Supreme Court E-Library

THIRD DIVISION

[A.M. No. 01-2-47-RTC. August 9, 2001]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC-BR. 26, MANILA, PRESIDED BY JUDGE GUILLERMO L. LOJA.

SYNOPSIS

The Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of cases in the Regional Trial Court, Branch 26, Manila. Presiding Judge Guillermo Loja was due for compulsory retirement on June 27, 2001. The audit team did not have difficulty in auditing the court since it was "properly managed." However, listed in its report are twenty-four (24) civil cases which were submitted for decision but were not decided within the reglementary period. Nineteen (19) civil cases were likewise unacted upon for a considerable length of time. The OCA recommended that respondent Judge be fined a "nominal amount" of five thousand (₱5,000.00) pesos for gross inefficiency in view of his failure to decide thirteen (13) cases within the reglementary period and his failure to resolve five (5) cases before he retired.

The Supreme Court adjudged respondent judge liable for delay in deciding cases within the reglementary period. The Court rejected respondent's explanation that he was not able to timely dispose of his cases because of incomplete transcripts of stenographic notes and the transfer of stenographers to other offices. According to the Court, judges are required to take down notes and to proceed in the preparation of decisions, even without the transcript of stenographic notes as the reglementary period continues to run with or without them. Moreover, judges are allowed, upon their request and for justifiable reasons, to ask for an extension of the reglementary period to decide cases. In imposing the penalty, the Court considered respondent judge's past record showing that in 1998, he was number one in the Top 10 Judges of the RTC-Manila with respect to the disposal of cases and he was second in 1999. Respondent judge was fined in the amount of ₱2,000.00.

Supreme Court E-Library

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; DUTY TO DECIDE CASES WITHIN THREE (3) MONTHS FROM THE TIME IT IS SUBMITTED FOR DECISION; LEGAL BASIS.—** Section 15 (1) of Article VIII of the Constitution provides that all cases filed before lower courts must be decided within three (3) months from the time it is submitted for decision. Likewise, Rule 1.02, Canon 1 of the Code of Judicial Conduct provides that a judge "should administer justice ... without delay." Rule 3.05, Canon 3 of the same Code directs a judge to "dispose of the court's business promptly and decide cases within the required periods." A judge is mandated to render judgment not more than ninety (90) days from the time the case is submitted for decision and his inability to decide a case within the required period is not excusable and constitutes gross inefficiency which would subject him to administrative sanction.

2. **ID.; ID.; ID.; ID.; JUDGES ARE REQUIRED TO TAKE DOWN NOTES AND TO PROCEED IN THE PREPARATION OF DECISIONS, EVEN WITHOUT THE TRANSCRIPT OF STENOGRAPHIC NOTES AS THE REGLEMENTARY PERIOD CONTINUES TO RUN WITH OR WITHOUT THEM.—** Respondent Judge explained that he was not able to timely dispose of his cases because of incomplete transcripts of stenographic notes and the transfer of the stenographers to other offices. We have ruled, however, that judges are required to take down notes and to proceed in the preparation of decisions, even without the transcript of stenographic notes as the reglementary period continues to run with or without them. Moreover, judges are allowed, upon their request and for justifiable reasons, to ask for an extension of the reglementary period to decide cases.

3. **ID.; ID.; ID.; ID.; THE FACT THAT RESPONDENT JUDGE HAS BEEN THE PRESIDING JUDGE OF TWO (2) COURT SALAS SHOULD NOT BE MADE AS AN EXCUSE AND WILL NOT SAVE HIM FROM ADMINISTRATIVE SANCTION.—** Likewise, the fact that respondent judge has been the presiding judge of two (2) court salas should not be made an excuse and will not save him from administrative sanction. The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. A judge should always be imbued with a high sense of

Supreme Court E-Library

duty and responsibility in the discharge of his obligation to promptly administer justice.

DECISION

GONZAGA-REYES, *J.*:

Pursuant to the Court's policy of conducting judicial audit of all cases pending before the sala of retiring judges, the Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of cases in the Regional Trial Court, Branch 26, Manila. Presiding Judge Guillermo Loja was due for compulsory retirement on June 27, 2001.

The audit team found a total caseload of 509 consisting of 275 criminal cases and 234 civil cases (exclusive of decided, archived, dismissed and suspended cases) based on the records actually presented to and examined by them. The audit team did not have difficulty in auditing the court since it was "properly managed." However, listed in its report are twenty-four (24) civil cases which were submitted for decision but were not decided within the reglementary period. Nineteen (19) civil cases were likewise unacted upon for a considerable length of time, namely:

99-95440	98-89943	00-96311	99-95496
99-92546	98-86948	99-93490	97-84766
99-93599	99-95760	97-84333	92-63279
97-82876	99-95095	00-98038	98-91743
98-91827	00-96543	97-82263	

In the Resolution dated March 5, 2001, respondent Judge Loja was required to explain in writing why no administrative sanction should be imposed upon him for failure to decide/resolve the aforementioned civil cases within the reglementary period and to inform this Court, through the Office of the Court Administrator, whether or not these cases have already been decided/resolved and to submit copies of the decisions/resolutions. Respondent Judge was likewise directed to take appropriate action on the above-listed cases which were unacted upon for a considerable length of time.

