ROSALINA GALANZA, COMPLAINANT, VS. JUDGE HENRY J. TROCINO, RTC, BRANCH 62, BAGO CITY, RESPONDENT.

A.M. NO. RTJ-07-2057 (FORMERLY OCA IPI NO. 06-2465-RTJ). August 07, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an administrative complaint[1] filed by Rosalina Galanza (Galanza), against Judge Henry J. Trocino (Judge Trocino), Presiding Judge of the Regional Trial Court (RTC), Branch 62, Bago City, for gross inefficiency, serious misconduct and failure to decide within the reglementary period Criminal Case No. 796 entitled, "People v. Salvador Rivera, et al." and Criminal Case No. 810 entitled, "People v. Joel Yundue, et al." for murder and frustrated homicide, respectively.

Galanza is the mother of the victims in Criminal Case No. 796 and No. 810. Criminal Case No. 796 was filed on 17 September 1990 while Criminal Case No. 810 was filed on 7 November 1990. The cases were jointly tried. After ten years of trial, the case was finally submitted for decision on 25 January 2000.

On 31 August 2000, Galanza filed her First Motion[2] for Early Resolution. But Judge Trocino failed to decide the cases; thus, more motions for early resolution of the cases were filed on 23 September 2000,[3] 6 March 2001,[4] 21 May 2001,[5] 18 September 2001,[6] 8 May 2002,[7] and 11 November 2002.[8] Frustrated with the inaction of Judge Trocino, Galanza, in her letter dated 19 September 2005, brought the matter to then Chief Justice Hilario G. Davide, Jr., requesting the expeditious resolution of the cases. The letter was indorsed to Judge Trocino for his comment on 8 October 2002. A copy of the 7[th] Motion for Early Resolution was also furnished the Office of Deputy Court Administrator Zenaida N. Elepaño who also directed respondent Judge Trocino in the 1[st] Indorsement dated 26 November 2002 to comment or take appropriate action thereon. Respondent complied on 20 January 2003 with an assurance that he will decide the subject cases within the reglementary period upon receipt of the complete transcript of stenographic notes (TSNs). Despite the numerous letters sent to him by Galanza's counsel, Judge Trocino still failed to decide Criminal Cases No. 796 and No. 810.

In his Comment[9] to Galanza's complaint dated 24 April 2006, Judge Trocino claims that he assumed office in July 1999. The subject cases are among the cases left behind by the former judges, Judge Marietta H. Alinio and Acting Presiding Judge Edgardo L. Catilo. He could not decide the cases because the TSNs of the hearing taken on 21 September 1992, 22 December 1993, 28 July 1994, 2 August 1994, 23 January 1996 and 10 November 1998 had not been transcribed by court stenographers Emezer R. Arellano and Evelyn G. Montoyo. His repeated directives for them to submit the said TSNs were ignored; hence, on 17 January 2003, he issued a Memorandum directing them to submit the same within 30 days. The stenographers have not yet complied therewith so their salaries have been withheld by this Court until completion of the TSNs.

Judge Trocino avers that he cannot be held liable for the delay since the period to decide has not commenced to run considering that the TSNs are not yet complete. Without the pertinent TSNs, he would have no basis for deciding Criminal Cases No. 796 and 810. He also points out that his case is identical to the case of Judge Sergio

D. Mabunay (Re: Cases Left Undecided by Judge Sergio D. Mabunay, Branch 24, Manila [A.M. No. 98-114-RTC])[10] wherein Judge Mabunay could not decide the remaining two cases, as the pertinent TSNs were not attached to the records; and he had no notes on the testimonies of the witnesses, since they were heard by the other judges. This Court in said administrative case absolved Judge Mabunay of any liability.

On 5 September 2006, the Office of the Court Administrator (OCA) submitted its report on Galanza's complaint,[11] recommending that -

> Respectfully submitted for the consideration of the Honorable Court [are] our recommendations that Respondent Judge Henry J. Trocino, RTC, Branch 62, Bago City, Negros Occidental be FINED in the amount of Ten Thousand Five Hundred Pesos (P10,500.00) for the delay in the disposition of Criminal Case[s] Nos. 796 and 810 which amount shall be deducted from his retirement benefits.[12]

On 9 October 2006, this Court required[13] the parties herein to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

Galanza and Judge Trocino failed to file their manifestations despite notices sent to and received by them. Thus, this Court deemed[14] as waived their rights to submit supplemental comment/pleadings herein.

