Supreme Court E-Library

building. However, this oversight cannot excuse noncompliance with the requirements of RA No. 26. Under the circumstances, it is clear that the trial court did not acquire jurisdiction over the case because of its own lapse, which respondent failed to cure.

WHEREFORE, the Petition is hereby *GRANTED*. The assailed Decision of the Court of Appeals is *REVERSED* and *SET ASIDE*. No costs.

SO ORDERED.

Melo (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

EN BANC

[A.M. No. 99-11-470-RTC. July 24, 2000.]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC-Branch 37, LINGAYEN, PANGASINAN.

SYNOPSIS

On September 23, 1999, a judicial audit and physical inventory was conducted by a judicial audit team in the Regional Trial Court, Branch 37, Lingayen, Pangasinan, then presided by Judge Nicodemo T. Ferrer. As of the termination of the audit on September 29, 1999, there were 29 cases undecided beyond the mandatory 90-day period. Of these 29 cases, 4 were criminal cases and 25 were civil/other cases. Upon further investigation, the audit team also found that respondent was previously severely reprimanded by the Supreme Court in two separate instances. The team also noted that most of the employees of the court were late in reporting for work in the morning and left the office early in the afternoon. As a result of this report, the Court issued a resolution requiring respondent to explain why no administrative complaint should be filed against him. Respondent complied and submitted his explanation.

Supreme Court E-Library

The Supreme Court found the explanation not well taken. Respondent admitted he failed to decide 18 cases within the mandatory 90-day period. He has a record of reprimand twice for the same offense of failure to decide cases submitted for decision within the mandatory period, even after he was granted 14 months extension. The Court has consistently held that failure of a judge to decide a case within ninety days was gross inefficiency. Moreover, he was remiss in his responsibility as judge by failing to adopt a system of record management. A judge ought to have known the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly. Accordingly, the Court imposed upon the respondent a fine of ₱20,000.00 and he was admonished to be more diligent in the performance of his sworn duty as a dispenser of justice.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; A JUDGE OUGHT TO KNOW THE CASE SUBMITTED TO HIM FOR DECISION OR RESOLUTION AND IS EXPECTED TO KEEP HIS OWN RECORD OF CASES SO THAT HE MAY ACT ON THEM PROMPTLY.**— Judge Ferrer was remiss in his responsibility as judge by failing to adopt a system of record management. "A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly." Aside from this requirement from a personal standpoint, several Supreme Court Circulars require judges to list the cases submitted for decision in their quarterly report to the Supreme Court and in a special list to be posted in the court's bulletin board. Judge Ferrer gave as excuse that he did not have a Branch Clerk of Court for one year and four months and that it was not intentional on his part that he was unable to personally monitor the cases submitted for decision. The excuses are bankrupt and pharisaical, as they are puerile. It was Judge Ferrer's duty to recommend to the Supreme Court the immediate appointment of a Branch Clerk of Court. As judge, he was duty bound to personally keep a tabulation of cases submitted for decision. With more reason, Judge Ferrer was executive judge, and must be an example of rectitude in his actions. The designation as executive judge is a recognition of his leadership qualities but does not excuse him from complying with his constitutional duty to decide cases within

Supreme Court E-Library

the prescribed period from submission for decision. "The claim of good faith and absence of malice in these glaring instances of incompetence and ineptitude do not abate his consequent liability. For good faith and lack of malicious intent cannot completely free respondent judge from liability."

2. **ID.; ID.; FAILURE BY A JUDGE TO DECIDE A CASE WITHIN NINETY (90) DAYS IS GROSS INEFFICIENCY.**— "Rule 3.05 of Canon 3 admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. It is the duty of the judge to take note of the cases submitted to him for decision and see to it that the same is decided within the 90-day period fixed by law, and failure to do so constitutes gross inefficiency." "Respondent Judge, as well as all other judges, must be reminded that a case should be decided within 90 days from its submission, otherwise, the judge would be guilty of gross inefficiency and neglect of duty. Failure to render a decision within the ninety (90)-day period from its submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice."

