resolution contradicts his contention. We quote:

"Relief of Presiding Justice

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"Presiding Justice Francis E. Garchitorena sits **as the Chairman, First Division**, *with a backlog of cases pending decision. At least seventy-three cases have been unassigned for the writing of the*

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[17] Cf. *Re: Request of Judge Masamayor, RTC-Br. 52, Talibon, Bohol, For Extension of Time to Decide Civil Case No. 0020 and Criminal Case No. 98-384,* 316 SCRA 219 [1999]; *Bernardo v. Fabros,* 366 Phil. 485 [1999].

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extended opinion, though submitted for decision. It may be the thinking of the Presiding Justice, Sandiganbayan that an unassigned case is not counted in its backlog of undecided cases. This is not correct. **It is the duty of the Presiding Justice and the Chairmen of divisions** *to assign the ponente as soon as the case is declared submitted for decision, if not earlier. If he fails to make the assignment, he shall be deemed to be the ponente.*

"xxx The designation of a *ponente* to a case is *not a difficult administrative task.*

"**Administrative sanctions** must be imposed. "*Mora reprobatur in lege.*"[18]

Again, we reiterate the principle that decision-making is the most important of all judicial functions and responsibilities.[19] In this area, Presiding Justice Francis E. Garchitorena, as the *ponente* assigned to the cases submitted for decision/resolution long ago, some as far back as more than ten (10) years ago, has been remiss constituting gross neglect of duty and inefficiency.[20]

"xxx According to the report of the Sandiganbayan, as of September 26, 2000, there were three hundred forty one (341) cases submitted for decision **before its first division headed by the Presiding Justice.** In the memorandum of the OCA, there were one hundred ninety eight (198) cases reported submitted for decision *before the First Division.*[21] Even in the updated report, there are one hundred thirty-eight (138) cases still undecided *in the First Division.*

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[18] Delay is reprobated in law (Black's Law Dictionary, 4th Edition, 1951, West Publishing Co., p. 1160).

[19] *Rivera v. Lamorena*, 345 Phil. 880, 883 [1997].

[20] *Sabado v. Cajigal*, 219 SCRA 800 [1993]; *Casia v. Gestopa, Jr.*, 371 Phil. 131 [1999]; *Report on the Judicial Audit Conducted in RTC, Brs. 29, 56 and 57, Libmanan, Camarines Sur*, 316 SCRA 272 [1999]; *Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.*, 365 Phil. 492 [1999]; *Re: report on the Judicial Audit Conducted in the RTC, Br. 68, Camiling, Tarlac*, 364 Phil. 530 [1999]; *Bernardo v. Fabros*, 366 Phil. 485 [1999]; *Louis Viutton S. A. v. Villanueva*, 216 SCRA 121 [1992]. Imposed in a case where there was failure to decide a case despite the lapse of years from its submission (*Lambino v. de Vera*, 341 Phil. 62, 67 [1997]).

[21] As of December 21, 2000.

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"In fact, *Presiding Justice Francis E. Garchitorena admitted that he has a backlog.*[22] He claimed that one (1) case alone comprises fifty percent (50%) of the backlog. We find this claim exaggerated. We cannot accept that a backlog of three hundred forty-one (341) cases in the First Division could be eliminated by the resolution of a single consolidated case of one hundred fifty-six (156) counts. A consolidated case is considered only as one case. The cases referred to were consolidated as Criminal Case Nos. 9812-9967, *People v. Corazon Gammad-Leaño*, decided on December 8, 2000. What about the one hundred eighty-five (185) cases that unfortunately remained undecided to this date? Worse, the motion for reconsideration of the decision in said cases, submitted as of January 11, 2001, has not been resolved to this date.[23] The First Division has only thirty (30) days from submission to resolve the same. It is now ten (10) months from submission. **The *expediente* and the motion were transmitted to the ponente, Presiding Justice Francis E. Garchitorena, on that date, but to this day the case remains unresolved.**[24] Unfortunately, even other divisions of the Sandiganbayan may be following his example.[25]

"In the first report of the Court Administrator, he indicated a total of one hundred ninety-five (195) criminal cases and three (3) civil cases, or a total of one hundred ninety-eight (198) cases submitted for decision as of December 21, 2000.[26] Almost a year later, as of November 16, 2001, there are still one hundred thirty-eight (138) cases undecided submitted long ago. *For almost one*

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[22] *Supra*, Note 14, *Rollo*, p. 56.

[23] As of November 16, 2001. See Compliance Report, dated November 16, 2001, of Justice Ramirez.

[24] Compliance Report of Justice Ramirez, *Rollo*, pp. 341-354, at p. 354.

