

A.M. No. RTJ-05-1937

A.M. No. RTJ-05-1937. January 22, 2008

Ponente: PUNO, CJ.

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PUNO, CJ.:

As a result of the judicial and physical inventory of cases conducted in the Regional Trial Court (RTC) of Sharif Aguak (Maganoy), Maguindanao, Branch 15, the Office of the Court Administrator (OCA) issued Memorandum dated March 24, 2003, directing Judge Ismael G. Bagundang, then presiding judge of RTC-Br. 15, Sharif Aguak, to:

(a) explain within fifteen (15) days from notice why he failed to decide Criminal Cases Nos. 754, 830 and 1326, and Civil Cases Nos. 241, 446 and 459 within the reglementary period, and to resolve the Motion to Quash Search Warrant No. SW-02, and the Motion to Dismiss in Civil Case No. 294, likewise within the reglementary period;

(b) immediately decide/resolve the aforementioned criminal and civil cases including Civil Case No. MC-750, as well as the aforementioned two motions;

(c) take immediate action on — (1) seventeen (17) criminal cases[3] referred for reinvestigation to the Office of the City/Provincial Prosecutor which remained inactive for quite some time;

(2) ninety-four (94) cases[4] which were not acted upon or were without further settings despite the lapse of a considerable length of time;

(3) two hundred and thirty-three (233) cases[5] with warrants of arrest or summons, in accordance with Administrative Circular No. 7-A-92 re Guidelines in the Archiving of Cases;

(4) fifty-five (55) cases[6] which were not initially acted upon since they were filed/raffled.

(c) take necessary steps for the issuance of judgments and writs of execution on the confiscated bail bonds posted by the accused in Criminal Cases Nos. 909, 975, 995, 1030, 1040, 1072, 1073, 1100, 1103, 1105, 1118, 1130, 1208, 1313, 1319, 1429, and 1434;

(d) submit the corresponding reports on his compliance with directives (c) and (d).

Office-in-Charge (OIC) Umaina L. Silongan, Interpreter III, RTC-Br. 15, Sharif Aguak, Maguindanao, was likewise directed to—

(a) find out and ascertain the actual status of the following cases which were not presented to the audit team for examination, to wit: Criminal Cases Nos. 1281, 1302, 1342, 1455, 1476, 1477, 1478, 1486, 1489, 1500, 1502, 1504, 1508, 1516 and 1549, and Civil/Other Cases Nos. 49, 58, 63, 108, 137, 138, 143, 151, 154, 156, 170, 171, 174, 175, 182, 184, 189, 197, 203, 205, 210, 211, 213, 214, 219, 220, 256, 257, 264, 269, 271, 275, 276, 281, 282, 341, 348, 362, 365, 387, 411, 414, 419, 447, 448, 455, 461, 464, 472, 484, 486, 495, 498, 499, 501, 502, 503, 504, 509, 516, 522, SP-65, SP-98, SP-129, SP-134, SP-185, SP-188, SP-194, SP-198, SP-202, SP-207, SP-208, SP-238, SP-260, SP-261, SP-268, SP-275, SP-276, SP-280, SP-301, SP-305, SP-342, SP-344,

