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the time of taking until full payment is made. Costs against petitioner.

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

SECOND DIVISION

[A.M. No. 00-4-166-RTC. June 29, 2001]

Re: Report on the Judicial Audit Conducted in the RTC-Branch 220, Quezon City.

SYNOPSIS

In the judicial audit conducted in Branch 220 of the Regional Trial Court, Quezon City, it was found that it had a caseload of 426 cases, 35 cases of which were already submitted for decision but 15 of which were undecided beyond the 90-day reglementary period. Also pending resolution were 7 incidents in other cases, while no further action has been undertaken for 5 civil cases after the lapse of a considerable period of time. Further, retiring Judge Castillo set two criminal cases for promulgation of judgment on the date of his retirement. When asked to explain these findings, Judge Castillo proffered his failing health and family tragedies as reason.

Though mitigating, the reasons given by Judge Castillo were insufficient and wanting. He could have informed the Court of his inability to seasonably decide the cases and requested additional time for their proper disposition. The Court understood the difficult situation in which respondent was placed but the neglect of his duty cannot be completely excused. Thus, the Court found the penalty of P5,000.00 sufficient as disciplinary sanction.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; WHEN CIRCUMSTANCES ARISE THAT WOULD RENDER A JUDGE INCAPABLE TO DECIDE WITHIN PRESCRIBED TIME A CASE

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SUBMITTED FOR DECISION OR RESOLUTION, ALL THAT HE HAS TO DO IS TO REQUEST AND JUSTIFY AN EXTENSION OF TIME WITHIN WHICH TO RESOLVE IT.— Although he was stricken by a grave illness and personal tragedies intervened in the due performance of his duties, still it was incumbent upon him to inform this Court of his inability to seasonably decide the cases. He could have requested additional time for their proper disposition based on the reasons which he now cites. When circumstances arise that would render him incapable to decide within the prescribed time a case submitted for decision or resolution, all that a judge has to do is to request and justify an extension of time within which to resolve it. Thus, Judge Castillo's neglect of this matter in the light of his inability to reduce his backlog of undecided cases cannot be completely excused and correspondingly, we are constrained to impose upon him a fine in an appropriate amount as administrative penalty.

2. **ID.; ID.; CODE OF JUDICIAL CONDUCT; CANON 3, RULE 3.05 THEREOF ENJOINS JUDGES TO DISPOSE OF COURT'S BUSINESS PROMPTLY AND DECIDE CASES WITHIN THE REQUIRED PERIODS.—** It need not be emphasized that 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 neglect of duty which warrants imposition of administrative sanctions. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges "to dispose of the court's business promptly and decide cases within the required periods," for as held previously, "delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute."

3. **ID.; ID.; FINE; JUDGE IN CASE AT BAR FINED P5,000.00 FOR HIS FAILURE TO DECIDE AND ACT ON SOME CASES WITHIN THE PERIOD PROVIDED BY LAW.—** Nevertheless, we cannot be blind to the OCA's recommendation that Judge Castillo's medical condition and failing health, be considered mitigating. The Court understands the difficult situation in which he was placed. Bearing said recommendation in mind and for humanitarian considerations, there is sufficient justification, in our view, to reduce the recommended fine of ten thousand pesos (P10,000.00) to a lesser amount. Under the circumstances given, we conclude that a fine of five thousand pesos (P5,000.00) should suffice as a disciplinary sanction for his failure to decide and act on the aforecited cases within the period provided by law.

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RESOLUTION

QUISUMBING, *J.*:

This concerns the report on the judicial audit and physical inventory of cases conducted by an audit team in the Regional Trial Court of Quezon City, Branch 220, upon the compulsory retirement of then Presiding Judge Prudencio Altre Castillo on February 18, 2000.

