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WHEREFORE, as recommended by the OCA, we find respondent Archimedes Almeida, Jr., guilty of misconduct and hereby impose on him a fine of three thousand pesos (₱3,000.00) with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

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

EN BANC

[A.M. No. 96-12-429-RTC. February 2, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN BRANCH 34, REGIONAL TRIAL COURT, IRIGA CITY.

SYNOPSIS

In view of a judicial audit of cases in Branch 34 of RTC, Iriga City, the Court *En Banc* issued a Resolution directing Judge Jose S. Penas, Jr. to explain why no administrative sanction should be imposed on him for delay in the resolutions and proceedings of several cases within the reglementary period. Judge Penas, however, ignored the directive and instead, filed a petition with the Court praying for the payment of the monetary benefits and other privileges due him for his having compulsorily retired. He appealed for compassion to be relieved from having to comply with the Resolution for reason of failing health.

Failure to resolve cases submitted for decision within the reglementary period constitutes serious violation of the constitutional right of the parties to a speedy disposition of their cases. Further, in the absence of justifiable reason, it constituted gross inefficiency warranting the imposition of

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administrative sanction on the defaulting judge. Nonetheless, failing health, effectively shown to have prevented a judge from disposing his cases efficiently, mitigated his liability.

SYLLABUS

JUDICIAL ETHICS; JUDGES; DUTY TO DECIDE CASES WITHIN THE REGLEMENTARY PERIOD.— The Supreme Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases. Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge. Respondent judge has not only miserably failed in his duties to dispose of cases promptly and expeditiously but also remained resolute in not complying with the directives of not just one (1) but three (3) resolutions issued by this court. Granted that the resolutions were issued after his retirement from the judiciary, Judge Peñas, knowing that his failing health had prevented a speedy disposition of his cases, should have at least exerted effort to inform the Court of his predicament at the earliest opportunity. This, he had not even bothered to do until a year and a half after his compulsory retirement. Nonetheless, a reduction of the amount of the recommended fine is in order. Failing health, effectively shown to have prevented a judge from disposing his cases efficiently, mitigates his liability.

RESOLUTION

DE LEON, JR., *J.*:

In view of a judicial audit and physical inventory of cases in Branch 34 of the Regional Trial Court (RTC) of Iriga City, the Court *En Banc* issued a resolution on January 21, 1997 directing Judge Jose S. Peñas, Jr. to explain within a non-extendible period of ten (10) days from notice why no administrative sanction should be imposed on him for: (a) not

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having been resolute in promulgating his decision in Criminal Case No. 2922; (b) failure to decide within the 90-day reglementary period nineteen (19) cases[1] trial in each of which he completed, ten (10) cases[2] which he only partly tried, seven (7) cases appealed from the inferior courts, one (1) special proceeding and two (2) land registration and agrarian cases, despite the submission of the commissioners' reports; (c) failure to resolve matters pending in thirteen cases;[3] (d) designating Sheriff Salvador Guevarra IV of the Office of the Clerk of Court of the RTC of Iriga City, as special sheriff in Civil Case No. 2176 in spite of the fact that Mr. Job C. Aril is the regular sheriff assigned thereat; and (e) directing Sheriff Guevarra IV to implement the writ of execution of the decision in Civil Case No. 2389 instead of Sheriff Aril whom he accused of absenteeism which was, however, unfounded.[4]

Judge Peñas ignored our directive. Instead, he filed a petition with this court on June 18, 1999 praying for the payment of the monetary benefits and other privileges due him for his having compulsorily retired on December 10, 1996. He claimed to have learned about our Resolution of January 21, 1997 from Acting Presiding Judge Nilo Malanyaon who replaced him, only in February 1997.

