

**JOSE E. FERNANDEZ, COMPLAINANT, VS. JUDGE JAIME T. HAMOY,
REGIONAL TRIAL COURT, BRANCH 130, CALOOCAN CITY,
RESPONDENT.**

A.M. No. RTJ-04-1821. August 12, 2004

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4ca497b1ea06/>

PER CURIAM:

This is an administrative complaint against Judge Jaime T. Hamoy for Abuse of Authority, Dereliction of Duty and Violation of Rule 3.05 of the Code of Judicial Conduct.[1]

Complainant Jose E. Fernandez is the counsel for plaintiff in Civil Case No. 3645 entitled, “Hadji Adil Musahari, Plaintiff versus Shop-O-Rama, et al., Defendants,” and Civil Case No. 2744 entitled, “Philippine International Development, Inc., Plaintiff versus Associate Citizens Bank, Defendant,” both of which were filed with the Regional Trial Court of Zamboanga City, Branch 15, then presided by respondent Judge. Despite the lapse of more than ten years, respondent Judge failed to render judgment in the said cases. After respondent Judge was transferred to the RTC of Caloocan City, complainant learned that he brought the records of the subject cases to his new station.

On January 7, 1997, complainant wrote a letter to the Court Administrator seeking help in the speedy disposition of his clients’ cases.[2] Senior Deputy Court Administrator Reynaldo L. Suarez referred the letter to respondent Judge for comment or appropriate action.[3]

When nothing was heard from respondent Judge, then Court Administrator Alfredo L. Benipayo directed respondent to comment on the complaint within ten days from receipt. Again, respondent Judge failed to comply.[4]

On April 3, 2001, Deputy Court Administrator Jose P. Perez sent a First Tracer to respondent Judge reiterating the directive for him to file comment within five days from receipt. Still, respondent Judge failed to do so.

For his repeated failure to comply with the directives of the Office of the Court Administrator, a Resolution was issued requiring respondent Judge to show cause why he should not be held in contempt for his failure to file comment; and to submit the said comment within ten days from notice.[5]

Respondent Judge finally filed an Explanation/Compliance, alleging that he simply forgot to submit his comment; that he misplaced the records of Civil Cases Nos. 3645 and 2744; that his Utility Aide in Caloocan City mixed up the records of the said cases with the records of cases assigned to the Caloocan court; that the missing case records were found only when the old records were transferred to the newly-acquired storage/filing cabinets; that he was unable to act on the cases notwithstanding the discovery of the records because he had to attend to the many family-related cases, being then the only designated Family Court; that his docket became more congested when the other courts forwarded to his sala cases falling under the jurisdiction of the Family Court; and that he had no intention of disregarding the directives of the Court Administrator or of this Court.[6]

Subsequently, respondent Judge filed a Manifestation that he had already decided Civil Case No. 2744 on July 11,

2003 and Civil Case No. 3645 on June 20, 2003.[7]

In compliance with the directive of this Court, respondent Judge manifested his willingness to submit the administrative complaint against him for resolution on the basis of the pleadings filed.[8]

The Office of the Court Administrator, after evaluation, recommended that respondent Judge be fined the amount of Forty Thousand Pesos (P40,000.00) for his failure to decide the subject cases within the reglementary period, with warning that any further delay in the disposition of cases will subject him to a more severe penalty of either suspension or dismissal from service.

We agree with the recommendation of the Court Administrator that respondent is administratively liable for gross inefficiency, dereliction of duty and violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct. However, we find the recommended penalty not commensurate to the gravity of the nonfeasance and malfeasance committed.

In his Comment, respondent Judge attributes the delay in the resolution of Civil Cases Nos. 2744 and 3645 to the mix-up of the records with those of the other cases assigned to his court.

Such an excuse hardly merits serious consideration. Respondent Judge cannot be absolved from liability for the inefficiency of his court personnel.[9] Judges are charged with the administrative responsibility of organizing and supervising his court personnel to secure the prompt and efficient dispatch of business, requiring at all times the observance of high standards of public service and fidelity.[10] Indeed, he is ultimately responsible for ensuring that court personnel perform their tasks and that the parties are promptly notified of his orders and decisions.[11] It is his duty to devise an efficient recording and filing system in his court to enable him to monitor the flow of cases and to manage their speedy and timely disposition.[12]

More importantly, judges have a duty to decide their cases within the reglementary period. On meritorious grounds, they may ask for additional time. It must be stressed, however, that their application for extension must be filed before the expiration of the prescribed period.[13] A close scrutiny of the records does not disclose any attempt by respondent Judge to request for a reasonable extension of time to dispose of the aforementioned cases. Not only did he consign the cases in limbo for an unreasonable period of 13 years, worse, respondent Judge brought the records of the unresolved cases to his new station without clearance from the Office of the Court Administrator. Upon his transfer to another post, respondent Judge should have asked the permission of the Court Administrator to bring the records of the cases to his new assignment or should have apprised the parties of his action with respect thereto. This way, the Office of the Court Administrator and the parties involved are aware of the progress of the cases instead of leaving them in the dark. More importantly, this would dispel any suspicion that the respondent Judge was unduly holding on to the records for corrupt or ill motives.

Members of the judiciary have the sworn duty to administer justice without undue delay. A judge who failed to do so has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary.

The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized but which we always advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics.[14] More importantly, 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.[15]

Rule 1.02 of the Code of Judicial Conduct states:

Rule 1.02. – A judge should administer justice impartially and without delay.