The Office of the Court Administrator (OCA) reported that Branch 220 had a total caseload of 426 cases consisting of 259 criminal and 167 civil cases. Of the total caseload, thirty-five (35) cases were already submitted for decision, out of which fifteen (15) were undecided beyond the ninety (90)-day reglementary period. Also pending resolution were seven (7) incidents in other cases, while no further action or calendar settings have been undertaken for five (5) civil cases after the lapse of a considerable period of time.[1]

The OCA also received information that Judge Castillo set two criminal cases for promulgation of judgment on the date of his retirement. Both decisions penned by him were read in open court.[2]

On June 28, 2000, we required Judge Castillo to explain his failure to decide the submitted cases and resolve incidents in the other cases within the period provided by law. In the same resolution,[3] we recalled the judgments promulgated by Judge Castillo on the date of his retirement in Criminal Case No. 93-44537, entitled *"People of the Philippines vs. Iasias Apostol"* and Criminal Case No. Q-98-76558, entitled *"People of the Philippines vs. Jose Miranda, et. al."* At the same time, we directed Judge Jose Catral Mendoza, Acting Presiding Judge of Branch 220, and Presiding Judge of Branch 219, to issue the appropriate decision for said cases.

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[1] *Rollo*, pp. 2-10.

[2] *Id.* at 1.

[3] *Id.* at 23-25.

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On Sept. 25, 2000, Judge Castillo wrote to this Court and requested that his retirement pay be released, in view of his completion of the documentary requirements therefor, subject to the withholding of an amount which could answer for any fine that may be imposed as a consequence of this administrative case.[4]

Judge Castillo also explained in his letter that his failure to act on and decide the cited cases was due to several major surgical operations which he had to undergo for colon cancer on Nov. 14, 1994, and urinary bladder cancer on March 22, 1997. He submitted the pertinent medical records[5] in support of his explanation. Judge Castillo maintained that despite these surgeries and against the advice of his doctors, he had immediately reported for work while undergoing chemotherapy and linear accelerator therapy.

Additionally, Judge Castillo averred that in the year prior to his retirement, three members of his family had succumbed to cancer - a younger brother in March, a younger sister in June and finally, his own mother in October. He described the experience as "emotionally-draining" and "attention-deviating", since he had to take charge of the three wakes and burials.[6]

On Sept. 26, 2000, Acting Presiding Judge Jose Catral Mendoza filed a Manifestation and Motion for Clarification[7] before this Court, stating that he could not comply with our June 28, 2000 resolution since the Court of Appeals temporarily enjoined him from proceeding with the rendition and promulgation of decision in Criminal Case No. Q-93-44537. The prosecution in said criminal case had filed a Petition for *Certiorari* before the appellate court docketed as G.R. SP No. 57324 entitled *"Reward T. Alvarez, Petitioner vs. The Honorable Judge Prudencio A. Castillo, Jr., et. al., Respondents"* and prayed therein that it be allowed to continue with the presentation of rebuttal evidence. Judge Mendoza sought clarification of our resolution directing him to render a decision in said case, since the directive apparently would run counter to the

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[4] *Id.* at 36.

[5] *Id.* at 44-49.

[6] *Id.* at 37-38.

[7] *Id.* at 26-28.

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order of the Court of Appeals and preempt any disposition of issues raised in the petition.

The matter was referred to the OCA for evaluation, report and recommendation. On October 12, 2000, the Court Administrator recommended that Judge Castillo be fined the amount of ten thousand pesos (P10,000.00), deductible from the latter's retirement benefits, for his failure to decide and act upon the cases mentioned above.[8] It also recommended that Judge Mendoza be directed to hold in abeyance the implementation of the June 28, 2000 resolution with respect to Criminal Case No. Q-93-44537, pending resolution by the Court of Appeals of G.R. SP No. 57324.[9]

After carefully considering Judge Castillo's explanation and bearing in mind his serious ailment, which undoubtedly hampered the performance of his duties as trial judge, we are of the considered view that a fine is the appropriate penalty under the circumstances. The only remaining question is how much should the fine be.

