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[A.M. No. 98-2-22-MeTC. May 11, 2000]

REPORT ON THE SPOT JUDICIAL AUDIT CONDUCTED IN THE METROPOLITAN TRIAL COURT, BRANCH 40, QUEZON CITY,

[A.M. No. MTJ-00-1272. May 11, 2000]

ATTY. CLODUALDO C. DE JESUS, *complainant, vs.* **JUDGE SUSANITA E. MENDOZA-PARKER, METROPOLITAN TRIAL COURT, BRANCH 40, QUEZON CITY,** *respondent.*

SYNOPSIS

The cases under consideration are consolidated administrative cases involving a complaint filed by Atty. Clodualdo De Jesus against herein respondent for incompetence and knowingly rendering an unjust judgment, and the second one concerning the report on the spot judicial audit conducted by the Office of the Court Administrator on the sala of respondent judge on September 25 and 26, 1997. In the first complaint, AM No. MTJ-00-1272, Atty. De Jesus charged that the copies of the orders and the decision, all postmarked December 12, 1996 but bearing different dates of execution, were only made to appear to have been rendered at an earlier date. Complainant alleged that the orders and the decision were made only after he had filed two motions for early resolution. This, according to complainant, was misrepresentation, meant to hide respondent's alleged ineptness. With regard to AM No. 98-2-22-MeTC, the spot judicial audit was conducted in the sala of respondent judge and the audit team found that 73 out of the court's caseload of 4,394 cases were already deemed submitted for decision, sixty-three of these cases had gone beyond the 90-day reglementary period for decision. There were also another 25 cases with pending motions or incidents the resolution of which determine their final disposition, 41 cases with pending motions or incidents for resolution, 66 cases which had not been subject

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of any proceeding for several months and 10 cases which had not been acted upon since they were raffled to respondent. The matter was referred to retired Sandiganbayan Justice Romulo Quimbo for investigation, report and recommendation. On April 16, 1999, Justice Quimbo submitted his report recommending that respondent be considered resigned, without prejudice to the Court referring the matter of alleged falsification of her certificates of service to the Ombudsman for prosecution, if warranted by the evidence. The Office of the Court Administrator submitted its memorandum reiterating the findings and recommendation of Justice Quimbo.

The Court found the recommendation well taken. The Court ruled the judicial audit conducted in the sala of respondent judge revealed her failure to decide numerous cases within the reglementary period and to act on other cases with pending incidents. Delay in the disposition of even one case constitutes gross inefficiency which the Court will not tolerate. While acknowledging that respondent's offenses are punishable by dismissal from the service, the OCA recommended that she, instead, be considered resigned effective on the date of her resignation. On that point, the Court was in partial agreement. This is in the view of the admitted fact that respondent judge's performance was partly affected by her pre-occupation with the illness of her husband which eventually led to his demise. It appeared that for said reason respondent was granted authority to travel to the US. Hence, the Court cannot consider her resigned earlier than October 1, 1997. Accordingly, the Court considered her resigned effective as of October 1, 1997. A.M. No. MTJ-00-1272 was dismissed for lack of sufficient merit as well as for being moot.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; DELAY IN THE DISPOSITION OF EVEN ONE CASE CONSTITUTES GROSS INEFFICIENCY.** — Judges are expected to manage their court dockets efficiently to avoid delays in their disposition of cases. We are aware of the volume of cases pending before Metropolitan Trial Courts. This is precisely why we have allowed, on proper request, extensions of time to decide cases. However, respondent judge chose not to take that option and instead allowed 63

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cases in her court to remain unresolved beyond the three-month period required by law. Delay in the disposition of cases erodes the people's faith and confidence in the judiciary. It is for this reason that this Court has time and again reminded judges of their duty to decide cases expeditiously. Delay in the disposition of even one case constitutes gross inefficiency which this Court will not tolerate.

