

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE JAIME T. HAMOY, REGIONAL TRIAL COURT, BRANCH 130,
CALOOCAN CITY, RESPONDENT.**

A.M. NO. RTJ-04-1830. January 17, 2005

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On July 11, 2003, the Office of the Court Administrator, through Deputy Court Administrator Christopher O. Lock, issued a memorandum directing respondent Judge Jaime T. Hamoy to: (a) Explain within 30 days from notice his failure to render within the mandatory period the decisions in 83 cases and the resolutions of the motions in 13 cases; (b) Inform the OCA [1] whether the decisions in 25 criminal cases were promulgated as scheduled, [2] whether the decisions in 52 criminal cases and the resolutions on the motions in 21 cases have already been rendered; (c) Submit copies of the decisions and/or resolutions in the aforementioned 98 cases, if any; (d) Take appropriate action [1] on the 98 cases which were not acted upon and/or without further settings, [2] on the 10 cases with warrants of arrests and summons, [3] on the bail bonds of the accused in 60 criminal cases, and [4] on the 22 cases where the accused jumped bail but have already been arraigned.[1]

Judge Hamoy received the memorandum on August 7, 2003. On September 3, 2003, he requested for an extension of 30 days because he found it difficult to prepare his report “due to the daily court hearings being conducted and other pressing matters being attended to.”[2]

Eventually, respondent submitted on September 23, 2003 his report on partial compliance but claimed he could not fully comply with the directives within the given time “due to the number of cases being tried everyday.”[3] The following day, he submitted a list of 5 cases with corresponding copies of his decisions.

On October 6, 2003, respondent submitted another report in partial compliance. At the same time, he requested for another 30 days extension within which to act on the remaining pending matters. He advanced that despite serious efforts on his part, he still could not fully comply with the OCA memorandum “due to the number of cases being tried everyday.”[4]

On October 10, 2003 and October 17, 2003, respondent submitted partial reports. On both dates, he also informed the OCA of his failure to completely comply with its directives “due to the number of cases being tried everyday.”[5]

On October 22, 2003,[6] October 29, 2003, respondent submitted partial reports. Finally, on November 19, 2003,[7] respondent submitted his final report and at the same time furnished the OCA with copies of his decisions, orders and resolutions.

All told, respondent has fully complied although belatedly, with the OCA directives. In its evaluation, the OCA noted that respondent had been previously admonished to be more efficient in the management of his docket and warned of a more severe penalty in case of failure to decide motions and pending incidents within the

reglementary period.[8]

Thus, the OCA recommended that: (1) the matter be re-docketed as an administrative complaint; (2) the letters of compliance of Judge Hamoy be noted; (3) Judge Hamoy be fined P20,000.00 for undue delay in rendering decisions in 83 cases and delay in the resolution of 13 cases with pending motions; (4) Judge Hamoy be sternly warned to henceforth properly observe the 90-day mandatory period within which to decide cases/motions otherwise appropriate and more stringent disciplinary measures shall be taken; and (5) the matters treated therein with respect to Judge Hamoy be considered closed and terminated.

A trial judge is expected to act with dispatch[9] and to dispose of the court's business promptly and to decide cases within the required periods.[10] The main objective of every judge, particularly trial judges, should be to avoid delays, or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics. Thus, all cases or incidents must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so.[11] All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts.[12]

Members of the bench have always been reminded that the unreasonable delay in resolving a pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate.[13] The need to decide cases promptly and expeditiously has been consistently impressed upon judges on the principle that justice delayed is justice denied.[14] 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.[15] Inability to decide a case within the required period is not excusable and constitutes gross inefficiency[16] warranting the imposition of administrative sanctions on them.[17]

If respondent judge knew that he could not decide the cases within the reglementary period, he should have requested for additional time to decide the cases. However, respondent judge never asked for an extension. It was only after receipt of the July 11, 2003 OCA Memorandum that he began asking for extensions. It appears that the requests were all belatedly filed after expiration of the 90-day reglementary period for deciding said cases.

Undue delay in rendering a decision is a less serious charge under Section 9(1), Rule 140 of the Rules of Court, as amended, for which a fine of more than P10,000.00 but not exceeding P20,000.00 is imposable. Hence, the fine of P20,000.00 recommended by OCA is commensurate under the circumstances.