Resultantly, the case was submitted[15] for decision based on the pleadings filed, after a review of which, this Court finds itself agreeing in the recommendation of the OCA except for the penalty imposed.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[16]

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.[17] Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient.[18] Time and again, this Court has stressed the need to strictly observe this duty so as not to negate its efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued Philippine courts. Canons 6 and 7 of the Code of Judicial Ethics exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

> 6. PROMPTNESS
>
> He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.
>
> 7. PUNCTUALITY
>
> He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

Further, Rule 1.02 of Canon 1 of the Code of Judicial Conduct states:

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

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In line with the above, this Court has laid down administrative guidelines to ensure that the mandates on the prompt disposition of judicial business are complied with. Thus, pertinent part of Supreme Court Administrative Circular No. 13-87 dated 1 July 1987 states that:

> 3. 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 supplied.)

Supreme Court Administrative Circular No. 28 dated 3 July 1989 provides that the 90-day reglementary period within which to decide a case shall commence to run upon the completion of the TSNs when the case was previously heard by another judge and not the deciding judge. The exact provision reads:

> 3) x x x Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same. (Underscoring supplied.)

In the case at bar, Criminal Cases No. 796 and No. 810 were totally heard by previous judges of the RTC, Branch 62, Bago City, namely, Judge Marietta H. Alino and acting Presiding Judge Edgardo L. Castillo. Judge Trocino assumed office only in 1999. An inventory of the cases conducted by Judge Trocino shows that the TSNs of the hearings conducted on 21 September 1992, 22 December 1993, 28 July 1994, 2 August 1994, 23 January 1996 and 10 November 1998 in Criminal Cases No. 796 and No. 810 have not yet been transcribed. Consequently, based on this Court's Administrative Circular No. 28, the 90-day reglementary period within which to decide said cases has not commenced to run.

Judge Trocino, however, cannot be totally absolved of any administrative liability. While it would be difficult for him to decide the cases, not having heard the testimonies of the witnesses, he was nonetheless remiss in his duties as the administrator of the court to take appropriate action to expedite the resolution of these cases. If he personally believed that he could not decide the cases because these were heard by other judges (which, by itself, is not an acceptable excuse), he should have communicated to the OCA his predicament and sought appropriate relief. He did not. Worse, he even had the nerve to invoke the case of Judge Mabunay in A.M. No. 98-3-114-RTC,[19] wherein the latter was relieved of his duty to decide the remaining cases assigned to him upon reaching the compulsory age.

The case of retired Judge Mabunay does not apply to Judge Trocino. In the said case, it may be noted that more than 10 years had lapsed after Judge Mabunay left Tacloban City and Abuyog, Leyte, without the cases in question being referred to him for decision.[20] It was not until less than a month before his compulsory retirement that he was directed to decide them. Quite admirably, he readily decided three of the five cases referred to him for decision in record time. Perhaps he could have decided the remaining two cases if not for the TSNs that were missing. Understandably, he had no notes of the proceedings in the last two cases because he was not the one who heard them. Besides, one was filed in 1970 and the other in 1976, or long before he became presiding judge of RTC-Br. 8 of Tacloban City. And, as earlier adverted to, those cases were substantially heard by five other judges who preceded him, all of whom had reportedly long retired, and respondent Judge presided only in two hearings of those cases in October 1985. Under the circumstances, we can hardly say that Judge Mabunay did not do what was humanly possible for him to acscomplish within his allotted time frame.

In contrast, Criminal Cases No. 796 and No. 810 had already been submitted for decision as of year 2000. It must be stressed that when Judge Trocino took over the RTC, Branch 62, Bago City, in 1999, he inherited all the cases and assumed full responsibility for them. It was his duty to order the immediate transcription of the TSNs. From

the time the said cases were submitted for decision in 2000 until his retirement in 2006, Judge Trocino had more or less six years to decide the cases. But, he only started working on the cases in 2003 when he directed his staff to transcribe the TSNs therein. While Judge Trocino claims that he had repeatedly directed the concerned stenographers to transcribe the TSNs, it was only on 17 January 2003, or three years after his assumption of duty, when he issued Office Memo No. 03-01 directing said stenographers to submit their notes within 30 days. This was hardly voluntary on his part, as such issuance, obviously, was in response to Deputy Court Administrator Zenaida Elapaño's directive dated 26 November 2002.

