

MAMERTA NIDUA, COMPLAINANT, VS. HON. CORNELIO LAZARO, FORMERLY MUNICIPAL TRIAL COURT JUDGE OF ILOILO CITY, NOW REGIONAL TRIAL COURT JUDGE, BRANCH 39, ILOILO CITY.

A.M. No. R-465-MTJ. June 29, 1989

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PER CURIAM:

In the Resolution of 5 November 1987 the Court resolved to consider the above-entitled cases together.

1. In AM-R-465-MTJ, a verified Complaint dated 25 September 1985 was filed by Complainant, Mamerta S. Nidua, against Respondent Judge, Cornelio Lazaro, formerly a Municipal Trial Court Judge of Iloilo City, subsequently promoted on 30 January 1987 as Judge of the Regional Trial Court, Branch 39, of the same place. The Complaint charged Respondent Judge with delay in the administration of justice and neglect of duty for having failed to decide Criminal Case No. 61358, entitled "People of the Philippines v. Mamerta S. Nidua," despite the fact that said case had been submitted for decision as early as 8 September 1980.

The Complaint is an offshoot of a criminal case for Estafa filed against herein Complainant before the Municipal Trial Court of Iloilo City, Respondent Judge then presiding. After trial, the case was submitted for decision on 8 September 1980 but up to the filing of this administrative charge on 25 September 1985, or a period of five (5) years, the case had not been decided.

Contending that the unnecessary delay in the promulgation of the judgment was prejudicial to her rights as an accused, Complainant lodged this administrative charge against Respondent.

In his Comment, Respondent claims that he had prepared the Decision on 18 November 1980 but that it was not promulgated because the subpoena for its promulgation, dated 25 November 1980, was returned unserved by the process server, an INP officer of Kalibo, Aklan, and that no other subpoena was thereafter served. He attributes the oversight to the circumstances that at about the time for promulgation of judgment, there was a re-shuffling of City Court personnel, a new Deputy Clerk of Court was appointed, followed by the reorganization of all Courts pursuant to B.P. Blg. 129, which resulted in the disorderly keeping of records. He adds, however, that a new subpoena dated 14 October 1985 (or after this Complaint was filed) for the promulgation of the Decision was sent to the Complainant at her correct address at Balactasan, Madalag, Aklan. He concludes by stating that despite the circumstances then prevailing, he accepts accountability for the delay under the principle of command responsibility.

In her Reply to the aforesaid Comment, Complainant contends that Respondent's allegations are without merit. The records of the case show that her address is Balactasan, Madalag, Aklan, and all the subpoenas issued during the pendency of her case were sent to such address. There is no justification for Respondent to address the subpoena for promulgation to the INP of Kalibo, Aklan, and if a subpoena was, indeed, sent to Kalibo, Aklan, it should have been referred back to Madalag, Aklan, her address of record. Finally, she contends that the re-shuffling of Court personnel had nothing to do with the sending of subpoena and that the delay in the

promulgation for five (5) years is a manifest neglect of duty on the part of Respondent Judge.

It appears that Respondent Judge's Decision was finally promulgated on 31 October 1985, finding Complainant guilty of Estafa. The Decision bore the date "November 18, 1980" (Rollo, p. 83).

2. Meanwhile, in AM No. 87-9-2310-MTCC, this Court received a letter dated 13 August 1987 from Judge Simplicia S. Medina of the MTCC Branch 4, Iloilo City. The letter sought a clarification as to whether only those cases left undecided but submitted for decision, or all pending cases in Branch 2, MTCC, Iloilo, vacated by respondent Judge Lazaro, should be raffled among the four (4) MTCC branches in Iloilo City. This Court answered the queries in a Resolution dated 24 September 1987 and at the same time required (1) Respondent Judge to explain why he failed to decide the cases "already submitted for decision, numbering 251" within the required ninety-day period before his promotion as RTC Judge, and (2) Clerk of Court Purita Antillon, MTC Branch 2, also to explain why she failed to mention in her 30 April 1987 Report that "an additional 201 cases ha(d) also been submitted for decision while Judge Cornelio Lazaro was still the Municipal Trial Court Judge of Branch 2, Iloilo City."

In his letter dated 6 October 1987, Respondent Judge explained that before his assumption, Branch 2 was vacant for a long time, and there were undecided cases left at Branch 2 by his immediate predecessor; that of the four (4) Branches, three (3) were vacant for some time; that most of the employees in his Branch, including the one assigned to take charge of the movement of cases under the supervision of the Branch Clerk of Court, are non-civil service eligibles and/or casuals, mentioning also the successive changes in the position of Clerk of Court; that the employees have not been trained in the handling of cases and relied only on their day-to-day work experience, which was insufficient; that the morale of the work force suffered because of low salaries; and that while accepting the blame for the sorry state of the records by virtue of command responsibility, he added that the problem did not involve graft and corruption, but only one of mismanagement.