2. **CRIMINAL LAW; FALSIFICATION OF OFFICIAL DOCUMENTS; MAKING FALSE STATEMENTS IN CERTIFICATE OF SERVICE MAY CONSTITUTE FALSIFICATION OF AN OFFICIAL DOCUMENT.** — This Court cannot also turn a blind eye to the alleged falsification of certificates of service, ". . . which seriously undermines and reflects on the honesty and integrity expected of an officer of the court... A certificate of service is not merely a means to one's paycheck but is an instrument by which the Court can fulfill the constitutional mandate of the people's right to a speedy disposition of cases." It should be noted that making false statements in a certificate of service, once proved, may constitute falsification of an official document that may be punishable by dismissal under Memorandum Circular No. 30 of the Civil Service Commission, dated July 20, 1989.

3. **LEGAL AND JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE CASES; THE COURT MAY REFER AN ADMINISTRATIVE CASE TO THE OCA OR ANY OF ITS CONSULTANTS FOR INVESTIGATION.** — Respondent judge contended, however, that it was error for this Court to refer her case for investigation to Justice Quimbo, the latter not being a Court of Appeals justice. But the rule being cited by her as basis for her contention was already amended per resolution of the Court dated November 22, 1990. Rule 140, Section 7 of the Revised Rules of Court now provides: "SEC. 7. *Comment; Hearing.* — Upon the filing of the respondent's comment, or upon the expiration of the time for its filing. . . *the Court may refer the matter to the Office of the Court Administrator for evaluation, report and recommendation*, or assign a Justice of the Court of Appeals (if the respondent is a Regional Trial Court Judge), or a Judge of the Regional Trial Court (if the respondent is a Judge of an inferior court) to investigate and hear the charges. xxx" Clearly, the Court may refer respondent's case to the OCA, or any of

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its consultants, for investigation. In the performance of his function, the investigator is given wide latitude in ascertaining the veracity of charges leveled against officials or personnel of the judiciary.

APPEARANCES OF COUNSEL

De Jesus & Associates for complainant.
Callos Law Offices for Judge Mendoza-Parker.

R E S O L U T I O N

QUISUMBING, *J* :

This is a consolidation of two administrative matters involving Judge Susanita Mendoza-Parker, of the Metropolitan Trial Court, Branch 40, Quezon City.

The first, A.M. No. MTJ-00-1272, involves a complaint filed against respondent judge for incompetence and knowingly rendering an unjust judgment.

The second, A.M. No. 98-2-22-MeTC, concerns the report on the spot judicial audit conducted by the Office of the Court Administrator on the sala of respondent judge on September 25 and 26, 1997.

Culled from the records are the following pertinent facts:

A.M. No. MTJ-00-1272

On April 24, 1997, a complaint[1] was filed before the Office of the Court Administrator against Judge Susanita Mendoza-Parker, then presiding judge of the Metropolitan Trial Court, Branch 40, Quezon City. The complaint was filed by Atty. Clodualdo C. De Jesus, counsel for the plaintiff in Civil Case No. 15478 which was being heard in the sala of respondent. De Jesus' client lost in that litigation.

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[1] *Rollo*, A.M. No. MTJ-00-1272 (Formerly OCA I.P.I. No. 97-293-MTJ), pp. 1-17.

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Civil Case No. 15478 was an ejectment case filed on June 4, 1996 by Elvira Nocon Munji, represented by Maria Guarino. The case is covered by the Revised Rules on Summary Procedure. The defendants filed a motion to dismiss. Plaintiff then moved to have judgment rendered on the pleadings, since a motion to dismiss is a prohibited pleading in cases falling under the Revised Rules on Summary Procedure.

On October 15, 1996, plaintiff filed a motion for early resolution of the case. She filed another such motion on December 4, 1996, this time furnishing the Supreme Court, through its Judicial Planning Development and Implementation Office, with copies of the motion.

Complainant, as counsel for plaintiff, then received on December 23, 1996 copies of two orders and the decision relative to the ejectment case. The documents bore different dates of execution but the same date of mailing.

The defendants' motion to dismiss was denied but the complaint for ejectment was dismissed because Guarino as plaintiff's representative was not duly authorized to institute the case. Guarino was authorized by complainant as administrator of the Nocon properties, not by plaintiff Elvira Nocon Munji herself.