SP-347, SP-363, SP-367, SP-368, SP-369, SP-372, SP-373, SP-374, SP-376, SP-377, SP-378, SP-379, SP-380, SP-382, SP-383, SP-384, SP-385, SP-395, SP-398, SP-399, SP-416, SP-423, SP-435, SP-436, SP-437, SP-438, SP-448, SP-453, SP-459, SP-468, SP-496, SP-505, SP-514, SP-528, SP-544, SP-550, SP-584, SP-595, SP-596, SP-597, SP-598, SP-599, SP-616, SP-620, SP-625, SP-633, SP-636, SP-647, SP-655, SP-663, SP-664, SP-665, SP-673, SP-674, SP-676, SP-680, SP-682, SP-683, SP-684, SP-695, SP-712, SP-715, SP-716, SP-719, SP-732, SP-736, SP-739, SP-779, SP-784, SP-789, SP-791, SP-792, SP-793, SP-808, SP-809, SP-810, SP-811, SP-814, SP-823, SP-833, SP-851, SP-853, SP-863, SP-864, SP-877, SP-880, SP-886, SP-894, SP-895, SP-898, SP-911, SP-919, SP-924, SP-928, SP-930, SP-941, SP-944, SP-979, SP-985, SP-986, SP-1000, SP-1013, SP-1016, SP-1023, SP-1033, SP-1034, SP-1037, SP-1038, SP-1039, SP-1046, SP-1047, SP-1050, SP-1051, SP-1052, SP-1054, SP-1056, SP-1062, SP-1066, SP-1067, SP-1078, SP-1079, SP-1093, SP-1116, SP-1118, SP-1121, SP-1123, SP-1124, SP-1126, SP-1129, SP-1130, SP-1143, SP-1144, SP-1147, SP-1148, SP-1149, SP-1151, SP-1154, SP-1158, SP-1159, SP-1164 to SP-1182, SP-1184 to SP-1192, MC-58, MC-98, MC-115, MC-150, MC-300, MC-410, MC-479, MC-480, MC-481, MC-482, MC-529, MC-637, MC-639, MC-655, MC-688, MC-700, MC-701, MC-707, MC-720, MC-741, MC-760, MC-761, MC-781, MC-788, MC-811, MC-829, MC-834, MC-837, MC-847, MC-854, MC-860, MC-861, MC-865, MC-870, MC-880, MC-884, MC-887, MC-892, MC-896, MC-900, MC-902, MC-904, MC-905, MC-906, MC-909, MC-914, MC-915, MC-916, MC-917, MC-921, MC-922, MC-923, MC-924, MC-925 and MC-926, and submit a report on her compliance, within thirty (30) days from notice;

(b) explain in writing, within thirty (30) days from notice, why she failed to take appropriate actions on the following twenty-two (22) civil cases since they were filed/raffled, to wit: Civil Cases Nos. 187, 249, 390, 429, 490, 491, 517, SP-381, SP-428, SP-441, SP-529, SP-708, SP-771, SP-925, SP-1035, MC-712, MC-730, MC-789, MC-875, MC-893, MC-918, and MC-919;

(c) immediately cease and desist from the practice of re-numbering the cases that are raffled to RTC-Sharif Aguak, Branch 15, from the Office of the Clerk of Court, RTC-Cotabato City, and retain the original docket numbers assigned by the latter office;[7]

(d) submit a report on her compliance with directives (c) and (d), within 15 days from notice.

Judge Bagundang submitted his Compliance[8] in May 2005, attaching copies of the decisions and orders issued by him in the cases mentioned in OCA Memorandum dated March 24, 2003. However, he offered no explanation as to why he failed to decide, within the mandatory period, the cases mentioned in directives (a) and (b). OIC Silongan failed to comply as of that date.

Consequently, in a Memorandum dated June 1, 2005, the OCA recommended that Judge Bagundang be fined twenty thousand (P20,000.00) pesos for gross inefficiency for his failure to decide within the mandatory period Criminal Case No. 754, and Civil Case Nos. 241, 446, 459 and MC-750; for his failure to decide within the mandatory period the pending motion in Civil Case No. 294; and, for his failure to submit his explanation on his failure to decide or resolve the aforementioned cases within the prescribed period. The OCA likewise recommended that OIC Silongan be directed to explain her failure to comply with OCA Memorandum dated March 24, 2003, and to submit her compliance within fifteen (15) days from notice with warning that her failure to do so shall be dealt with more severely.

In our Resolution dated July 11, 2005, we redocketed the OCA report as a regular administrative matter against Judge Bagundang, and ordered OIC Silongan to explain her failure to comply with OCA Memorandum dated March 24, 2003, within fifteen (15) days from notice with warning.

In her Compliance dated August 30, 2005, OIC Silongan explained that her failure to timely comply with the OCA Memorandum was due to the following reasons: (1) the number of cases involved is substantial; (2) she and Eduardo C. Gesulga, Jr., the staff assistant in charge of the court docket, were the only ones doing the work; (3)

Judge Bagundang gave assignments in connection with his retirement; (4) the new presiding judge gave her assignments as well; and (5) she has a pending knee operation which necessitates weekly trips to Davao for medication. OIC Silongan likewise reported on the status of the cases mentioned in directives (a) and (b) of OCA Memorandum dated March 24, 2003. She alleged that she complied with directives (c) and (d) on the date of the judicial audit. In addition, she submitted a medical certificate attesting as to her knee ailment.

