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EN BANC

[A.M. No. 96-7-257-RTC. December 2, 1999]

RE:REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF PENDING CASES IN THE MTCC, BRANCH 1 AND THE RTC, BRANCH 57, BOTH IN LUCENA CITY.

SYNOPSIS

On the basis of an audit of pending cases in RTC, Branch 57, Lucena City, Judge Tañada was ordered to decide the 27 cases that remained pending beyond the 90-day period, and to submit his docket inventories for the years 1994 and 1995. His Branch Clerk of Court, Atty. Pedron, was likewise directed to submit the monthly report of cases from January 1995 onwards. For failure to comply thereof, Judge Tañada and Atty. Pedron were held in contempt and were fined ₱20,000.00 and ₱10,000.00 respectively. Judge Tañada was suspended and his salaries were frozen pending compliance with the orders of the Court. Meanwhile, Atty. Pedron compulsorily retired and a second audit was conducted. It was discovered that there were additional twenty (20) criminal cases and eleven (11) civil cases that remained undecided beyond the 90-day reglementary period, hence, a new fine of ₱20,000 against Judge Tañada was recommended. Also, Atty. Pedron, before his retirement, failed to submit his report on the *ex-parte* reception of evidence in 2 civil cases to the pairing judge of Branch 57. Thus, a second fine of ₱5,000 was recommended against him. Later, Judge Tañada applied for disability retirement.

In view thereof, the Court lifted Judge Tañada's suspension but ordered the release of his salaries withheld and a fine of ₱40,000.00 from his disability retirement benefits was deducted. Likewise, a fine of ₱15,000.00 was deducted from the retirement benefits of Atty. Pedron.

SYLLABUS

ADMINISTRATIVE LAW; JUDGES; GROSS INEFFICIENCY; FAILURE TO DECIDE CASES WITHIN THE REGLEMENTARY

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PERIOD. — Among the essential duties of a judge is to decide cases. Undue delay in the disposition of cases amounts to a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary. Failure to decide a case within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.

RESOLUTION

DE LEON, JR., *J.*:

On the basis of a physical inventory and audit conducted in May 1996 of the cases pending in Branch 57 of the Regional Trial Court of Lucena City, its Presiding Judge, Hon. Federico A. Tañada, was ordered, per our Resolution,[1] dated August 13, 1996, to decide the twenty-one (21) criminal cases[2] and six (6) civil cases[3] which remained pending and unresolved beyond the 90-day reglementary period. Judge Tañada was also directed to submit his docket inventories for the periods from January to June 1994, July to December 1994, January to June 1995, and July to December 1995. His Branch Clerk of Court, Atty. Luis N. Pedron, was likewise directed to submit the Monthly Report of Cases from January 1995 onwards.

On February 17, 1997, Judge Tañada, through Atty. Pedron, sent to this Court certified copies of decisions in thirteen (13) criminal cases. However, Judge Tañada neither justified his delay in the resolution of those cases nor explained his continued failure to decide the eight (8) other criminal cases and six (6) civil cases reported in the May 1996 audit. Thus, in the Resolution[4] of June 17, 1997, we required him to show cause

[1] *Rollo*, pp. 7-9.

[2] Criminal Case Nos. 87-660, 88-233, 88-234, 88-325, 89-628, 90-72, 91-143, 91-193, 91-158, 91-353, 91-691, 91-723, 91-774, 92-103, 92-370, 92-759, 92-875, 93-179, 93-303, 93-42, and 93-468.

[3] Civil Case Nos. 86-55, 88-1, 90-37, 91-93, 92-74, and 94-6.

[4] *Rollo*, p. 154.

Supreme Court E-Library

why he should not be disciplinarily dealt with or held in contempt for such failure. As Atty. Pedron also continued to fail to submit the Monthly Report of Cases from January 1995 onwards, he, too, was ordered to show cause why he should not be held in contempt of court.

On June 10, 1998, the Office of the Court Administrator (OCA) reported that both Judge Tañada and Atty. Pedron remained defiant. We examined the records of the case and agreed with the OCA. Thus, in the Resolution[5] of July 28, 1998, the Court held both Judge Tañada and Atty. Pedron in contempt of court. They were fined ₱20,000.00 and ₱10,000.00, respectively, and the Court also froze the salaries of Judge Tañada pending compliance with its Resolutions of August 13, 1996 and June 17, 1997.

Meantime, Atty. Pedron compulsorily retired on June 21, 1998.

On December 4, 1998, the Court Management Office (CMO) received the Monthly Report of Cases for January 1995 to August 1998 prepared and signed by Atty. Pedron and certified correct by Judge Tañada. However, the reports lacked the required dates when the cases listed therein were submitted for decision.

On February 16, 1999, the Court, adopting the conclusion of the OCA that continued disobedience to the orders of the Court constitutes gross insubordination, suspended Judge Tañada and ordered a second audit.[6] The team dispatched by the OCA to Lucena City conducted the second audit on July 28 and 29, 1999. While the results thereof included the finding that Judge Tañada had already decided nineteen (19) of the original twenty-one (21) criminal cases and four (4) of the original six (6) civil cases, the team discovered that there were additional twenty (20) criminal cases[7] and eleven

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[5] *Rollo*, p. 170.