Thereafter, complainant charged respondent with incompetence and ineptness, incapability of discharging justice and mental dishonesty, and knowingly rendering an unjust judgment.

Complainant claims that the orders, one dated September 18, 1996 and another dated November 21, 1996, and the decision dated December 3, 1996, were not yet part of the records of the ejectment case on December 3, 1996, prompting him to file a second motion for early resolution on December 4, 1996.

Complainant charged that the copies of the orders and the decision, all postmarked December 12, 1996 but bearing different dates of execution, were only made to appear to have been rendered at an earlier date. Complainant alleged that the orders and the decision were made only after he had filed two motions

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for early resolution. This, according to complainant, is misrepresentation, meant to hide respondent's alleged ineptness.

Anent the decision rendered by respondent judge, complainant averred that respondent is guilty of mental dishonesty by her alleged deliberate omission of the phrase "administrator of the Nocon properties" when she quoted in her decision the special power of attorney, executed by complainant, that was the source of Guarino's authority.

Complainant contended that respondent was "obviously peeved"[2] when he reported her alleged ineptness to the Supreme Court by furnishing the Court with a copy of his second motion for early resolution. Since the question of improper authorization of the attorney-in-fact was one of the issues raised in defendants' motion to dismiss, complainant argued that respondent exhibited vindictiveness when she used this ground in dismissing plaintiff's complaint despite the earlier denial of the said motion to dismiss.

Complainant lamented the fact that judgment was issued against plaintiff despite defendants having been declared in default for filing a motion to dismiss, a prohibited pleading in cases under summary procedure, thereby losing their period to file an answer.

In her comment, respondent pointed out that the complaint is actually an appeal disguised as an administrative complaint. Thus, it should have been filed in the proper Regional Trial Court and not the OCA. She also argued that judges cannot be held administratively liable for an erroneous decision because that "would be nothing short of harassment and [would make the judge's] position unbearable."[3] She denied all of complainant's charges.

A.M. No. 98-2-22-MeTC

Meanwhile, a spot judicial audit was conducted in the sala of respondent Judge on September 25 and 26, 1997. The audit

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[2] *Id.*, at 12.

[3] *Id.*, at 73.

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team found that 73 out of the court's caseload of 4,394 cases were already deemed submitted for decision.[4] Sixty-three of these cases had gone beyond the 90-day reglementary period for decision.[5] There were also another 25 cases with pending motions or incidents the resolution of which could determine their final disposition,[6] 41 cases with pending motions or incidents for resolution,[7] 66 cases which had not been the subject of any proceeding for several months,[8] and 10 cases which had not been acted upon since they were raffled to respondent judge's sala.[9]

The audit team observed that upon the lapse of the reglementary period to decide, respondent judge would order the parties to verify signatures on documents or submit original documents to gain more time.[10] Records showed that, in her January to July 1997 certificates of service, respondent judge stated that she had acted on all matters pending in her sala. However, the audit team discovered 73 cases submitted for decision and 41 cases submitted for resolution, during that period, contrary to her claim in her certificates of service.[11]

In the course of the audit, the audit team noted unsigned orders attached to case folders. According to the branch clerk of court, respondent judge refused to sign them, showing the latter's apparent reluctance to dispose of cases expeditiously.[12]

On September 19, 1997, respondent judge submitted a resignation letter dated September 16, 1997 to the OCA.[13] She

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[4] *Rollo*, A.M. No. 98-2-22-MeTC, p. 1.

[5] *Id.*, at 3.

[6] *Id.*, at 4.

[7] *Id.*, at 4.

[8] *Id.*, at 5.

[9] *Ibid.*

[10] *Id.*, at 7.

[11] *Ibid.*

[12] *Id.*, at 8.

[13] *Id.*, at 29.

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cited personal reasons for wanting to resign effective October 1, 1997. However, her salary for the period October 1 to 15, 1997 appears to have been received by her.[14] Action on respondent judge's resignation was held in abeyance pending the outcome of the administrative charge against her and of the spot audit.[15] This notwithstanding, respondent judge left her court, necessitating the appointment of an acting and an assisting judge to Branch 40.[16]

On October 15, 1998, respondent judge withdrew her resignation. She explained that her husband had died, leaving her as the sole breadwinner of her family. She sought to be allowed to immediately reassume her position as presiding judge.