3. **ID.; ID.; PENALTIES IMPOSED FOR FAILURE THEREOF TO COMPLY WITH THE NINETY (90) DAYS PERIOD TO DECIDE CASES.**— We have consistently considered the failure of a judge to decide a case within ninety (90) days as gross inefficiency. The penalty imposed vary in each case, from fine, suspension, suspension and fine, and even dismissal, depending chiefly on the number of cases left undecided within the reglementary period and other factors, such as the damage suffered by the parties as a result of the delay, the health and age of the judge. "Thus, in one case, we set the fine at ten thousand pesos (₱10,000.00) for failure of a judge to decide eighty two (82) cases within the reglementary period, taking into consideration the mitigating circumstance that it was the judge's first offense. In another case, the fine imposed was sixty thousand pesos (₱60,000.00), for the judge had not decided about 25 or 27 cases. Still in other cases, the fine was variably set at fifteen thousand (₱15,000.00), for nineteen (19) undecided cases, taking into consideration that it was the judge's first offense, twenty thousand pesos (₱20,000.00), for three (3) undecided criminal cases; eight thousand pesos (₱8,000.00) for not deciding a criminal case for three (3) years; forty thousand pesos (₱40,000.00), for not deciding two hundred seventy eight (278) cases within the prescribed period,

Supreme Court E-Library

taking note of the judge's failing health and age; and ten thousand pesos (₱10,000.00), for belatedly rendering a judgment of acquittal in a murder case after one year and one-half years from the date the case was submitted for decision. In another case, suspension without pay for a period of six (6) months was imposed since, besides the judge's failure to timely decide an election protest for eight (8) months, the judge submitted false certificates of service and was found guilty of habitual absenteeism.

RESOLUTION

PARDO, *J.*:

This administrative case arose from a judicial audit and physical inventory conducted on September 23, 1999, by a judicial audit team[1] in the Regional Trial Court, Branch 37, Lingayen, Pangasinan, then presided over by Judge Nicodemo T. Ferrer.[2]

The audit took six (6) days to finish. There were no docket books and semestral docket inventory of civil cases. The audit team found that "there were One Hundred and Thirty-five (135) cases pending as of September 23, 1999 (38 criminal cases and 97 civil/other cases). Based on the records of the cases presented to the team for examination, the decisions in four (4) criminal cases were set for promulgation, four (4) criminal cases and thirty-two (32) civil/other cases were submitted for decision, incidents in four (4) civil cases were submitted for resolution, fourteen (14) criminal cases and twenty-two (22) civil cases/other cases were on trial/set for hearing, two (2) criminal cases and five (5) civil cases were scheduled for pre-trial conference, two (2) civil cases for *ex-parte* presentation of evidence, four (4) criminal cases set for arraignment of the accused, nineteen (19) civil/other cases with orders for compliance by parties, one (1) criminal case for reinvestigation, three (3) civil cases with suspended proceedings, five (5) criminal

[1] Composed of Justice (ret.) Romulo S. Quimbo, Consultant, Office of the Court Administrator (OCA), Mr. Exequiel C. Rojas, Mr. German C. Averia, Ms. Florentina A. Najarro, Mr. Chibert P. Aguirre and Ms. Liberty A. Runez.

[2] At that time, Judge Nicodemo T. Ferrer was Executive Judge, Regional Trial Court, Pangasinan, at Lingayen. On January 31, 2000, he was appointed Associate Justice, Sandiganbayan.

Supreme Court E-Library

cases and six (6) civil/other cases without further action taken or setting in the calendar despite the lapse of a considerable length of time, four (4) criminal cases with outstanding warrants of arrest and 4 civil cases with pending return on summons.

As of the termination of the audit on September 29, 1999, there were twenty-nine (29) cases undecided beyond the mandatory ninety-day period. Of these twenty-nine cases, four (4) were criminal cases and twenty-five (25) were civil/other cases.

Upon further investigation, the Audit team also found that Judge Nicodemo T. Ferrer was previously severely reprimanded by the Supreme Court in two separate instances. The first was on June 10, 1997, in A.M. No. 95-5-156 RTC, due to his failure to decide cases submitted for decision despite having been granted fourteen (14) months extension, and the other was on October 7, 1997, in A.M. No. 96-11-415-RTC, for failure to decide two criminal cases for an unreasonable length of time when he was acting presiding judge, Regional Trial Court Branch 57, San Carlos City, Pangasinan.

The team noted that most of the employees of the court were late in reporting for work in the morning and left the office early in the afternoon.[3]

As a result of this report, on January 18, 2000, the Supreme Court issued a resolution requiring respondent Judge Nicodemo T. Ferrer to explain within ten (10) days why no administrative complaint should be filed against him. Hence, the compliance submitted by Judge Ferrer on June 15, 2000.

In his compliance, Judge Nicodemo T. Ferrer informed the Supreme Court that of the twenty-nine (29) cases submitted for decision, he disposed of a total of four (4) criminal cases; eight (8) civil cases; two (2) LRC cases and one special proceedings case, thereby leaving eighteen (18) undecided cases.

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[3] *Rollo*, Memorandum for Chief Justice Hilario G. Davide, Jr.: Report on the Judicial Audit conducted in the RTC, Branch 37, Lingayen, Pangasinan, by Court Administrator Alfredo L. Benipayo, dated October 18, 1999, pp. 1-2.