[25] According to the Sandiganbayan, Fourth Division, Clerk of Court, a motion for reconsideration in the case of *People v. Bienvenido A. Tan* (Crim. Case 20685) submitted on May 4, 2001, has also remained unresolved. On January 23, 2002, the Sandiganbayan resolved the case, reversing itself and acquitting the accused. Another instance of violation of the thirty-day reglementary period for resolving motions for reconsideration.

[26] Pp. 12-23 of the resolution of November 28, 2001.

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year, **not one case was decided/resolved by the Presiding Justice himself."**[27]

Thus, the Court mildly reprobated PJ Garchitorena for the serious delays in the adjudication of cases pending with the Sandiganbayan which admittedly tarried for over ten (10) years from submission for decision, characterizing it as constituting inefficiency, not to say incompetence. Now, PJ Garchitorena says that he was not incompetent or inefficient; he was not idle, his failings were administrative lapses, not sloth. We view it another way. As hereinabove stated, we have ruled that a judge's delay in deciding even a single case beyond the prescribed period constituted inefficiency.[28] More, we said, "a judge should perform official duties honestly, and with impartiality and diligence. He should administer justice impartially and without delay. A magistrate should dispose of the court's business promptly and decide cases within the required period. For justice delayed is often justice denied, and delay in the disposition of cases erodes the faith and confidence of the public in the institution of justice, lowers standards and brings them into disrepute. It has been held that every judge must cultivate a capacity for quick decisions. He must not delay by *sloth*fulness of mind or body, the judgment which a party justly deserves. For the public trust character of a judge's office imposes upon him the highest degree of responsibility in the discharge of his obligation to promptly administer justice. No less than the fundamental law requires that cases be decided with dispatch. The requirement that cases be decided within a specified period from their submission is designed to prevent delay in the administration of justice. In fact, a judge may even be held *criminally liable for malicious delay* in the administration of justice."[29] Even Justice Sabino

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[27] On December 08, 2000, Presiding Justice Garchitorena decided a single consolidated case of 156 components, Crim. Cases Nos. 9812 to 9967, for estafa through falsification of public documents.

[28] *Cadauan v. Alivia, supra*, Note 7; *Ricafranca, Jr. v. Lopez, supra*, Note 12.

[29] Justice Kapunan, in *Bonilla v. Gustilo*, 345 SCRA 315, 319 [2000].

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R. de Leon, Jr. temporized in *Sulla v. Ramos*[30] that "delay in the disposition of cases erodes the faith and confidence of our people, lowers its standards and brings it into disrepute. This Court notes from the letters of Dr. Sulla, a father's frustration with the justice system, having had to wait more than *two (2)* years for the resolution of the case which he hopes would bring justice to his minor daughter. Guarding against this danger is precisely the reason why this Court has repeatedly reminded judges that *failure to decide cases within the required period constitutes gross inefficiency* for which the erring judge is *subject to administrative sanction*." The Court imposed a fine of ₱5,000.00 for a delay of two years in a single case.

Responsibility for Unloading of Cases

As to his assertion that the Court unfairly attributed to him the unloading of cases to the other divisions,[31] we made no such accusation. This is what we said:[32]

"We *suggest* a review of the practice of unloading cases that greatly contributes to the backlog of undecided cases. When a case has been heard and tried before a division of the Sandiganbayan, it is ideal that the same division and no other must decide it as far as practicable."

We did not attribute fault to PJ Garchitorena. His fear is simply imagined, not real.

At any rate, as we suggested, it is not good practice to unload cases already submitted for decision to justices still in the service. In 1995, Congress enacted Republic Act No. 7975 (implemented in 1997 with the appointment of six new justices in September 1997) increasing the number of divisions of the Sandiganbayan to five.

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[30] 341 SCRA 157, 160 [2000].

[31] Clarification and Motion for Reconsideration, pp. 8-11.

[32] *Re: Problem of Delays in Cases Before the Sandiganbayan,* A. M. No. 00-8-05-SC, November 28, 2001.

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The creation of two additional divisions was intended to enable the Sandiganbayan to cope with the increasing number of cases filed, not to enable the Presiding Justice to unload submitted cases to the new divisions. In the same manner, when Congress enacted Republic Act No. 5179, the law creating the Circuit Criminal Courts, we ruled that the transfer of pre-selected cases to the newly created courts could not be done.[33]

PJ Garchitorena feigns that he is unaware of his responsibilities and functions over judicial cases pending before the other divisions of the Sandiganbayan. He reminds the Court that he asked for guidance with respect to this matter but his request was not acted upon, hence, he assumed that his understanding of his functions was correct. We "noted" PJ Garchitorena's comment filed in *Lt. Col. Lino A. Sanchez vs. Sandiganbayan*.[34] It does not mean that the Court agreed with him.[35] PJ Garchitorena has no right to assume this. The term "noted" means that the Court has taken cognizance of an act or declaration, without exercising a judicious deliberation or rendering a decision on the matter. It does not imply agreement or approval.[36]

With this resolution, we hope that the limits of the Presiding Justice's responsibilities and functions have been settled and that PJ Garchitorena's *"need for enlightenment"*[37] has been amply satisfied.