Respondent judge submitted a 102-page comment regarding the report of the audit team; She cited the following reasons for the pile up of cases in her sala: (1) the branch clerk of court's failure to update case records and to turn over cases to her; (2) incomplete TSNs; (3) failure of parties to comply with her orders, particularly for production of original copies of documentary evidence; and (4) lack of proof of service of pleadings or court orders. She also pointed out that she could not have worked on certain cases cited in the spot audit as she went on leave starting August 16, 1997 and the incidents for resolution arose after this date.

Respondent judge asserted that although the branch clerk is subject to her supervision, the negligence of the latter should not be taken against her. As for her failure to decide cases within the reglementary period, she argued that justice and not speed should be the foremost consideration in deciding cases.

Anent her failure to decide cases under the summary procedure on time, she asserted that the 30-day period for rendering judgment provided for in Section 10 of the Revised Rules on

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[14] *Id.*, at 30.

[15] *Id.*, at 44.

[16] *Id.*, at 41.

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Summary Procedure applies only to cases where the defendants file answers and parties are required to submit affidavits and position papers. In cases where no answer is filed, respondent judge argued that Section 6 gives her "the discretion as to when judgment shall be rendered . . ."[17] She added that the court needed to wait for the pleadings and to allow some degree of delay in mailing.[18]

The branch clerk of court likewise submitted a comment in view of respondent judge's imputation of fault against her. She denied respondent judge's charges. She asserted that respondent judge only wanted to escape liability and pointed out instances of respondent's inefficiency, particularly the accumulation of unsigned orders and other documents for respondent's signature. According to her, she and other personnel stayed up late in the office on respondent's last day of work to assist the latter in signing the accumulated documents.

The matter was referred to retired Sandiganbayan Justice Romulo S. Quimbo, now an OCA consultant, for investigation, report, and recommendation.

On April 12, 1999 respondent filed with the OCA a motion to set aside the resolution referring her cases to Justice Quimbo and to dismiss the charges against her pursuant to (the old) Section 3, Rule 140 of the Rules of Court. This rule provided:

"SECTION 7. *Comment; Hearing.* — Upon the filing of the respondent's answer, or upon the expiration of the time for its filing, the court shall assign one of its members, a Justice of the Court of Appeals or a judge of first instance to conduct the hearing of the charges . x x x"

Respondent asserted that Justice Quimbo, not being a CA justice, is not authorized to conduct an investigation into her case.

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[17] *Id.*, at 120-121, 125-126.

[18] *Id.*, at 121, 126.

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Justice Quimbo submitted his report dated March 17, 1999, to this Court on April 16, 1999.

Regarding A.M. No. MTJ-00-1272, Justice Quimbo stated that there could be some truth to complainant's claim that the two orders and decision he received were signed at one time and mailed together, though they might have been indeed prepared on the date indicated in each. This was in view of the observation of the audit team and the comment of the branch clerk of court that orders and other documents for respondent's signature remained piled up and unsigned for several months.

However, as to the allegation that the judgment might have been tainted with vindictiveness, this, according to Justice Quimbo, was purely speculative. He stated that respondent was correct in pointing out that parties could not hold her administratively liable for every decision deemed erroneous. Complainant's recourse would have been to appeal the decision to the RTC.

For her failure to closely supervise court personnel, if indeed they were responsible for the delayed mailing of the orders, Justice Quimbo recommended calling the attention of respondent.

As regards A.M. No. 98-2-22-MeTC, Justice Quimbo noted firstly that respondent's act of leaving her court without her resignation having been approved constituted abandonment, punishable by dismissal with forfeiture of all benefits and prejudice to reemployment in government.[19]

Justice Quimbo pointed out secondly that, as clearly shown by the audit report and the comments submitted by respondent judge and the branch clerk of court, respondent judge failed to decide numerous cases within the period provided by law. He also observed that respondent judge "was loath to sign orders or resolutions dictated by her."[20] She could not pass the blame

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[19] Citing *Request of Judge Eduardo F. Cartagena, Municipal Circuit Trial Court, Lamitan, Basilan for Two Months Leave Without Pay* from 10 August to 01 November 1995, 282 SCRA 370 (1997).