[6] Resolution dated February 16, 1999, *Rollo*, p. 181.

[7] Criminal Case Nos. 3430-G; 3492-G; 3517-G; 3518-G; 3519-G; 3520-G; 88-396; 88-397; 90-004; 90-378; 92-177; 92-233; 92-453; 92-799;

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(11) civil cases[8] that remained undecided beyond the 90-day reglementary period. Consequently, the OCA recommended that Judge Tañada be penalized with another fine of ₱20,000.00.

Judge Tañada applied for disability retirement, effective June 15, 1999, because he was suffering from organic brain syndrome, hypertension with cerebral infraction and central retinal vein occlusion of the left eye. Taking this into consideration, the OCA recommended that his suspension be lifted and his salaries from August 13, 1996 to June 14, 1999 be released. However, the OCA also recommended that the amount of ₱40,000.00 be deducted from his disability retirement benefits to answer for the ₱20,000.00 fine earlier imposed on him in the Resolution dated July 28, 1998 and for the additional fine of same amount for his failure to decide the thirty-one (31) other cases reported in the second audit.

The team also found out that Atty. Pedron failed, before his compulsory retirement, to submit his reports on the *ex parte* reception of evidence in Civil Case Nos. 94-45 and 95-13 to Hon. Ismael B. Sanchez, Pairing Judge of Branch 57 of the Regional Trial Court of Lucena City. Thus, the OCA recommended a second fine of ₱5,000.00 to be deducted from his retirement benefits.

In its Memorandum dated August 19, 1999, the OCA likewise recommended that:

"2. Mr. Manuel P. Marasigan, Officer-in-Charge of the Regional Trial Court, Branch 57, Lucena City, be *DIRECTED* to: (2-a) *INFORM* this Court through the Office of the Court Administrator, within five (5) days from notice, whether or not the decision in Criminal Case No. 91-143 was adopted and/or promulgated by Pairing Judge Ismael

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92-810; 93-735; 93-736; 93-865; 93-692; 94-022; 94-808. The dates when Criminal Case Nos. 90-004 and 94-475 were submitted for decision could not be determined because the records thereof were in the possession of Judge Tañada.

[8] Civil Case Nos. 90-045; 91-072; 92-114; 93-182; 93-229; 94-061; 95-056; 97-145; 97-169; 98-076; 98-083.

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B. Sanchez; (2-b) *RETRIEVE* from Hon. Federico A. Tañada, within ten (10) days from notice, the records of Criminal Cases Nos. 90-004, 91-723 and 94-475 and Civil Cases Nos. 91-93 and 94-06, thereafter *CAUSE*, within thirty (30) days, the completion of the transcripts of stenographic notes thereof including the following thirty-one (31) cases (20 criminal cases and 11 civil cases) submitted for decision, to wit: Criminal Cases Nos. 3430-G, 3492-G, 3517-G, 3518-G, 3519-G, 3520-G, 88-396, 88-397, 90-378, 92-177, 92-233, 92-453, 92-799, 92-810, 93-735, 93-736, 93-865, 93-692, 94-022 and 94-808 and Civil Cases Nos. 90-045, 91-072, 92-114, 93-182, 93-229, 94-061, 95-056, 97-145, 97-169, 98-076 and 98-083, and/or *ISSUE* corresponding certifications as to the completeness of the transcripts, then *SUBMIT* the records of cases together with the complete transcript of stenographic notes and the aforementioned certifications to the acting judge for decision-writing; (2-c) *APPRISE* the acting/pairing judge of the failure of former Branch Clerk of Court Luis N. Pedron in Civil Cases Nos. 94-45 and 95-13 so that appropriate actions could be taken by him; and (24) *SEND IMMEDIATELY* to this Court a written report of compliance with the foregoing directives.

"3. OIC Manuel P; Marasigan and Mr. Virgilio Rañeses, Clerk III, both of the Regional Trial Court, Branch 57, Lucena City, be *DIRECTED* to *SUBMIT IMMEDIATELY* the required semestral docket inventories of criminal cases for the years 1996 up to 1998,

otherwise, their salaries will be withheld effective October 1999 and will be released only upon the certification by the Statistical Reports Division, CMO, OCA, that they have fully complied with this directive, with a warning that a repetition of the same infraction will be dealt with more drastically.

"x x x x x x x x x

"5. Hon. Ismael B. Sanchez, Pairing Judge of Branch 57, be *DIRECTED* to take cognizance of all the cases in Branch 57 and *DECIDE* the following cases with dispatch, to wit: Criminal Cases Nos. 3430-G, 3492-G, 3517-G, 3518-G, 3519-G, 3520-G, 88-396, 88-397, 90-378, 92-177, 92-233, 92-453, 92-799, 92-810, 98-735, 98-736, 93-865, 93-692, 94-022 and 94-808 and Civil Cases Nos. 90-045, 91-072, 92-114, 93-182, 93-229, 94-061, 95-056, 97-145, 97-169, 98-076 and 98-083."[9]

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[9] OCA Memorandum dated August 19, 1999, *Rollo*, pp. 94-95.