Judge Peñas appealed for compassion to be relieved from having to comply with said resolution for reason of failing health. He explained that in February 1994, he was diagnosed to have atherosclerotic cardiovascular disease, ischemic heart disease and aneurysm of the aorta.[5] Thus, he requested for the designation of Judge Roberto Ranola of Branch 27 of the RTC of Naga

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[1] Nine (9) criminal cases and ten (10) civil cases.

[2] Two (2) criminal cases and eight (8) civil/other cases.

[3] Six (6) criminal cases and seven (7) civil cases.

[4] Verification from the Leave Section of this Court disclosed that the seventeen (17) days of vacation leave and ten (10) days of sick leave incurred by Sheriff Aril from January to July 1996 does not constitute absenteeism.

[5] Medical Certificate issued by Dr. Efren S.J. Nerva marked as Annex "B" of Judge Peñas' Petition dated June 18, 1999.

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City to be his assisting Judge. While this was denied, a subsequent request for help was granted by the Court. Honorable Lorna Bagalacsa, a presiding Municipal Trial Court Judge in Iriga City was designated to assist Judge Peñas in interlocutory matters. But Judge Bagalacsa was able to lend her assistance only for a short period of time because she was later appointed as RTC Judge in Libmanan, Camarines Sur.

The petition of Judge Peñas was noted in our Resolution dated July 20, 1999.

This is not the first time that Judge Peñas failed to comply with our orders. He was first fined in the amount of ₱8,000.00[6] for gross negligence, misconduct and insubordination. And then he was again fined in the sum of ₱5,000.00 for serious misconduct and insubordination.[7] To date, he has not yet paid the two (2) fines in the total sum of ₱13,000.00. Thus, the Office of the Court Administrator (OCA) recommended that:

1. Retired Judge Jose Peñas, Jr. be allowed to receive the benefits he deserves under the law subject to a fine in the sum of Fifty Thousand Pesos (₱50,000.00) for non-compliance with the directives in the Resolution dated January 21, 1997, deductible from said benefits;

2. The Financial Management Office, OCA be directed to deduct from the retirement benefits of Retired Judge Jose Peñas, Jr. the total amount of Sixty Three Thousand Pesos (₱63,000.00) representing the fines imposed on him in AM RTJ 97-1383 (₱8,000.00 — Third Division Resolution dated July 24, 1997), AM RTJ 98-1398 (₱5,000.00 — Court 2nd Division Decision dated February 24, 1998) and the present administrative matter (₱50,000.00);

3. Hon. Mulry P. Mendez, Presiding Judge, Regional Trial Court, Branch 24, Iriga City be DIRECTED to (a) DECIDE/RESOLVE all the cases and matters which were left undecided/unresolved

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[6] Per a Resolution issued by the Third Division of this Court dated July 27, 1997 in A.M. No. RTJ-97-1383.

[7] Decision in A.M. No. RTJ-97-1398 rendered by the Second Division of this Court dated February 24, 1998.

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by Retired Judge Jose S. Peñas, Jr. within ninety (90) days after receipt of the records of the cases with complete transcripts of stenographic notes; (b) take appropriate action for immediate disposition of Criminal Case No. 2922; and (c) submit to this Court through the OCA within thirty days from notice, a report of his compliance with the preceding directives; and

4. The Branch Clerk of Court, Wilmentita O. Zorilla, Regional Trial Court, Branch 34, Iriga City be further directed to (a) SUBMIT to this Court through the Office of the Court Administrator, within ten (10) days from notice, a report of full compliance with the directives in the Resolution dated January 21, 1997 which were addressed to then Branch Clerk of Court Lelu P. Contreras; (b) make a listing of the cases submitted for decision and the cases with unresolved matters indicating therein their present status and the completeness of the transcript of stenographic notes (with regard to cases with lacking or incomplete transcripts, the dates of proceedings and the stenographer who took down the proceedings should be reflected); (c) submit to acting Presiding Judge Mulry P. Mendez the records of the cases submitted for decision with complete transcript of stenographic notes for decision writing and (d) submit to this Court through the OCA within fifteen (15) days from notice, a report of her compliance with the preceding directives (b) and (c).[8]

The Supreme Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.[9]

Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[10] Respondent judge has not only miserably

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[8] Memorandum of the OCA dated October 5, 1999, p. 3.