[20] *Rollo*, A.M. No. 98-2-22-MeTC, p. 223.

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to her clerk of court since respondent judge herself has the responsibility of keeping tab of cases pending in her sala.

Justice Quimbo found as "pure dishonesty"[21] respondent judge's act of submitting false certificates of service several times. In said certificates, Justice Quimbo observed that respondent judge:

". . . purposely failed to mention the fact that there were several cases that had been submitted for decision but which had remained undecided even after the lapse of the 90-day period provided by law. She had failed to mention [this] fact in order to facilitate the payment of her monthly salary. This is pure dishonesty and is all the more reprehensible."[22]

Justice Quimbo noted that respondent judge:

". . . was completely overwhelmed by the magnitude of her work load as a metropolitan trial judge. She was simply overcome by the number of orders, decisions, and resolutions . . . she had to issue in the thousands of cases pending in her branch."[23]

Justice Quimbo concluded:

"Considering the above, there can be no penalty which the undersigned could recommend other than her dismissal from the service with forfeiture of whatever benefits she may still have coming to her and with prejudice to reemployment in any branch or agency of the government, including government-owned or controlled corporations. However, because of the attenuating circumstances mentioned above, the undersigned instead recommends that respondent judge be considered resigned as of her last day of service (August 15, 1997), without prejudice to the Court referring the matter of the alleged falsification of her certificates of service to the Ombudsman for prosecution, if warranted by the evidence."[24]

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[21] *Id.*, at 225.

[22] *Ibid.*

[23] *Id.*, at 224.

[24] *Id.*, at 226.

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On May 14, 1999, respondent judge submitted copies of her approved requests for leave of absence and asked that they be included in the records of this case, particularly as regards the finding that she had abandoned her court. From the documents presented by respondent judge, it appeared that her leave of absence was granted for the period August 16, 1997 to September 16, 1997, with an extension for the period September 17, 1997 to September 30, 1997.

On September 2, 1999, respondent judge moved for the early resolution of this case. She also sought clarification as to whether or not she is entitled to back salaries and benefits from the time she withdrew her resignation until the final resolution of this case.

On October 20, 1999, the OCA submitted a memorandum to this Court reiterating the findings and recommendations of Justice Quimbo. On respondent judge's charge that Justice Quimbo, as OCA consultant, cannot but be partial in favor of OCA, the OCA said:

"Judicial audit reports are not and could not be treated as administrative complaints for the simple reason that there are no complainants therein. It does not contain charges but mere factual findings on which the person responsible is given the opportunity to explain or refute. The purpose of the investigation by Justice Quimbo of the audit report is not to prosecute Judge Parker and to establish that she had committed irregularities. As stated, the purpose solely in conducting the hearings in Adm. Matter No. 98-2-22-MeTC is to establish the accuracy of the audit report and give Judge Parker an opportunity to verbally air her position. In other words, the Office of the Court Administrator is neither the complainant nor the prosecutor herein. The nature of the investigation being so, Judge Parker's fear that Justice Quimbo's 'loyalty' to the OCA would prevent him from being neutral is clearly without basis."[25]

The judicial audit conducted in the sala of respondent judge reveals her failure to decide numerous cases within the reglementary period and to act on other cases with pending incidents.

[25] *Id.*, at 302.

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Under Article VIII, Section 15 of the Constitution, lower courts have three months within which to decide cases submitted to them for resolution. In addition, 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."

Where a judge believes that he cannot decide a case within the required period, he may request for an extension of time from this Court.

In this case, it does not appear on record that any request for extensions of time was filed by respondent judge. Instead of admitting her shortcomings, respondent judge passed on the blame to her clerk of court and faulted the judicial audit team for having included in its report cases which allegedly have not gone beyond the three-month period for decision. She also explained that she had to give an allowance for mailed pleadings or orders to reach their destination.