Supreme Court E-Library

On April 18, 2001, Respondent Judge, in compliance with the Resolution of March 5, 2001, submitted his explanation stating that he had faithfully resolved/decided the cases mentioned in the resolution, except for four (4) cases which remained unacted upon, to wit:

CASE NO.	TITLE
1. 82-02375	Allied Banking *vs.* Northern
2. 83-18026	de Vera *vs.* PANELCO
3. 86-34187	Mla House *vs.* BSP
4. 93-65968	Ong *vs.* Romero

Respondent Judge Loja further stated that aside from the fact that three (3) of these four (4) cases were inherited from his immediate predecessor (now retired Justice Corona Ibay Somera) who was promoted to the Court of Appeals, incomplete transcript of stenographic notes hampered respondent's timely disposal of these cases and that some of the stenographers had already transferred to other offices.

The following is the tabulation of the findings of the audit team and the comment of respondent Judge Loja:

Case No.	Parties	Submitted	Due	Decide	Remarks
1. 98-91084	Villasenor *v.* Arranz	12-11-98	03-11-98	01-31-01	Delay of 1yr 10mos+
2. 97-81695	Domingo *v.* Moran	06-08-00	09-06-00	09-01-00	*No delay*
3. 98-90177	Pono *v.* Pono	04-02-00	07-01-00	07-03-00	Delay of 1 day
4. 99-93844	Sanchez *v.* Sanchez	05-04-00	08-02-00	10-11-00	Delay of 2mos.+
5. 98-90929	Cruz	07-14-00	10-12-00	11-06-00	Delay of 23 days
6. 82-02375	Allied Banking *v.* Northern Mindanao	06-23-96	09-21-96	Not yet *decided*	Delay of 4 yrs. 9mos.+ *Partly tried*

Supreme Court E-Library

7. 93-65968	Ong *v.* Romero	03-08-96	06-06-96	Not yet *decided*	Delay of 4 yrs.+ Partly tried
8. 85-33911	Camacho *v.* Pilipinas Shell	03-13-92	06-11-92	10-16-00	Delay of 8yrs. 4mos.+ *Inherited*
9. 83-18026	De Vera *v.* Pangasinan	03-03-94	06-01-92	Not yet *decided*	Delay of 8yrs. 3mos.+ *Partly tried*
10. 98-90755	Pac-Atlantic *v.* Bumwoo Phil.	07-03-00	10-1-00	10-30-00	Delay of 29 days.
11. 95-73098	Marasigan *v.* Collera	05-26-00	08-24-00	08-10-00	*No delay*
12.95-73942	Manas *v.* Arungayan	04-21-00	07-20-00	01-09-01	Delay of 5mos.+
13. 99-92780	Valdez Malone *v.* Valdez	07-02-99	9-30-99	12-11-00	Delay of 1yr. 2mos+
14. 98-91963	Adriatico *v.* Leynes	08-06-00	11-04-00	12-14-00	Delay of 1mo.+
15. 99-94640	Bitangcor *v.* LRC	03-10-00	06-8-00	06-07-00	*No delay*
16. 98-91350	Sandoval *v.* LRC	10-15-00	01-13-00	01-12-00	*No delay*
17. 98-90760	Macapagal	01-27-00	04-16-00	04-26-00	*No delay*
18. 96-80047	Lictawa *v.* Balagot	05-22-00	08-20-00	01-12-00	Delay of 4mos+
19. 96-28184	Foremost *v.* Unknown Owners	01-17-00	04-16-00	01-30-01	Delay of 9mos.Note: Dismissed because parties had settled.
20. 86-34187	Manila House *v.* Boy Scout	08-21-99	11-19-99	Not yet *decided*	Delay of 1yr. 7mos+ *Partly tried*
21. 97-83763	Teodisio *v.* Lopez	12-10-98	03-10-99	04-04-00	Delay of 1yr. 1mo+

Supreme Court E-Library

22. 96-79570	Luzon Sales *v.* Lopez Sugar	12-27-99	03-27-00	03-23-00	*No delay*
23. 99-92743	Liao v. Cle-Ver Chemicals	07-09-98	10-07-98	01-31-01	2yrs.3mos. Note: dismissed because appellant failed to file memorandum
24. 99-93761	Vivas *v.* Vivas	06-08-00	09-06-00	08-04-00	*No delay*
25. 97-83222	Lucido *v.* Isla	02-24-00	05-24-00	10-12-00	Delay of 4mos+