Supreme Court E-Library

Judge Nicodemo T. Ferrer asserted that he came to know of the undecided cases that piled up beyond the mandatory period when an audit was conducted by the Judicial Audit Team in September 1999. The reason is his failure to monitor the aging of cases submitted for decision after Branch Clerk of Court Zeny H. Muerong transferred to the Office of the Provincial Prosecutor in May 1998, leaving him with no Branch Clerk of Court for one (1) year and four (4) months, thus, he relied mainly on a legal researcher. He admitted that he was negligent in not minding the cases submitted for decision.

Judge Ferrer implores the Court to consider his lapse excusable negligence and his inability to receive his salary as Associate Justice of the Sandiganbayan from the time he assumed office on February 11, 2000, to the present, as sufficient punishment.

We are not impressed or convinced of the sincerity of his excuses.

"This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency. Failure of a judge to render a decision within the ninety-day period from its submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice."[4]

Judge Ferrer was remiss in his responsibility as judge by failing to adopt a system of record management. "A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly."[5]

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[4] *Cueva v. Villanueva,* 305 SCRA 459 [1999]; *OCA v. Butalid,* 293 SCRA 589, 601 [1998], citing *Report on the Judicial Audit Conducted in the RTC, Branch 16 of Laoag City, Presided by Judge Luis B. Bello, Jr.*, 247 SCRA 519 [1995].

[5] *OCA v. Benedicto,* 296 SCRA 63, 72 [1998], citing *Mamamayan ng Zapote I, Bacoor, Cavite v. Balderian,* 265 SCRA 360 [1996].

Supreme Court E-Library

Aside from this requirement from a personal standpoint, several Supreme Court Circulars require judges to list the cases submitted for decision in their quarterly report to the Supreme Court and in a special list to be posted in the court's bulletin board.[6]

Judge Ferrer gave as excuse that he did not have a Branch Clerk of Court for one year and four months and that it was not intentional on his part that he was unable to personally monitor the cases submitted for decision.[7] The excuses are bankrupt and pharisaical, as they are puerile. It was Judge Ferrer's duty to recommend to the Supreme Court the immediate appointment of a Branch Clerk of Court. As judge, he was duty bound to personally keep a tabulation of cases submitted for decision. With more reason, Judge Ferrer was executive judge, and must be an example of rectitude in his actions. The designation as executive judge is a recognition of his leadership qualities but does not excuse him from complying with his constitutional duty to decide cases within the prescribed period from submission for decision.[8]

"The claim of good faith and absence of malice in these glaring instances of incompetence and ineptitude do not abate his consequent liability. For good faith and lack of malicious intent cannot completely free respondent judge from liability."[9]

"Rule 3.05 of Canon 3 admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. It is the duty of the judge to take note of the cases submitted to him for decision and see to it that the same is decided within the 90-day period fixed by law, and failure to do so constitutes gross inefficiency."[10]

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[6] Circular No. 8-93, dated June 21, 1993; Circular No. 10-94, dated June 29, 1994.

[7] Compliance by Judge Nicodemo T. Ferrer, dated June 7, 2000.

[8] *In Re: Judge Maximo A. Savellano, Jr.*, A.M. No. 99-7-250-RTC, April 5, 2000.

[9] *OCA v. Benedicto, supra,* Note 5, citing *Ting v. Atal*, 231 SCRA 80 [1994].

[10] *Ibid.*, p. 71.

Supreme Court E-Library

"Respondent Judge,[11] as well as all other judges, must be reminded that a case should be decided within 90 days from its submission, otherwise, the judge would be guilty of gross inefficiency and neglect of duty. Failure to render a decision within the ninety (90)-day period from its submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice."[12]

We have consistently considered the failure of a judge to decide a case within ninety (90) days as gross inefficiency.[13] The penalty imposed vary in each case, from fine,[14] suspension,[15] suspension and fine, [16] and even dismissal,[17] depending chiefly on the number of cases left undecided within the reglementary period and other factors, such as the damage suffered by the parties as a result of the delay, the health and age of the judge.[18] "Thus, in one case, we set the fine at ten thousand pesos (₱10,000.00) for failure of a judge to decide eighty-two (82) cases within the reglementary period, taking into consideration the mitigating circumstance that it was the judge's first offense.[19] In another case, the fine imposed

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[11] Judge Nicodemo T. Ferrer was a Regional Trial Court judge since 1983.

[12] *Saylo v. Rojo*, A.M. No. MTJ-99 1225, April 12, 2000, citing *Report on the Judicial Audit conducted in the RTC, Branch 68, Camiling, Tarlac,* 305 SCRA 61, 68 [1999]; *Alonto-Frayna v. Astih*, 300 SCRA 199, 203-204 [1998].