True, we find the reasons given for his failure to decide or act upon certain cases insufficient and wanting. As found by the OCA, incidents such as the non-filing of memoranda, non-submission of the TSN by stenographers, non-compliance by parties with order to file comment or reply to an opposition and discovery of a pending incident only after physical inventory, are not adequate justifications for failing to render a decision or resolution within the prescribed period.[10]

Although he was stricken by a grave illness and personal tragedies intervened in the due performance of his duties, still it was incumbent upon him to inform this Court of his inability to seasonably decide the cases. He could have requested additional time for their proper disposition based on the reasons which he now cites. When circumstances arise that would render him incapable to decide within the prescribed time a case submitted for decision or resolution, all that a judge has to do is to request and

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[8] *Id.* at 72-73.

[9] *Id.* at 75.

[10] *Id.* at 71.

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justify an extension of time within which to resolve it.[11] Thus, Judge Castillo's neglect of this matter in the light of his inability to reduce his backlog of undecided cases cannot be completely excused and correspondingly, we are constrained to impose upon him a fine in an appropriate amount as administrative penalty.

It need not be emphasized that 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 neglect of duty which warrants imposition of administrative sanctions.[12] Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges "to dispose of the court's business promptly and decide cases within the required periods," for as held previously, "delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute."[13]

Nevertheless, we cannot be blind to the OCA's recommendation that Judge Castillo's medical condition and failing health, be considered mitigating.[14] The Court understands the difficult situation in which he was placed. Bearing said recommendation in mind and for humanitarian considerations, there is sufficient justification, in our view, to reduce the recommended fine of ten thousand pesos (P10,000.00) to a lesser amount. Under the circumstances given, we conclude that a fine of five thousand pesos (P5,000.00) should suffice as a disciplinary sanction for his failure to decide and act on the aforecited cases within the period provided by law.

WHEREFORE, Judge Prudencio Altre Castillo is found administratively liable for delay and neglect of duty and is hereby *FINED* the amount of Five Thousand Pesos (P5,000.00), which

[11] *Report on the Judicial Audit Conducted in Municipal Trial Court, Sibulan, Negros Oriental*, 282 SCRA 463, 468 (1997).

[12] *Re: Cases left Undecided By Judge Narciso M. Bumanglag, Jr.*, 306 SCRA 50, 53-54 (1999).

[13] *Report on the Judicial Audit Conducted in the RTC, Branch 16, of Laoag City, Presided by Judge Luis B. Bello*, 247 SCRA 519, 524 (1995) citing: *Re: Inventory of Cases in the RTC Branch 11, Balayan, Batangas*, 234 SCRA 502 (1994).

[14] *Id.* at 72.

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should be deducted from whatever retirement benefits are due him. Further, Acting Presiding Judge Jose Catral Mendoza is directed to *HOLD IN ABEYANCE* the implementation of our June 28, 2000 resolution with respect to Criminal Case No. Q-93-44537, but only until the resolution of G.R. SP No. 57324 by the Court of Appeals. Let a copy of this resolution be *FORWARDED* to the Office of the Court Administrator so that the remaining benefits due respondent are promptly released, unless there exists another lawful cause for withholding them; and also to the Court of Appeals for its information and guidance.

SO ORDERED.

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

EN BANC

[A.M. No. 01-4-03-SC. June 29, 2001]

RE: REQUEST RADIO-TV COVERAGE OF THE TRIAL IN THE SANDIGANBAYAN OF THE PLUNDER CASES AGAINST THE FORMER PRESIDENT JOSEPH E. ESTRADA, SECRETARY OF JUSTICE HERNANDO PEREZ, KAPISANAN NG MGA BRODKASTER NG PILIPINAS, CESAR SARINO, RENATO CAYETANO and ATTY. RICARDO ROMULO, *petitioners, vs.* **JOSEPH E. ESTRADA and INTEGRATED BAR OF THE PHILIPPINES,** *oppositors.*

SYNOPSIS

On 13 March 2001, the Kapisanan ng mga Broadcaster ng Pilipinas sent a letter requesting the Court to allow live media coverage of the trial of the plunder and other criminal cases filed against former President Joseph E. Estrada before the Sandiganbayan. The letter was seconded by Mr. Cesar N. Sarino in