The Memorandum dated July 31, 2001 of the Office of the Court Administrator reveals that respondent Judge Loja was appointed to RTC-Branch 26 in December 1993. Respondent Judge did not incur any delay in seven (7) of the cases enumerated in the report while thirteen (13) cases were decided/resolved beyond the reglementary period and four (4) cases were not decided at all. Of the twenty-five (25) enumerated cases, respondent Judge Loja should be held responsible for only thirteen (13) cases where he incurred an average delay ranging from one (1) to more than eight (8) years. With respect to the four (4) cases which were not decided before his retirement, the reglementary period has expired. Of the cases enumerated by the audit team, only four (4) cases were not yet decided. In respondent Judge Loja's report on the cases where no further actions were taken, one (1) remained unresolved until he retired.

The Office of the Court Administrator recommended that respondent Judge be fined a "nominal amount" of five thousand (₱5,000.00) pesos for gross inefficiency in view of his failure to decide thirteen (13) cases within the reglementary period and his failure to resolve five (5) cases before he retired.

We adopt the findings of the Office of the Court Administrator.

Section 15 (1) of Article VIII of the Constitution provides that all cases filed before lower courts must be decided within three (3)

Supreme Court E-Library

months from the time it is submitted for decision. Likewise, Rule 1.02, Canon 1 of the Code of Judicial Conduct provides that a judge "should administer justice ... without delay." Rule 3.05, Canon 3 of the same Code directs a judge to "dispose of the court's business promptly and decide cases within the required periods." A judge is mandated to render judgment not more than ninety (90) days from the time the case is submitted for decision and his inability to decide a case within the required period is not excusable and constitutes gross inefficiency which would subject him to administrative sanction.[1]

Respondent Judge explained that he was not able to timely dispose of his cases because of incomplete transcripts of stenographic notes and the transfer of the stenographers to other offices. We have ruled, however, that judges are required to take down notes and to proceed in the preparation of decisions, even without the transcript of stenographic notes[2] as the reglementary period continues to run with or without them.[3] Moreover, judges are allowed, upon their request and for justifiable reasons, to ask for an extension of the reglementary period to decide cases.

Likewise, the fact that respondent judge has been the presiding judge of two (2) court salas should not be made an excuse and will not save him from administrative sanction.[4] The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods.[5] A judge should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly administer justice.[6]

---

[1] *Re: Report on the Judicial Audit Conducted in the RTC Br. 68, Camiling, Tarlac,* 305 SCRA 61; *Bernardo vs. Farbos*, 307 SCRA 28; *Canson vs. Garchitorena,* 311 SCRA 268.

[2] *Tauro vs. Colet*, 306 SCRA 340.

[3] *Celino vs. Abrogar*, 245 SCRA 304; *Re: Judge Danilo M. Tenerife*, 255 SCRA 184.

[4] *Casia vs. Gestapo, Jr.,* 312 SCRA 204.

[5] *Casia vs. Gestapo, Jr., supra; Canson vs. Garchitorena*, 311 SCRA 268.

[6] *Amion vs. Chiongson*, 301 SCRA 614.

Supreme Court E-Library

Taking into account, however, the explanation of respondent judge for his failure to decide/dispose promptly the subject cases and his expeditious action on the resolution of this Court, which shows a determined effort on the part of respondent Judge Loja to attend to his duties with greater zeal, and in view of his past record showing that in 1998, he was number one in the Top 10 Judges of the RTC-Manila with respect to the disposal of cases and he was second in 1999, we find well-taken the recommendation of the Court Administrator to impose only a nominal fine, which we hereby reduce to two thousand (₱2,000.00) pesos.[7]

WHEREFORE, respondent Judge Guillermo Loja is hereby adjudged administratively liable for the delay in deciding the subject cases and is *FINED* in the amount of Two Thousand (₱2,000.00) Pesos to be deducted from the retirement benefits due him.

SO ORDERED.

Melo (Chairman), Vitug, and *Panganiban, JJ.*, concur.

Sandoval-Gutierrez, J., on leave.

SECOND DIVISION

[A.M. No. MTJ-01-1365. August 9, 2001]

CESINA EBALLA, *complainant, vs.* **JUDGE ESTRELLITA M. PAAS, Branch Clerk of Court PEDRO C. DOCTOLERO, and Interpreter II EVELYN DEPALOBOS, Metropolitan Trial Court, Branch 44, Pasay City,** *respondents.*

SYNOPSIS

Complainant Cesina Eballa was accused of trespass to dwelling and malicious mischief. The case is pending before the court of

[7] See also, *Re: Report on the Judicial Audit Conducted in the RTC, Br. 68, Camiling, Tarlac,* 305 SCRA 61 (*En Banc*); *Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.,* 306 SCRA 50.