On August 12, 2004, respondent judge was dismissed from service with forfeiture of retirement benefits except accrued leave credits after he was found guilty of gross inefficiency, dereliction of duty and violation of the Code of Judicial Conduct.[18]

Respondent's cessation from office, however, does not warrant the dismissal of the administrative complaint filed against him while he was still in the service[19] nor does it render said administrative case moot and academic.[20] The Court's jurisdiction at the time of the filing of the administrative complaint is not lost by the mere fact that the respondent had ceased in office during the pendency of the case.[21]

In fact, the retirement or death[22] of a judge or any judicial officer from the service does not preclude the finding of any administrative liability to which he shall still be answerable.[23] Indeed –

... The Court retains its jurisdiction either to pronounce the respondent public official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustice and pregnant with dreadful and dangerous implications... If innocent, respondent public official merits vindication of his name and integrity as he leaves the government which he has served well and faithfully; if guilty, he deserves to receive the

corresponding censure and a penalty proper and imposable under the situation.[24]

WHEREFORE, in view of all the foregoing, respondent Judge Jaime T. Hamoy of the Regional Trial Court, Branch 130, Caloocan City, is hereby FINED the amount of Twenty Thousand Pesos (P20,000.00), to be deducted from his accrued leave benefits.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Rollo, OCA Memorandum, pp. 1-2.

[2] Id., pp. 2-3.

[3] Id., p. 3.

[4] Id., pp. 5-6.

[5] Id., pp. 22-23.

[6] Id., p. 25.

[7] Id., p. 26.

[8] Jose Norberto Ang v. Judge Jaime T. Hamoy, Regional Trial Court, Branch 130, Caloocan City, A.M. OCA-IPI No. 99-676-RTJ, 20 March 2002 (Minute Resolution).

[9] Rule 1.02, Canon 1, Code of Judicial Conduct.

[10] Rule 3.05, Canon 3, Code of Judicial Conduct.

[11] SC Administrative Circular No. 13-87.

[12] SC Administrative Circular No. 1-88.

[13] Dysico v. Dacumos, 330 Phil. 834 [1996]; Re: Report on the Audit and Inventory of Cases in RTC, Branch 55, Alaminos, Pangasinan, 331 Phil. 43 [1996]; Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 61, 134 and 147, Makati, Metro Manila, A.M. No. 93-2-1001, 5 September 1995, 248 SCRA 5; Re: Query of Judge Danilo M. Tenerife, 325 Phil. 464 [1996]; Re: Report on the Judicial Audit and Physical Inventory of the Records of Cases in MTCC, Br. 2, Batangas City, A.M. No. 94-10-96-MTCC, 5 September 1995, 248 SCRA 36; Bentulan v. Dumatol, A.M. No. RTJ-93-999, 15 June 1994, 233 SCRA 168; Re: Letter of Mr. Octavio Kalalo, A.M. No. 93-7-1158-RTC, 24 March 1993, 231 SCRA 403 [1993]; Longboan v. Polig, A.M. No. R-704-RTJ, 14 June 1990, 186 SCRA 556.

[14] Abarquez v. Rebosura, 349 Phil. 24 [1998], citing Bendesula v. Laya, 157 Phil. 18 [1974] and Castro v. Malazo, A.M. No. 1237-CAR, 21 August 1980, 99 SCRA 164.

[15] Abarquez v. Rebosura, supra.

[16] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 61, 134 and 147, Makati, Metro Manila, supra.

[17] Sanchez v. Vestil, 358 Phil. 477 [1998], citing OCA v. Judge Walerico Butalid, 355 Phil. 337 [1998].

[18] Fernandez v. Hamoy, A.M. No. RTJ-04-1821, 12 August 2004.

[19] Tuliao v. Ramos, 348 Phil. 404 [1998], citing Perez v. Abiera, A.C. No. 223-J, 11 June 1975, 64 SCRA 302; Secretary of Justice v. Marcos, A.C. No. 207-J, 22 April 1977, 76 SCRA 301.

[20] Sy Bang v. Mendez, 350 Phil. 524 [1998].

[21] Flores v. Sumaljag, 353 Phil. 10 [1998].

[22] Mañozca v. Domagas, OCA-IPI No. 95-62-RTJ, 29 September 1995, 248 SCRA 625; Apiag v. Cantero, 335 Phil. 511 [1997].

[23] Lilia v. Fanuñal, 423 Phil. 444 [2001]; OCA v. Saguyod, 429 Phil. 421 [2002].

[24] Gallo v. Cordero, 315 Phil. 210 [1995].

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