Supreme Court E-Library

Among the essential duties of a judge is to decide cases. Undue delay in the disposition of cases amounts to a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary.[10] Failure to decide a case within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[11]

WHEREFORE:

(1) for humanitarian reasons due to deteriorating health of Hon. Federico A. Tañada, Presiding Judge of Branch 57 of the Regional Trial Court of Lucena City, the Resolution of this Court dated February 16, 1999 suspending him without pay upon receipt thereof until he has fully complied with the Resolution dated August 13, 1996 is hereby *LIFTED*;

(2) the Fiscal Management Officer, Office of the Court Administrator (OCA), is *DIRECTED* to — (a) *RELEASE* the salaries of Judge Tañada that were withheld from August 13, 1996 to June 14, 1999; (b) *DEDUCT* a total of Forty Thousand Pesos (₱40,000.00) from his disability retirement benefits to answer for the fine of Twenty Thousand Pesos (₱20,000.00) imposed on him in our Resolution of July 28, 1998, and as additional fine of same amount for his failure to decide thirty-one (31) cases reported in the July 1999 audit;

(3) Mr. Manuel P. Marasigan, Officer-in-Charge of Branch 57 of the Regional Trial Court of Lucena City is hereby *DIRECTED* to: (a) *INFORM* this Court through the OCA within five (5) days from notice, whether or not the decision in Criminal Case No. 91-143 was adopted and/or promulgated by Pairing Judge Ismael B. Sanchez; (b) *RETRIEVE* from Judge Tañada, within ten (10) days from notice, the records of Criminal Cases Nos. 90-004, 91-723 and 94-475 and

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[10] Re: Report on the Judicial Audit conducted in the MCTC, Dingle-Duenas, Iloilo, 280 SCRA 637, 641 (1997).

[11] *Re: Report on Audit and Physical Inventory of the Records of Cases in the Municipal Trial Court of Penaranda, Nueva Ecija,* A.M. No. 96-6955-MTC and A.M. No. P-96-1173, July 28, 1997; *Re: Report on the Judicial Audit conducted in the RTC-Branches 61, 134 and 174, Makati Metro Manila*, 248 SCRA 5, 22 (1995); *Ceilino v. Abrogar*, 245 SCRA 304, 310 (1995).

Supreme Court E-Library

Civil Cases Nos. 91-93 and 94-06, thereafter *CAUSE*, within thirty (30) days, the completion of the transcripts of stenographic notes thereof including the thirty-one (31) cases submitted for decision, to wit: Criminal Cases Nos. C3430-G; 3492-G, 3517-G, 3518-G, 3519-G, 3520-G, 88-396, 88-397, 90-378, 92-177, 92-233, 92-453, 92-799, 92-810, 93-735, 93-736, 93-865, 93-692, 94-022, 94-475, 94-808 and Civil Cases Nos. 90-045, 91-072, 92-114, 93-182, 93-229, 94-061, 95-056, 97-145, 97-169, 98-076 and 98-083 and/or *ISSUE* corresponding certifications as to the completeness of the transcripts, then *SUBMIT* the records of cases together with the complete transcripts of stenographic notes and the aforementioned certifications to the acting judge for decision-writing; (c) *APPRISE* the acting/pairing judge of the failure of former Branch Clerk of Court Luis N. Pedron to submit his reports on the *ex parte* reception of evidence in Civil Cases Nos. 94-45 and 95-13 so that appropriate actions could be taken by him; and (d) *SEND IMMEDIATELY* to this Court a written report of compliance with the foregoing directives;

(4) OIC Manuel P. Marasigan and Mr. Virgilio Rañeses, Clerk III, both of Branch 57, Regional Trial Court, Lucena City are hereby *DIRECTED* to *SUBMIT IMMEDIATELY* the required semestral docket inventories of criminal cases for the years 1996 up to 1998, otherwise, their salaries will be withheld effective October 1999 and will be released only upon the certification by the Statistical Reports Division, Court Management Office, OCA, that they have fully complied with this directive, with a warning that a repetition of the same infraction will be dealt with more drastically; and

(5) The Fiscal Management Officer, OCA, is *DIRECTED* to *DEDUCT* from the retirement benefits of Atty. Luis N. Pedron, retired Branch Clerk of Court of Branch 57 of the Regional Trial Court of Lucena City, a total of Fifteen Thousand Pesos (₱15,000.00) to answer for the fine of Ten Thousand Pesos (₱10,000.00) imposed on him in our Resolution of July 28, 1998 and for an additional fine of Five Thousand Pesos (₱5,000.00) for his failure to submit, before he retired, the reports on the *ex parte* reception of evidence in Civil Cases Nos. 94-45 and 95-13.

SO ORDERED.

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