It is disheartening to note that Judge Trocino casts the blame on his staff for his own inefficiency.

Such an excuse hardly merits serious consideration. Judge Trocino still cannot be absolved of liability for the inefficiency of his court personnel. A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is his responsibility. Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.[21]

A Judges is 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. 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. 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.[22]

As this Court has previously held:

> While the Court will not anymore dwell on the abject state of affairs of RTC-Br. 4, Panabo, Davao del Norte, under the leadership and direction of Judge Tupas who has already retired, nevertheless it underscores the need for all judges to adopt and implement effective management techniques and procedures in their respective jurisdictions. There is no gainsaying the snowball effect of the failure of a judge to exercise authoritative control and supervision over his court personnel and court processes. The whole system may simply break down. It is thus exigent that the Office of the Court Administrator appropriately address the administrative problems of trial courts, particularly those uncovered in this case, viz., inefficient and improper handling, nay, mismanagement of expedientes, docket books and other court documents and papers; lackadaisical or perfunctory enforcement of rules [on] financial accountabilities and related obligations of court officers and employees; and, the need for judicial inventory prior to the resignation or retirement of judges and court personnel. Unless the reins of control and supervision over the administrative aspect of the adjudicatory process are tightened, the swift and efficient delivery of justice will be impeded and rendered illusory.[23]

More importantly, judges have a duty to decide their cases within the reglementary period. On meritorious grounds, they may ask for additional time.[24] It must be stressed, however, that their application for extension must be filed before the expiration of the prescribed period. A close scrutiny of the records does not disclose any attempt by Judge Trocino to request a reasonable extension of time to dispose of Criminal Cases No. 796 and No. 810. This way, the parties involved are aware of the progress of the cases instead of being left in the dark. More importantly, this would dispel any suspicion that Judge Trocino was unduly holding on to the said cases for corrupt or ill motives.

Members of the judiciary have the sworn duty to administer justice without undue delay. A judge who fails 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.[25] 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.[26]

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.[27] 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.[28]

Indeed, we have consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. This oft-repeated adage requires the expeditious resolution of disputes, much more so in criminal cases where an accused is constitutionally guaranteed the right to a speedy trial, which, as defined, is one "[c]onducted according to the law of criminal procedure and the rules and regulations, free from vexatious, capricious and oppressive delays." The primordial purpose of this constitutional right is to prevent the oppression of the accused by delaying criminal prosecution for an indefinite period of time. It is likewise intended to prevent delays in the administration of justice by requiring judicial tribunals to proceed with reasonable dispatch in the trial of criminal prosecutions.[29]

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.[30]

We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.[31] Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[32]

This Court notes that Judge Trocino left undecided two criminal cases. As we previously stressed, the unjustified delay in the dispensation of justice in a criminal case cuts both ways: on the part of the accused, since his liberty is at stake, his suffering is unduly prolonged on account of the judge's failure to promptly render the judgment of acquittal; and on the part of the offended party, the excruciating pain of waiting for the sentencing of the accused gives the offended party the impression of impropriety that could diminish his trust in the judicial system.[33]

All told, this Court finds Judge Trocino guilty of undue delay in rendering a decision which, under Section 9(1), Rule 140, as amended, of the Revised Rules of Court, is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty for such charge is 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.

In this case, this Court deems it necessary to impose upon Judge Trocino stiffer sanctions than those recommended by the OCA. If the failure of a judge to dispose of even just one case constitutes gross inefficiency, how much more the failure to decide two criminal cases? Such misconduct is aggravated by his lack of candor and his callous disregard of this Court's directive requiring him to manifest his willingness to have this administrative case submitted for resolution on the basis of the pleadings filed.[34]

The records also show that this is not Judge Trocino's first administrative case. He was administratively sanctioned by this Court in A.M. No. RTJ-05-1936 wherein he was suspended for six months. There is also another pending case against Judge Trocino in A.M. No. No. 06-2416-RTJ for which he is charged with Bias and Partiality, Ignorance of the Law and Grave Oppression. Considering that Judge Trocino compulsorily retired from

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the service last 15 July 2006, he can no longer be suspended or dismissed.