Incompetence, Inefficiency and Gross Misconduct in Office

PJ Garchitorena posits that this Court's imputation against him of inefficiency is "*unwarranted by a clear view of the facts*." PJ Garchitorena states that "*he was not idle*."

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[33] *Osmeña, Jr. v. Secretary of Justice*, 148-B Phil. 677 [1971].

[34] 372 Phil. 625 [1999].

[35] Clarification and Motion for Reconsideration, pp. 7-8.

[36] *Sichangco v. Board of Commissioners of Immigration*, 94 SCRA 61, 69 [1979]; *Manila Hotel Corp. v. NLRC*, 343 SCRA 1 [2000].

[37] Clarification and Motion for Reconsideration, p. 8.

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He explains that for a period of fourteen (14) months, from September 2000 to November 2001, he has acted on forty-four (44) dismissals, twelve (12) of them for lack of probable cause, two (2) on demurrers to evidence and the rest (30 cases) for withdrawals of information. Admittedly, *not one* case was part of the *backlog*. He gives the excuse that from August 2000 to November 2001, the First Division has been out of town six (6) times to hear cases, stating that the sessions sometimes extended to five-thirty in the afternoon. He explains that his time has been occupied by presiding over pre-trials, by *attending to administrative matters such as review of vouchers, attending to incoming mail and conferring with different persons*. He describes his work as "*intense*."[38]

True, the work of a Presiding Justice and Division Chairman requires meticulous attention to details. To whom much is given, much is expected and required. PJ Garchitorena cannot recuse himself from the task of preparing decisions and resolutions by pointing out that he was pre-occupied with other matters. Decision-making is the primordial duty of a member of the bench.[39] No other matter can be more important than decision-making, certainly, not reviewing *vouchers* and attending to *incoming mail*. We stress that decision-making is the most important duty of a member of the bench.[40] PJ Garchitorena never disputed that from December 21, 2000 to November 16, 2001, or for almost one year, *not one case was decided*/resolved by the Presiding Justice himself.[41] In this area, PJ Garchitorena's performance has been dismal; he has been remiss to the point of plain inefficiency, if not incompetence. He was not idle. He attended to other matters, and more, such as *review of vouchers, attending to incoming mail and conferring with different persons.*

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[38] Clarification and Motion for Reconsideration, pp. 19-22.

[39] *Cadauan v. Alivia, supra*, Note 7.

[40] *Rivera v. Lamorena,* 345 Phil. 880, 883 [1997].

[41] On December 08, 2000, Presiding Justice Garchitorena decided a single consolidated case of 156 components, Crim. Cases Nos. 9812 to 9967, for estafa through falsification of public documents.

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The clerk of court or an executive assistant could very well attend to these matters. He wanted to personally attend to the vouchers of expenses of the other justices and to his incoming mail. These are not judicial functions. He took pride in his dispositions of incidental matters, in forty-four (44) cases in fourteen (14) months (average: 3 cases a month), such as to determine probable cause (12 cases), act on demurrers to evidence (2 cases), and motions to withdraw information (30 cases). We examined the papers on these cases. They were routine minutes that the clerk of court prepared and on which he simply gave his approval and affixed his signature. Moreover, these were set on standard forms (*de cajon*), that the clerk of court accomplished.

In one case that presented some difficulty, PJ Garchitorena failed to act on the case for seven long years, since 1994 to the present.[42]

Precisely, he was relieved of trial work, including presiding over pre-trials, and of his administrative duties to stress this fact. More than excusing him, his revelations justify the decision of the Court to relieve him of tasks that prevented him from devoting his time to his real work—decision-making. Instead of seeing his relief as a sanction, he should view it as the Court's way of aiding him to dispose of his backlog of undecided cases long crying for attention and justice. Which is why, he was allowed to continue to decide cases, draw his *salary and allowances.* If he cannot meet his responsibilities and discharge his primordial duty of deciding cases, then he must know his inexorable duty to do what he demanded or required of other justices of the Sandiganbayan.

***Ponente** of Unassigned Cases*

PJ Garchitorena belittles his non-assignment of cases as a mere "administrative lapse," or an "administrative error." We cannot see it his way. We view his inaction as serious and gross. An administrative lapse or error, done blatantly several

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[42] See Report of the Sandiganbayan, cited on p. 19, footnote 50, Resolution. Criminal Case No. 20557, *People v. Rafael Sison.*

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times over a long period of time, sixteen years of his tenure, constitutes inefficiency to say the least.