For her part, in a letter dated 9 October 1987, Clerk of Court Purita Antillon explained that when she assumed her duties as Clerk of Court in August 1980, the records of Branch 2 were voluminous and disorganized, since no Clerk was assigned to file and inventory the records. In making the monthly reports, she stated that she relied solely on the Clerk who had been preparing said reports during the time of her predecessors. As time went on, she allegedly noticed that there were cases which had been submitted for decision but were still reported as on trial, and cases which were dropped from the report even though they were not yet decided. She also claimed that before she assumed office, there were already about sixty (60) cases submitted for decision, some as far back as December 1974, and that a number of these cases accumulated during the tenure of the predecessor of Judge Lazaro. When she brought the matter to the attention of Respondent Judge, she claimed that the latter's usual explanation was that the parties had not submitted their memoranda or that they had agreed to a settlement but no written settlements were submitted; that there were instances where the parties had died with no evidence of death submitted so that the cases remained pending. According to her, she continued signing the monthly reports placated by Judge Lazaro's promise that he would soon dispose of the cases. This is the reason why her monthly report as of 30 April 1987 did not reflect the 201 cases that had gradually accumulated through the years. She concluded her letter by pleading for understanding of her difficult situation, because she could not go against the instructions of Judge Lazaro, who also signs the monthly report. And while admitting that she "covered up" for him, it was because he had repeatedly told her that he would do something to dispose of the pending cases.

A. We find merit in Complainant's charge that there was unreasonable delay in the administration of justice and neglect of duty on the part of Respondent Judge. A Judge ought to know the cases submitted to him for decision, particularly those pending for more than ninety (90) days, considering the Certificate of Service that he is mandated to render every month. He is expected to keep his own record of cases submitted for decision so that he

could act on them promptly and without delay. It is incumbent upon him to devise an efficient recording and filing system in his Court so that no disorderliness can affect the flow of cases and their speedy disposition, particularly those submitted for decision. A Judge cannot take refuge behind the inefficiency or mismanagement by Court personnel. Proper and efficient Court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. "Court personnel are not the guardians of a Judge's responsibilities" (Secretary of Justice vs. Legaspi, A.C. No. 269-J, September 10, 1981, 107 SCRA 233).

It may be that Respondent Judge had written the Decision on time. It is not enough, however, that Judges pen their Decisions. It is also important to promulgate and make them known to all concerned (Mangulabnan vs. Judge Tecson, AM No. 2112-CFI/AM No. 2123, CFI, December 29, 1980, 101 SCRA 810) at the earliest possible time and within the mandated period.

B. With regard to Purita C. Antillon, Branch Clerk of Branch 2, Municipal Trial Court, Iloilo City, we find her negligent as well in the performance of her duties when she failed to include in her 30 April 1987 Report the additional 201 cases which had been submitted for decision while Respondent Judge was still Municipal Trial Court Judge of Branch 2, Iloilo City. She admitted "covering up" for him on the latter's promise that he would act on all pending cases. As it turned out, he never did.

Branch Clerks of Court must realize that their administrative functions are just as vital to the prompt and proper administration of justice. They are charged with the efficient recording, filing and management of Court records, besides having administrative supervision over Court personnel. They play a key role in the complement of the Court and cannot be permitted to slacken on their jobs under one pretext or another. Their personal loyalty to their Presiding Judge ends where truthful adherence to their duties begins.

In respect of Respondent Judge, the Court Administrator has recommended the sanction of fine equivalent to his salary for three (3) months. We find this too light. In Secretary of Justice vs. Legaspi, supra, where the Respondent Judge therein had failed to decide thirty (30) cases within the prescribed 90-day period, or much less than the number of cases involved in this case, the Court imposed a fine equivalent to his one-year salary. Comparatively speaking, a higher fine would thus be impossible except for the considerations that, with the re-organization of the Courts in 1980, Court personnel had to be re-shuffled and records had to be transferred, causing some disarrangement and confusion which factors could serve to mitigate the fine actually impossible on Respondent Judge.

In so far as Branch Clerk of Court Antillon is concerned; the Court Administrator has recommended a reprimand, which we again find not commensurate with the negligence that she has exhibited in the performance of her duties and the fact that she tried to "cover-up" for Respondent Judge and deliberately suppressed accurate information to the detriment of the efficient disposition of pending cases.

WHEREFORE, 1) in view of Respondent Judge's gross neglect of duty in having failed to promulgate the Decision in Criminal Case No. 61358 of the Municipal Trial Court in Cities, Iloilo City, for a period of five (5) years from the time the said case was submitted for decision, and for failure to decide the 251 cases pending in his Court within the required ninety-day-period before his promotion to the Regional Trial Court, Respondent Judge Cornelio Lazaro is hereby found guilty of gross neglect of duty and ordered to pay a FINE equivalent to his salary for one (1) year as the then Municipal Trial Court Judge of Iloilo City.

Let a copy of this Resolution be attached to Respondent Judge's record.

2) With regard to Branch Clerk of Court Purita Antillon of the Municipal Trial Court in Cities, Branch 2, Iloilo City, the Court hereby imposes upon her a FINE equivalent to her one month's salary for reflecting in her monthly

report dated 30 April 1987 that only fifty (50) cases were submitted for decision but not yet decided, when there were actually 201 cases more, in order to "cover up" for Respondent Judge who was then still presiding thereat, thereby deliberately committing a falsehood, aggravating the Court backlog, and hampering the speedy disposition of pending cases.

A copy of this Resolution shall likewise be attached to her service record.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Sarmiento, JJ., concur.

Griño-Aquino, J., took no part.

Medialdea, J., took no part having previously acted on this case as the Court Administrator.

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