CONCERNED TRIAL LAWYERS OF MANILA,COMPLAINANT, VS. JUDGE LORENZO B. VENERACION, REGIONAL TRIAL COURT, MANILA, BRANCH 47, RESPONDENT.

A.M. NO. RTJ-05-1920 (FORMERLY OCA IPI NO. 01-1141-RTJ). April 26, 2006

Ponente: CORONA, J.

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CORONA, J.:

Before us are consolidated administrative cases against retired Judge Lorenzo B. Veneracion, then presiding judge of Branch 47, Regional Trial Court (RTC) of Manila.[5]

In A.M. No. RTJ-05-1920, a letter[6] dated February 8, 1999 was referred to the Office of the Court Administrator (OCA) by the Ombudsman.[7] It contained allegations of misconduct and tardiness against respondent Judge Veneracion by the Concerned Trial Lawyers of Manila[8].

Complainants assailed the apparent reluctance of Judge Veneracion to grant petitions for the declaration of nullity of marriage despite their alleged merit. Instead, he would lecture litigants in open court that the declaration of nullity of marriage was not the proper remedy. Lawyers were often embarrassed by his emphasis on legal technicalities allegedly designed to prevent them from presenting evidence in favor of their clients. Complainants were often harassed whenever respondent would force them to read and interpret verses from the Bible. There were occasions when he would castigate them for their failure to give the interpretation he wanted. The fact that a number of cases for declaration of nullity of marriage assigned to respondent judge's sala were later withdrawn allegedly proved complainants' claim.

Complainants further assailed respondent judge's habitual tardiness which caused the delay in the disposition of cases assigned to him.

In a 1[st] Indorsement[9] dated September 20, 1999, the anonymous letter-complaint was referred by the OCA to Executive Judge Rebecca de Guia Salvador of the Manila RTC for discreet investigation. Judge Salvador required Judge Veneracion to comment on the complaint. She believed that a discreet investigation was unnecessary since it was well-known that respondent judge encouraged litigants, particularly in cases of nullity of marriage, to read verses from the Bible. She likewise verified if there were cases withdrawn from respondent's sala. She found out that 27 cases for declaration of nullity of marriage were indeed withdrawn, all of which were handled by a certain Atty. Rizalino Simbillo.[10]

In his comment[11] dated October 21, 1999, Judge Veneracion vehemently denied the allegation that he was against the granting of petitions for declaration of nullity of marriage despite their merit. He alleged that from the time he was designated as presiding judge of Branch 47, RTC Manila, not more than two such cases filed in his sala were dismissed for lack of merit.

He denied the allegation that he harassed parties during hearings. On the contrary, the letters[12] he received from previous litigants showed how much they appreciated the way he shared the words of the Lord with them and how

this practice greatly improved their lives.

Judge Veneracion maintained that the person who sent the letter-complaint did not represent the concerned trial lawyers of Manila. He only represented himself. The docket books of his sala revealed that only Atty. Simbillo had consistently withdrawn cases for declaration of nullity of marriage every time these were raffled to his sala.[13] Atty. Simbillo had once been enjoined by respondent judge to amend his petition for annulment of marriage to his wife.[14] Apparently, this was not well taken by the said lawyer as the latter had since then moved for the withdrawal of similar petitions before his sala.

In A. M. No. RTJ-01-1623, a report[15] on the judicial audit and physical inventory of cases conducted in Branch 47, Manila RTC, from June 19 to 26, 2000, challenged the efficiency of respondent Judge Veneracion and his Clerk of Court, Rogelio M. Linatoc[16].

As summarized by Deputy Court Administrator Christopher O. Lock in his memorandum[17] dated September 5, 2002, the audit report showed:

> 1) Regional Trial Court, Branch [47], Manila has not been submitting the required monthly report of cases. The latest monthly report submitted by said Branch [was] for the month of February 2000;
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> 2) Out of the 60 cases submitted for decision (7 criminal and 53 civil), 41 cases (6 criminal and 35 civil) were beyond the [90-day] reglementary period, although there were draft decisions in several of these cases. These cases were submitted for decision upon certification from the Branch Clerk of Court that all stenographic notes have been transcribed;
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> 3) Out of the 41 cases undecided beyond the 90-day period, 7 were appealed and 33 cases were fully tried by Judge Veneracion and submitted before him for decision;
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> 4) There were cases with motions or incidents pending resolution for an unreasonable length of time, although there [were] draft orders in most of them;
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> 5) There were 14 criminal cases and 28 civil cases found with no further action or proceeding or with no further setting of trial for a considerable length of time;
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> 6) There were two (2) records of cases, Crim. Cases Nos. 95-144694 and 95-144695 [Falsification of Public Documents], found in Branch 45, which were supposedly transmitted to the [Office of the Clerk of Court] RTC Pasay City pursuant to the order issued by respondent judge dated March 14, 1996[;]
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> 7) In three (3) criminal cases, Nos. 00-18138, 00-182163 and 00-181414, no warrants of arrest were issued since the filing of the information; and in two (2) criminal cases, Nos. 98-169423 and 99-174851, no setting for arraignment despite the arrest of the accused and posting of bail bond;
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> 8) In Civil Cases Nos. 00-96423, 00-96254, 00-97156, 00-97298, 99-95304, 99-95126, 00-97329, 00-97176, no action was taken on the complaint such as issuance of summons to defendants since the filing thereof; while in Civil Cases Nos. 99-95466, appealed on 31 October 1999, and 99-96749 appealed on 13 March 2000, no action was likewise taken; and in Civil Cases Nos. 99-93433, 00-96666, 00-96744, the same were not set for pre-trial despite receipt of the defendant's answer;
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> 9) The record of an appealed case, Civil Case No. 95-74880, [unlawful detainer], which was decided on 14 December 1995 was ordered by respondent Judge Veneracion returned to the court of origin for execution only on June 21, 2000, after the lapse of almost five (5) years;
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> 10) There were cases which have not been acted upon for failure of the parties to comply with the order requiring compliance;

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> 11) There were 44 civil cases with pending summonses which can be archived pursuant to Adm. Order No. 7-A-92 since six (6) months have [lapsed] without the summons being served [to the defendants] thru no fault of the plaintiff; and there were 192 out of the 321 criminal cases with warrants of arrest issued, which can be archived because accused [have not been] apprehended for more than six (6) months from date of issuance of the warrants, some of which were issued as early as 1996;
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> 12) There were cases dismissed for alleged failure of the plaintiff or petitioner to pursue the case despite the fact that the court has not taken any action on the complaint or petition since the filing thereof several years ago; that is, no summonses were issued or that the cases were not set for trial;
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> 13) There were cases where alleged summonses were issued but were returned unserved, which were dismissed without prejudice, instead of archiving the same pursuant to Adm. Circular No. 7-A-92;
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> 14) The entries in the separate criminal and docket books were not updated; the Semestral Docket Inventory Reports were erroneous because the 1st and 2nd semester of 1999 inventory included only cases filed in 1999 but not those filed in the previous years yet still pending trial and/or for decision; and the cases found to be submitted for decision for several years already were not reflected in the monthly report of February 2000.

In respondent judge's explanation[18], he averred that Branch 47 was one of the five branches in the Manila RTC originally designated to handle and try family relations cases. It was also designated as a special tax court in Manila as well as a special criminal court to handle heinous crimes and drug cases.

When the Family Code was amended, all cases involving youth offenders pending before the Metropolitan Trial Courts of Manila were transferred to the special Juvenile and Domestic Relations Courts in Manila, which included Branch 47.

Despite these special assignments and designations, additional personnel were not assigned to Branch 47. The docket clerks had a hard time managing the records, some of which may have been misfiled due to lack of space and filing cabinets.

On March 4, 1993, he suffered a mild stroke which affected his handwriting. He could no longer take notes on the proceedings/testimonies in court. He had to rely on the stenographic notes for the preparation of his resolutions and decisions. Hence, until the branch clerk of court certified that the stenographic notes had been transcribed, cases were not deemed submitted for decision.

Respondent judge declared that he had already dictated his decisions in several cases reported unresolved but the stenographers had not yet transcribed them. Some of the reported cases[19] were not Branch 47's but were assigned to other branches. There were also cases included in the report of pending cases which had already been decided. Other cases already had drafts but were not yet signed.

Respondent judge did not deny that he read verses from the Bible during hearings of annulment, adoption and criminal cases. This was meant to share the word of God with those who came before his court and who were in a quandary about their purpose in life. He only wished to remind litigants in these cases that God had given them a manual to serve as a guide in conducting their lives. In his comment, he begged us to allow him to avail of optional retirement in case we found that his actuation violated his responsibilities as a judge.

Section 6, Canon 4 of the New Code of Judicial Conduct[20] provides:

> SECTION 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary. (emphasis ours)

In this canon, judges are given the freedom to express their beliefs as long as it does not interfere with their

judicial functions. Respondent judge's practice of reading verses from the Bible during hearings was an exercise of his religious freedom. We would have preferred that he refrained from such practice. Nevertheless, we hesitate to castigate him lest we trample on this right.