PJ Garchitorena's inaction was not just in a single case. It was consistent, blatant and patent. We cannot imagine why many cases submitted for decision as far back as 1990 have not been assigned for the writing of a decision, extended opinion or resolution.[43] The law clearly states that a case submitted for decision must be decided in ninety (90) days.[44] How can the case be decided if not assigned? To leave it not even assigned to a *ponente for more than ten years* is neglect of duty resulting in injustice to the parties. This, we cannot countenance. Meantime, the justices who heard the case might have retired, died or were promoted.

PJ Garchitorena cited the court's reorganization in 1997, and the need to reorient the new justices delayed his assignment of the cases. How was this possible when the cases were submitted for decision as far back as ten years ago, long before the reorganization. How long should the re-orientation take? The justification appears trivial. The assignment of cases is not a difficult or complicated task. We find it worse that PJ Garchitorena blames an un-named *justice* of the First Division for the backlog, who was not even appointed when the backlog accumulated, stating that "*there was no significant output from a member of this Division so that distributing the cases to him would neither help this member, nor would the cases to be assigned to him be resolved any earlier.*"[45] We find the reasoning aghast. As Chairman, PJ Garchitorena had the power to take up the cases with his colleagues in the Division. He is *primus inter pares*. We cannot believe that the slow production of this un-named

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[43] At this point whether or not we consider a consolidated case as one single case, or as multiple cases is no longer important. The point is that the number of cases whether individual ones or sets of cases is deplorable and merits the attention of this Court.

[44] Even if PJ Garchitorena was under the mistaken notion that the law allows a period of 12 months, still he has no excuse.

[45] Clarification and Motion for Reconsideration, pp. 22-23.

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justice prevented the Presiding Justice from seeing to it that the cases were disposed of. What about his own pending cases remaining undecided on the merits? For a year, he *decided not one case*. If it was truly his concern to expeditiously dispose of the backlog, he could have taken the responsibility upon himself. This finger-pointing and blame-throwing to innocent colleagues are the hallmarks of frivolity. Such reasoning only brings the Sandiganbayan into disrepute and betrays the dismal state of affairs therein. The position of Presiding Justice, like that of an Executive Judge, is a privilege and a form of recognition of his leadership qualities, but does not excuse him from complying with his constitutional duty to decide cases within ninety (90) days from the time they were submitted for decision.[46]

PJ Garchitorena recognizes that it is the Division Chairman who is tasked with the duty to assign cases. The duty arises as soon as the case is raffled to the division, if not to a specific member.

Since he failed to make the assignment, he is deemed to have taken on the task of writing the decision himself. He shall be deemed the *ponente*. While there was "no advantage to PJ Garchitorena in not distributing the cases at an earlier time"[47] as he submits, still the administration of justice is disadvantaged to the prejudice of the parties.

The Fine

The fine imposed on PJ Garchitorena is nominal. In cases where trial court judges failed to decide ***even a single case*** within the ninety (90) day period, we imposed a fine of five thousand pesos (₱5,000.00).[48] Thus, the fine of twenty thousand pesos (₱20,000.00) cannot be deemed unfair or excessive.

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[46] *Report on the Judicial Audit conducted in the Regional Trial Court, Branch 4 and 23, Manila, and Metropolitan Trial Court, Branch 14, Manila*, 353 Phil. 199 [1998].

[47] Clarification and Motion for Reconsideration, p. 23.

[48] See *Cadauan v. Alivia, supra*, Note 7; also *Sulla v. Ramos, supra*, Note 30.

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El Fallo del Tribunal

WHEREFORE, we *DENY Sandiganbayan* Presiding Justice Francis E. Garchitorena's "Clarification and Motion for Reconsideration," dated December 21, 2001.

The denial is final.

SO ORDERED.

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

Vitug and *Panganiban, JJ.,* in the result.

FIRST DIVISION

[G.R. No. 124393. January 31, 2002]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **RODOLFO SANCHEZ @ Rudy,** *accused-appellant.*

SYNOPSIS

Accused-appellant was found guilty beyond reasonable doubt of thirty-three (33) counts of rape for sexually abusing his stepdaughter, Jeany Sanchez. The trial court relied on the testimony of the prosecution witnesses.

The Supreme Court ruled that there was ample evidence to support the conviction. In rape cases, the accused may be convicted solely on the testimony of the rape victim if her testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. For, by its very nature, rape is committed with the least possibility of being seen by the public. Extreme caution is required in reviewing