In a Memorandum dated July 14, 2006, the OCA recommended that OIC Silongan be fined P1,000.00 for negligence in the performance of her duties and responsibilities as OIC Clerk of Court, with warning that a repetition of the same infractions will be dealt with more severely.

We redocketed the OCA report as a regular administrative matter against OIC Silongan and consolidated the same with A.M. No. RTJ-05-1937 in our Resolution dated September 13, 2006.

We adopt the recommendations of the OCA.

Section 15(1), Article VIII of the 1987 Constitution provides:

All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts. (emphasis ours)

In connection therewith, Rule 3.05, Canon 3 of the Code of Judicial Conduct provides:

A judge shall dispose of the court's business promptly and decide cases within the required periods.

We have repeatedly ruled that the 90-day period is mandatory.[9] Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case.[10] Not only does it magnify the cost of seeking justice, it likewise undermines the people's faith and confidence in the judiciary, lowering its standards and bringing it to disrepute.[11] It is only in certain meritorious cases, i.e., those involving difficult questions of law or complex issues or when the judge is burdened by heavy caseloads, that a longer period to decide may be allowed but only upon proper application made with the Supreme Court by the judge concerned.[12]

In the case at bar, Judge Bagundang failed to decide five (5) cases and to resolve a pending motion within the mandatory period, and offered no explanation for it. Worse, he submitted his compliance with the OCA directives only two (2) years after they were issued against him.

Failure to decide even a single case within the required period, absent sufficient justification,[13] constitutes gross inefficiency meriting administrative sanction.[14] A member of the bench cannot pay mere lip service to the 90-day requirement; he should instead persevere in its implementation.[15] Regarding directives from the OCA, judges should treat them as if issued directly by the Court and comply promptly and conscientiously with them since it is through the OCA that this Court exercises its constitutionally mandated administrative supervision over all courts and the personnel thereof. Failure to do so constitutes misconduct and exacerbates administrative liability.

As to the penalty, the Rules of Court provides that undue delay in rendering a decision or order is a less serious charge[16] which merits the imposition of any of the following sanctions:

- Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
- A fine of more than P10,000.00 but not exceeding P20,000.00.[17]

In the case at bar, suspension is not an option considering that Judge Bagundang retired compulsorily on July 10, 2004. However, retirement from the service does not preclude a finding of administrative liability.[18] As recommended by the OCA, a fine of P20,000.00 is warranted under the circumstances considering Judge Bagundang's failure to explain his failure to decide five cases and to resolve a pending motion within the mandatory period, and his belated compliance with the OCA directives.

With respect to OIC Silongan, having been designated as acting clerk of court, it was incumbent upon her to be cognizant of, and well-versed with, the duties and responsibilities of a clerk of court. RTC-Sharif Aguak, Maguindanao, is a single sala court. Under paragraph D (1.3), Chapter VI of the 2002 Revised Manual for Clerks of Court, the clerk of court of a single sala court performs the functions both of a Clerk of Court in a multiple sala court and those of a Branch Clerk of Court. The Clerk of Court of a multiple sala court is the administrative officer of the court and has control and supervision over court personnel as well as over all its properties and supplies.[19] The Branch Clerk of Court is the extension of the Clerk of Court in the branch for administrative purposes, and the custodian of all its properties and premises.[20]

In the case at bar, respondent Silongan failed to produce three hundred and three (303) cases for examination by the audit team. She was required to ascertain the actual status of these cases, and to submit a report thereon, per OCA Memorandum dated March 24, 2003. She was likewise required to explain why she failed to take appropriate actions in twenty-two (22) civil cases since the cases have been raffled or filed. It was not until the lapse of more than two years, however, or in September 2005, that respondent Silongan submitted her compliance.