This explanation hardly inspires sympathy from this Court. Judges are expected to manage their court dockets efficiently to avoid delays in their disposition of cases. We are aware of the volume of cases pending before Metropolitan Trial Courts. This is precisely why we have allowed, on proper request, extensions of time to decide cases. However, respondent judge chose not to take that option and instead allowed 63 cases in her court to remain unresolved beyond the three-month period required by law.

Delay in the disposition of cases erodes the people's faith and confidence in the judiciary.[26] It is for this reason that this Court has time and again reminded judges of their duty to decide cases expeditiously. Delay in the disposition of even one case constitutes gross inefficiency[27] which this Court will not tolerate.

Respondent judge compounded the problem when she left her post even before higher authorities had acted upon her

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[26] *Balayo v. Judge Buban, Jr.*, A.M. No. RTJ-99-1477, September 9, 1999, p. 6.

[27] *Re: Judge Danilo M. Tenerife,* 255 SCRA 184, 187 (1996).

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resignation. In fact, action on her resignation was deferred, pending resolution of the administrative cases against her.

This Court cannot also turn a blind eye to the alleged falsification of certificates of service,

" . . . which seriously undermines and reflects on the honesty and integrity expected of an officer of the court . . . A certificate of service is not merely a means to one's paycheck but is an instrument by which the Court can fulfill the constitutional mandate of the people's right to a speedy disposition of cases."[28]

It should be noted that making false statements in a certificate of service, once proved, may constitute falsification of an official document that may be punishable by dismissal under Memorandum Circular No. 30 of the Civil Service Commission, dated July 20, 1989.[29]

Respondent judge contended, however, that it was error for this Court to refer her case for investigation to Justice Quimbo, the latter not being a Court of Appeals justice. But the rule being cited by her as basis for her contention was already amended per resolution of the Court dated November 22, 1990.

Rule 140, Section 7 of the Revised Rules of Court now provides:

SEC. 7. *Comment; Hearing.* — Upon the filing of the respondent's comment, or upon the expiration of the time for its filing . . . *the Court may refer the matter to the Office of the Court Administrator for evaluation, report and recommendation,* or assign a Justice of the Court of Appeals (if the respondent is a Regional Trial Court Judge), or, a Judge of the Regional Trial Court (if the respondent is a Judge of an inferior court) to investigate and hear the charges. x x x" (Italics supplied)

Clearly, the Court may refer respondent's case to the OCA, or any of its consultants, for investigation. In the performance of his function, the investigator is given wide latitude in

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[28] *Bolalin v. Judge Salvador M. Occiano,* 266 SCRA 203, 210 (1997).

[29] *Re: Guidelines in the Application of Penalties in Administrative Cases; Grefaldeo v. Lacson,* 293 SCRA 524, 528-529 (1998).

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ascertaining the veracity of charges leveled against officials or personnel of the judiciary.

While acknowledging that respondent's offenses are punishable by dismissal from the service, the OCA recommended that she, instead, be considered resigned effective on the date of her resignation or on August 15, 1997. On that point we are in partial agreement. This is in view of the admitted fact that respondent judge's performance was partly affected by her pre-occupation with the illness of her husband which eventually led to his demise. It appears, moreover, that for said reason respondent judge was granted authority to travel to the US for the period August 16, 1997 to September 30, 1997.[30] Hence, we cannot consider her resigned earlier than October 1, 1997.

WHEREFORE, as recommended in A.M. No. 98-2-22-MeTC, respondent Judge Susanita E. Mendoza-Parker, Metropolitan Trial Court, Branch 40, Quezon City, is hereby considered *RESIGNED*, effective as of October 1, 1997. Accordingly, in A.M. No. MTJ-00-1272, the complaint is dismissed for lack of sufficient merit as well as for being moot.

SO ORDERED.

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

Kapunan, J., took no part; did not participate in the deliberations.

Purisima and *De Leon Jr., JJ.*, are on leave.

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[30] *Rollo*, A.M. No. 98-2-22-MeTC, pp. 281, 283.