[9] *RE: Judge Fernando P. Agdamag*, 254 SCRA 644 (1996).

[10] *Celino vs. Abrogar*, 245 SCRA 304 at 310 (1995).

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failed in his duties to dispose of cases promptly and expeditiously but also remained resolute in not complying with the directives of not just one (1) but three (3) resolutions issued by this court.

Granted that the resolutions were issued after his retirement from the judiciary, Judge Peñas, knowing that his failing health had prevented a speedy disposition of his cases, should have at least exerted effort to inform the Court of his predicament at the earliest opportunity. This, he had not even bothered to do until a year and a half after his compulsory retirement.

Nonetheless, a reduction of the amount of the recommended fine is in order. Failing health, effectively shown to have prevented a judge from disposing his cases efficiently, mitigates his liability.[11]

WHEREFORE the Court RESOLVES:

(1) to *ALLOW* Judge Jose S. Peñas, Jr. to receive the retirement benefits due him under the law; however, he is *FINED* in the sum of Twenty Thousand Pesos (₱20,000.00) for non-compliance with our Resolution dated January 21, 1997, deductible from said benefits;

(2) to *AUTHORIZE* the Financial Management Office, Office of the Court Administrator (OCA), to deduct from the retirement benefits of Retired Judge Jose S. Peñas, Jr. the total amount of Thirty Three Thousand Pesos (₱33,000.00) representing the fines imposed on him in A.M. RTJ-97-1383 (₱8,000.00 — Court [3rd Division] Resolution dated July 24, 1997), A.M. No. RTJ-98-1398 (₱5,000.00 — Court [2nd division] Decision dated February 24, 1998) and this Administrative Matter (₱20,000.00);

(3) to *DIRECT* Hon. Mulry P. Mendez, Presiding Judge of Branch 34 of the Regional Trial Court of Iriga City to (a) *DECIDE/RESOLVE* all the cases and matters undecided/ unresolved by retired Judge Jose S. Peñas, Jr., within ninety (90) days after receipt of the records of the cases with complete transcripts of stenographic notes; (b) to *TAKE APPROPRIATE*

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[11] *Diputado-Baguio vs. Torres*, 211 SCRA 1, 4 (1992); *Re: Judge Luis B. Bello, Jr.*, 247 SCRA 519, 525 (1995); *Report on the Judicial Audit in RTC, Br. 27, Lapu-Lapu City*, 289 SCRA 398, 406 (1998).

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ACTION for the immediate disposition of Criminal Case No. 2922; and (c) *SUBMIT* to this Court through the OCA, within thirty (30) days from notice, a report of his compliance with the preceding directives; and

(4) to *DIRECT* Branch Clerk of Court Wilmentita O. Zorilla, of Branch 34 of the Regional Trial Court of Iriga City,. to (a) *SUBMIT* to this Court through the OCA, within ten (10) days from notice, a report of full compliance with the directives in the Resolution dated January 21, 1997 which were addressed to then Branch Clerk of Court Lelu P. Contreras; (b) *MAKE A LISTING* of the cases submitted for decision and the cases with unresolved matters indicating therein their present status and the completeness of transcripts of stenographic notes (with regard to the cases with lacking or incomplete transcripts, the dates of the proceedings and the stenographer who took down the proceedings should be reflected); (c) *SUBMIT* to Acting Presiding Judge Mulry P. Mendez the records of the cases submitted for decision with complete transcripts of stenographic notes for decision writing; and (d) *SUBMIT* to this Court, through the OCA, within fifteen (15) days from notice, a report of her compliance with the preceding directives (b) and (c).

SO ORDERED.

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