Given the foregoing premises, this Court finds the imposition of the maximum amount of fine, P20,000.00, reasonable.

WHEREFORE, respondent Judge Henry J. Trocino is found LIABLE for undue delay in rendering judgment in Criminal Cases No. 796 and No. 810 and is hereby ordered to pay a FINE of Twenty Thousand (P20,000.00) Pesos to be deducted from his retirement benefits.
SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Nachura, JJ., concur.

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[1] Rollo, pp. 1-6.

[2] Id. 7-9.

[3] Id at 11-12.

[4] Id at 14-15.

[5] Id at 17-19.

[6] Id at 20-22.

[7] Id at 24-26.

[8] Id at 27-30.

[9] Id. at 46-49.

[10] 354 Phil. 698 (1998).

[11] Id. at 51-55.

[12] Id. at 55.

[13] Id. at 56.

[14] Id. at 57.

[15] Id.

[16] Gachon v. Devera, Jr., G.R. No. 116695, 20 June 1997, 274 SCRA 540, 548-549, citing Cf. Valdez v. Ocumen, 106 Phil. 929, 933 (1960) and Alvero v. De la Rosa, 76 Phil. 428, 434 (1946).

[17] Re: Report on the Judicial Audit and Physical Inventory of the Cases in RTC-Br. 138, Makati City, 325 Phil. 111, 118 (1996).

[18] Office of the Court Administrator v. Javellana, A.M. No. RTJ-02-1737, 9 September 2004, 438 SCRA 1, 14.

[19] Re: Cases Left Undecided by Judge Sergio D. Mabunay, RTC, Branch 24, Manila, supra note 10.

[20] As ruled in the case of Re: Cases Left Undecided by Judge Sergio D. Mabunay, RTC, Branch 24, Manila:

We take this opportunity to remind trial judges that once they act as presiding judges or otherwise designated as acting/assisting judges in branches other than their own, cases substantially heard by them and submitted to them for decision, unless they are promoted to higher positions in the judicial ladder, may be decided by them wherever

they may be if so requested by any of the parties and endorsed by the incumbent. Presiding Judges through the Office of the Court Administrator. (id.)

[21] Re: Cases Left Undecided by Retired Judge Antonio E. Arbis, RTC Branch 48, Bacolod City, 443 Phil. 496, 501 (2003).

[22] Fernandez v. Hamoy, A.M. No. RTJ-04-1821, 12 August 2004, 436 SCRA 186, 190-191.

[23] Office of the Court Administrator v. Legaspi, A.M. No. RTJ-05-1893, 14 March 2006, 484 SCRA 584, 607-608, citing Re: Report on the Judicial and Financial Audit of RTC-Br.4, Panabo, Davao del Norte, 351 Phil. 1, 24-25 (1998).

[24] Española v. Panay, 319 Phil. 27, 31 (1995)

[25] Ruperto v. Banquerigo, 355 Phil. 420, 425 (1998).

[26] Report on the Judicial Audit Conducted in the Regional Trial Court of Iriga City, Branch 34, 381 Phil. 386, 390 (2000).

[27] Visbal v. Buban, 443 Phil. 705, 708 (2003).

[28] Hernandez v. De Guzman, 322 Phil. 65, 69 (1996).

[29] Guerrero v. Deray, 442 Phil. 85, 91-92 (2002).

[31] Re: Report of Deputy Court Administrator Bernardo T. Ponferada, Re: Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, A.M. No. 00-4-09-SC, 23 February 2005, 452 SCRA 125, 133.

[32] Celino v. Judge Abrogar, 315 Phil. 305, 312 (1995).

[33] Report on the Judicial Audit conducted in RTC, Branches 29 and 59, Toledo City, 354 Phil. 8, 21 (1998).

[34] Zarate v. Balderian, 386 Phil. 1 (2000).

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