In line with this, the Court has laid down administrative guidelines to ensure that the mandates on the prompt disposition of judicial business are complied with. Thus, SC Administrative Circular No. 13-87 states, in pertinent part:

- Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters 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. . . (emphasis and italics supplied)

A judge's inability to decide a case within the required period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions.[16] A judge should, at all times, remain in full control of the proceedings in his sala and, more importantly, should follow the time limit set for deciding cases.[17]

Furthermore, respondent Judge should be held liable for his failure to obey directives from this Court and the Court Administrator.

In his Comment, respondent Judge admitted that he received the directives from the OCA and from this Court but that he "forgot" to comply.

Needless to say, judges should respect the orders and decisions of higher tribunals, much more so this Court from which all other courts should take their bearings. A resolution of the Supreme Court is not to be construed as a mere request and should not be complied with partially, inadequately or selectively.[18] Respondent Judge's impious defiance of the directives of the OCA and of this Court borders on contumacy which deserves no compassion. He cannot simply shrug off his non-compliance and pass the blame to his faltering memory to justify his inaction. His explanation displays a cavalier attitude which mocks the lawful authority of this Court.

In the Judiciary, moral integrity is more than a cardinal virtue, it is a necessity.[19] Respondent Judge must bear in mind that the exacting standards of conduct demanded of judges are designed to promote public confidence in the integrity and impartiality of the judiciary. When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.[20]

Aside from respondent Judge's gross inefficiency, the records show that despite the pendency of the cases subject hereof, he was able to collect his salaries upon his certification that he has no pending cases to resolve. A certificate of service is an instrument essential to the fulfillment by the judges of their duty to speedily dispose of their cases as mandated by the Constitution. A judge who fails to decide cases within the prescribed period but collects his salary upon a false certificate is guilty of dishonesty amounting to gross misconduct and deserves the condemnation of all right thinking men.[21] In view of the primordial role of judges in the administration of justice, only those with irreproachable integrity and probity must be entrusted with judicial powers.

In fine, the Court holds that respondent Judge committed gross misconduct and gross inefficiency under Rule 140, Section 8(3) of the Revised Rules of Court, as amended, which are classified as a serious offense punishable by any of the sanctions enumerated in Section 11 of the same Rule, to wit:

SEC. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine and disqualification from reinstatement or appointment to any public office, including government-owned or

controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

- Suspension from office with salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

It appears that this is not respondent Judge's first offense. He had been previously admonished by the Court in a Resolution dated March 20, 2002 for failure to decide motions and pending incidents within the reglementary period, and was warned that any subsequent transgressions he commits would be dealt with more severely.[22]

All told, respondent Judge failed to live up to the exacting standards of his office. The magnitude of his transgressions, taken collectively, renders him unfit to don the judicial robe and to perform the functions of a magistrate. Therefore, the imposition of the supreme penalty of dismissal from the service is warranted.

WHEREFORE, in view of the foregoing, respondent Judge Jaime T. Hamoy of the Regional Trial Court of Caloocan City, Branch 130, is **DISMISSED** from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government including government-owned or controlled corporations. Respondent Judge shall forthwith **CEASE** and **DESIST** from performing any official act or function appurtenant to his office upon service on him of this decision.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, and Chico-Nazario, JJ., concur.
Sandoval-Gutierrez, J., on leave.

[1] Rule 3.05 – A judge shall dispose of the court's business promptly and decide cases within the required periods.

[2] Rollo, p. 4.

[3] Id., p. 3.

[4] Id., p. 5.

[5] Id., p. 11.

[6] Id., p. 12.

[7] Id., p. 17.

[8] Id., p. 56.

[9] *Pagayao v. Imbing*, A.M. No. RTJ-89-403, 15 August 2001, 363 SCRA 26.

[10] *Gonzales-Decano v. Siapno*, A.M. No. MTJ-00-1279, 1 March 2001, 353 SCRA 269.

[11] *Visbal v. Ramos*, A.M. No. MTJ-00-1306, 20 March 2001, 354 SCRA 631.

[12] *Gordon v. Lilagan*, 414 Phil. 221 [2001].

- [13] Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol, for Extension of Time to Decide Civil Case No. 0020 and Criminal Case No. 98-384; AM No. 98-12-381-RTC, 5 October 1999.
- [14] *Ruperto v. Banquerigo*, 355 Phil. 420 [1998].
- [15] Report on the Judicial Audit Conducted in Branch 34, Regional Trial Court of Iriga City, 381 Phil. 386 [2000], citing *Re: Judge Fernando P. Agdamag*, 325 Phil. 111 [1996].
- [16] *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-RTC, 5 September 1995, 248 SCRA 5; *Sanchez v. Vestil*, 358 Phil. 477 [1998].
- [17] *Hernandez v. De Guzman*, 322 Phil. 65 [1996].
- [18] *Guerrero v. Deray*, A.M. No. MTJ-02-1466, 10 December 2002, 393 SCRA 591.
- [19] *Pascual v. Judge Rodolfo R. Bonifacio*, A.M. No. RTJ-01-1625, 10 March 2003, 398 SCRA 695.
- [20] *Vedaña v. Valencia*, 356 Phil. 317, 329 [1998].
- [21] *Re: Request for the Expeditious Resolution of Civil Case No. 92-07-117 Pending at RTC-Branch 9, Tacloban City*, A.M. No. 97-8-242-RTC, 5 August 1998.
- [22] *Ang v. Judge Hamoy*, A.M. OCA-IPI No. 99-676-RTJ, 20 March 2002 (Minute Resolution).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.