A clerk of court is the role model for all court employees under her supervision. The position of clerk of court requires competence and efficiency to insure the public's confidence in the administration of justice.[21] With respect to court records, the clerk of court must ensure that they are safely kept and readily available upon request of the parties or order of the court.[22]

In the case at bar, respondent Silongan failed to produce 303 cases upon audit. The fact that RTC-Sharif Aguak is a single sala court and staffed by a relatively small number of personnel is of no moment. The organizational composition of a court is dependent upon its particular needs and jurisdiction, and is presumed to be sufficient for its purposes. It is therefore incumbent upon the clerk of court to supervise court personnel in such a way that they all function effectively.[23] Respondent Silongan's knee ailment mitigates her administrative liability but it does not exonerate her. A clerk of court cannot be permitted to slacken on her job under one pretext or another.[24] We agree with the OCA that respondent Silongan should be fined P1,000.00 for neglect of duty.

IN VIEW WHEREOF, Retired Judge Ismael G. Bagundang is found guilty of GROSS INEFFICIENCY, and FINED Twenty Thousand pesos (P20,000.00) to be deducted from his retirement benefits.

Officer-in-Charge Umaima L. Silongan, Interpreter III, RTC-Br. 15, Sharif Aguak, Maguindanao, is found guilty of NEGLECT OF DUTY, and FINED One Thousand pesos (P1,000.00), with WARNING that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Sandoval-Gutierrez, Corona, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] Formerly A.M. No. 05-6-360-RTC (Re: Report on the Judicial Audit and Physical Inventory of Cases in the RTC, Br. 15, Sharif Aguak, Maguindanao).

[2] Per records of the Office of the Court Administrator, Umaima L. Silongan's regular item in the plantilla is Interpreter III, RTC-Br.15, Sharif Aguak, Maguindanao. She has been designated as Officer-in-Charge of said court since 1995.

[3] Criminal Case Nos. 556, 772, 773, 774, 979, 997, 998, 999, 1000, 1001, 1050, 1056, 1061, 1186, 1230, 1416, and 1423.

[4] Criminal Case Nos. 758, 806, 810, 812, 813, 814, 815, 816, 817, 851, 852, 853, 854, 894, 895, 896, 897, 912, 1075, 1076, 1099, 1115, 1129, 1205, 1234, 1235, 1243, 1259, 1356, 1410, 1435, 1471, 1483, 1496 and 1501, and Civil/Other Cases Nos. 185, 226, 239, 243, 247, 258, 260, 270, 273, 274, 313, 346, 359, 378, 380, 381, 393, 405, 415, 423, 425, 428, 431, 437, 440, 450, 452, 454, 463, 466, 469, 470, 471, 478, 479, 493, 507, SP-200, SP-227, SP-236, SP-251, SP-252, SP-273, SP-291, SP-292, SP-361, SP-397, SP-407, SP-524, SP-530, SP-588, SP-648, SP-709, SP-772, SP-796, SP-862, SP-990, SP-1014, MC-725 and MC-886.

[5] Criminal Case Nos. 767, 849, 869, 903, 909, 915, 916, 917, 923, 927, 929, 935, 937, 940, 942, 943, 944, 951, 952, 956, 965, 957, 958, 959, 960, 961, 962, 963, 964, 967, 970, 971, 974, 978, 983, 985, 986, 989, 991, 992, 995, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1030, 1031, 1033, 1034, 1040, 1047, 1048, 1050, 1052, 1058, 1059, 1061, 1062, 1063, 1064, 1065, 1071, 1072, 1073, 1078, 1079, 1080, 1082, 1085, 1089, 1094, 1100, 1102, 1103, 1105, 1107, 1108, 1117, 1118, 1119, 1132, 1145, 1150, 1152, 1161, 1164, 1166, 1167, 1168, 1177, 1179, 1182, 1185, 1187, 1196, 1197, 1204, 1208, 1210, 1224, 1226, 1228, 1237, 1238, 1239, 1241, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1255, 1256, 1263, 1266, 1271, 1274, 1276, 1277, 1279, 1283, 1284, 1286, 1291, 1292, 1295, 1296, 1301, 1313, 1314, 1316, 1317, 1318, 1319, 1321, 1322, 1323, 1324, 1325, 1329, 1331, 1332, 1333, 1335, 1339, 1341, 1342, 1349, 1350, 1351, 1352, 1354, 1357, 1358, 1359, 1361, 1362, 1365, 1372, 1373, 1375, 1377, 1378, 1381, 1383, 1384, 1385, 1387, 1389, 1394, 1400, 1401, 1402, 1403, 1404, 1405, 1407, 1408, 1409, 1411, 1417, 1419, 1420, 1421, 1422, 1424, 1426, 1428, 1429, 1433, 1434, 1438, 1439, 1440, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1467, 1469, 1470, 1473, 1496, 1517 and 1518, and Civil Cases Nos. 231, 253, 389, 438, 439, 443 and 458.