[13] *Re: Report on the Judicial Audit conducted in RTC Branches 29 and 59, Toledo City*, 292 SCRA 8, 23 [1998].

[14] *In re: Judge Maximo A. Savellano, Jr., supra, Note No. 8; Re: Judge Irma Zita V. Masamayor*, A.M. No. 98-12-381-RTC, October 5, 1999*; Re: Judge Segundo B. Catral*, 311 SCRA 96 [1999]; *Balayo v. Buban,* A.M. RTJ-99-1477, September 9, 1999; *Re: Judge Francisco P. Villanueva*, A.M. No. 98-3-34-MeTC, August 25, 1999; *Tauro v. Colet*, 306 SCRA 340 [1999]; *Re: Judge Sergio S. Apostol*, 303 SCRA 208 [1999].

[15] *Bolalin v. Occiano*, 266 SCRA 203 [1997].

[16] *Sanchez v. Vestil,* 298 SCRA 1 [1998].

[17] *Alonto-Frayna v. Astih, supra*, Note 12; *OCA v. Butalid*, 293 SCRA 589, 601 [1998]; *Cueva v. Villanueva, supra,* Note 4.

[18] *Re: Report on the Judicial Audit conducted in RTC Branches 29 and 59, Toledo City*, 292 SCRA 8, 23 [1998].

[19] *Re: Judge Danilo M. Tenerife*, 255 SCRA 184 [1996].

Supreme Court E-Library

was sixty thousand pesos (₱60,000.00), for the judge had not decided about 25 or 27 cases.[20] Still in other cases, the fine was variably set at fifteen thousand (₱15,000.00), for nineteen (19) undecided cases, taking into consideration that it was the judge's first offense, [21] twenty thousand pesos (₱20,000.00), for three (3) undecided criminal cases;[22] eight thousand pesos (₱8,000.00) for not deciding a criminal case for three (3) years;[23] forty thousand pesos (₱40,000.00), for not deciding two hundred seventy eight (278) cases within the prescribed period, taking note of the judge's failing health and age;[24] and ten thousand pesos (₱10,000.00), for belatedly rendering a judgment of acquittal in a murder case after one year and one-half years from the date the case was submitted for decision.[25] In another case,[26] suspension without pay for a period of six (6) months was imposed since, besides the judge's failure to timely decide an election protest for eight (8) months, the judge submitted false certificates of service and was found guilty of habitual absenteeism."[27]

Judge Ferrer admitted he failed to decide eighteen (18) cases within the mandatory ninety-day period. He has a record of reprimand twice for the same offense of failure to decide cases submitted for decision within the mandatory period, even after he was granted fourteen (14) months extension.

Decision-making, among other duties, is the primordial and most important duty of a member of the bench. The speedy disposition

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[20] *Re: Report of the Judicial Audit Conducted in the RTC, Branches 61, 134, and 147, Makati, Metro Manila*, 248 SCRA 5 [1995].

[21] *Report on the Judicial Audit and Physical Inventory of the Records of cases in MTCC-Br. 2, Batangas City*, 248 SCRA 36 [1995].

[22] *Baguio v. Torres*, 211 SCRA 1 [1992].

[23] *Navarro v. Judge del Rosario*, 270 SCRA 264 [1997].

[24] *Report on the Judicial Audit and Physical Inventory of the Cases in RTC Br. 138, Makati City,* 254 SCRA 644 [1996].

[25] *Lopez v. Alon*, 254 SCRA 166 [1996].

[26] *Bolalin v. Occiano*, 266 SCRA 203 [1997].

[27] *Re: Report on the Judicial Audit conducted in RTC Branches 29 and 59, Toledo City, supra*, Note 18.

Supreme Court E-Library

of cases in our courts is a primary aim of the judiciary so the ends of justice may not be compromised and the judiciary will be true to its commitment to provide litigants their constitutional right to a speedy trial[28] and a speedy disposition of their cases.[29]

IN VIEW WHEREOF, the Court hereby imposes upon Judge Nicodemo T. Ferrer (now Associate Justice, Sandiganbayan) a fine of *TWENTY THOUSAND PESOS (P20,000.00),* payable within thirty, (30) days. He is *ADMONISHED* to be more diligent in the performance of his sworn duty as a dispenser of justice especially that he is now an Associate Justice of the Sandiganbayan, a special court likewise covered by the mandatory period for deciding cases prescribed by the Constitution.[30]

SO ORDERED.

Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

Davide, Jr., C.J., took no part; close relation to a party.

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[28] Article III, Section 14 (2), 1987 Constitution.

[29] Article III, Section 16, 1987 Constitution.

[30] Article VIII, Section 15 (1), 1987 Constitution.