[6] Criminal Case Nos. 920, 928, 931, 932, 936, 938, 1068, 1069, 1070, 1158, 1180, 1288, 1330, 1366, 1367, 1368, 1369, 1370, 1371, 1386, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1460, 1463, 1498, 1510 and SW-01, and Civil Cases Nos. 187, 249, 390, 429, 490, 491, 517, SP-381, SP-428, SP-441, SP-529, SP-708, SP-771, SP-925, SP-1035, MC-712, MC-730, MC-789, MC-875, MC-893, MC-918 and MC-919.

[7] RTC-Sharif Aguak, Branch 15, is temporarily stationed in Cotabato City and handles cases arising not only from its own territorial jurisdiction but also those raffled to it coming from the jurisdiction of RTC-Cotabato City, per Supreme Court En Banc Resolution dated February 14, 1984 in A.M. No. 84-2-4284-RTC.

[8] Dated May 2, 2005.

[9] Office of the Court Administrator v. Garcia-Blanco, A.M. No. RTJ-05-1941, April 25, 2006, 488 SCRA 109; Seares v. Salazar, A.M. No. MTJ-98-1160, November 22, 2000, 345 SCRA 308.

[10] Office of the Court Administrator v. Garcia-Blanco, *supra* at 121.

[11] *Id.*

[12] Seares v. Salazar, *supra* at 312.

[13] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 144, Makati City, A.M. No. 03-11-628-RTC, November 25, 2004, 444 SCRA 21.

[14] Re: Judicial Audit of the RTC, Br. 14, Zamboanga City, Presided Over by Hon. Ernesto R. Gutierrez, A.M.

No. RTJ-05-1950, February 13, 2006, 482 SCRA 310; Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61, Baguio City, A.M. No. 02-9-568-RTC, February 11, 2004, 422 SCRA 408; Saceda v. Gestopa, Jr., A.M. No. MTJ-00-1303, December 13, 2001, 372 SCRA 193; Dela Cruz v. Bersamira, A.M. No. RTJ-00-1567, July 24, 2000, 336 SCRA 353; Report on the Spot Judicial Audit Conducted in the Metropolitan Trial Court, Br. 40, Quezon City, A.M. No. 98-2-22-MeTC, May 11, 2000, 331 SCRA 627.

[15] Pantig v. Daing, Jr., A.M. No. RTJ-03-1791, July 8, 2004, 434 SCRA 7.

[16] RULES OF COURT, Rule 140, Sec. 9, par. (1).

[17] RULES OF COURT, Rule 140, Sec. 11, par. (B)(1).

[18] Office of the Court Administrator v. Fernandez, A.M. No. MTJ-03-1511, August 20, 2004, 437 SCRA 81; Lilia v. Fanuñal, A.M. No. RTJ-99-1503, December 13, 2001, 372 SCRA 213.

[19] 2002 REVISED MANUAL FOR CLERKS OF COURT, Chapter VII, par. D (1)(1.1)(1.1.1), subparagraphs 1.1.1.1 and 1.1.1.2.

[20] 2002 REVISED MANUAL FOR CLERKS OF COURT, Chapter VII, par. D (1) (1.2), subparagraphs 1.2.1 and 1.2.2.

[21] Obañana, Jr. v. Ricafort, A.M. No. MTJ-04-1545, May 27, 2004, 429 SCRA 223.

[22] Re: Withholding of All the Salaries and Allowances of Mr. Datu Ashary M. Alauya, Clerk of Court, 4th Shari'a District Court, Marawi City, A.M. No. 02-4-03-SDC, May 27, 2004, 429 SCRA 202.

[23] Id.

[24] Obañana, Jr. v. Ricafort, *supra* note 21.

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