As DCA Lock stressed in his memorandum[21] dated September 5, 2002:

> xxx The respondent judge's act of reading verses from the [Bible] and relating them to petitioner's lives may well be considered merely as a guide for petitioners in declaration of nullity cases. It could not be said that by reason of the respondent's act of reading verses from the [Bible], he frowns upon cases of such nature. As argued, from the time the respondent was designated as presiding judge of [Branch 47], there were no more than one or two such nullity cases, which were dismissed for lack of merit. xxx (emphasis ours)

The position which a judge holds opens him to much criticism and cynicism. He cannot please everyone who has business in his court. In this case, both Executive Judge de Guia and DCA Lock found that the complainant in this case was not the purported association of trial lawyers of Manila but only a certain Atty. Simbillo. Apparently, Atty. Simbillo was displeased when he was asked by respondent judge if he read the Bible. He was embarrassed and from then on, he withdrew all his annulment cases whenever they were raffled to respondent judge's sala.

Contrary to complainant's various allegations of harassment, we find that respondent judge observed Section 1 of Canon 5:

> SECTION 1. Judges shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes. (emphasis ours)

The letters from a number of litigants, attached to the records of this case, belie the claim that respondent judge inappropriately expressed his beliefs and convictions to the point of harassing or embarrassing litigants and counsels in his court. We cannot ignore the sincere words of appreciation in the numerous letters that have been sent to respondent judge, all alluding to his practice of reading verses from the Bible. The outpouring of kind words cannot be mere exaggeration. They were sincerely extended by persons previously lost but who had since found their way in life through respondent judge's guidance.

Aside from that, there was no compulsion involved whenever respondent judge questioned litigants as to whether they read the Bible or not. He did not impose his religious convictions on them but merely suggested the benefits of reading the Bible.

Surely, this practice alone was not sufficient to hold respondent judge guilty of misconduct. His judicial functions, duties and responsibilities were not impaired by his religious beliefs and convictions.

Nevertheless, this is a most opportune time to remind judges that their actions in court should always be seen by the public as guided by the law and not by thier personal or religious beliefs. This is the only way to prevent the public from seeing a display of religiosity as an encroachment on or an interference with our system of justice.

As to respondent judge's alleged tardiness, complainant failed to adduce evidence in support thereof. We cannot therefore impute the delay in the disposition of his cases to his unconfirmed tardiness. Besides, respondent judge adequately explained the reasons for the delay in A.M. No. RTJ-01-1623.

With respect to the charge of gross inefficiency, we find that respondent judge failed to decide certain cases within the three-month period mandated by Section 15(1)[22], Article VIII of the 1987 Constitution.

Time and again, we have emphasized that a judge should dispose of the court's business promptly and decide cases within the prescribed periods.[23] Any delay in the disposition of cases undermines the people's faith and

confidence in the judiciary.

It is for this reason that Section 5, Canon 6 of the New Code of Judicial Conduct[24] mandates that:

> Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

No less than the 1987 Constitution requires that cases at the trial court level be resolved within three months from the date they are submitted for decision. Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary.[25] Failure to decide/resolve cases within the period prescribed by law constitutes gross inefficiency which is a ground for an administrative sanction against the defaulting judge.[26]

The Code of Judicial Conduct further provides:

> RULE 3.09. - A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity.

The fact that no additional personnel were assigned to Branch 47 despite its additional assignments does not justify misfiling of case records. A judge ought to know the cases submitted to him for decision or resolution. Respondent judge was expected to keep his own record of cases so that he could act thereon without undue delay. He ought to have devised an efficient recording and filing system in his court so that no disorderliness could affect the flow of cases and their speedy disposition. Proper and efficient court management was his responsibility. He was the one directly responsible for the proper discharge of his official functions.[27]

DCA Lock was correct when he mentioned in his memorandum[28] that:

> While serious illness may justify the inability of the respondent judge to perform his official duties and functions, nevertheless, it is incumbent upon him to request the Honorable Court, thru this Office for additional time within which to decide/resolve cases which he could not seasonably act upon. Further, a heavy caseload may excuse the respondent judge's failure to decide/resolve cases within the reglementary period, but not his failure to request for extension of time within which to decide/resolve the same. xxx

It is not uncommon for this Court, upon proper application and in meritorious cases, to grant judges of lower courts additional time to decide cases beyond the three-month period. All that a judge should do, in cases of great difficulty, is to request an extension of time. To this, the Court has, almost invariably, been sympathetic.[29] Respondent judge fell short of expectations in this regard.

Although Judge Veneracion retired from the service on September 23, 2000,[30] his retirement did not render these administrative complaints moot and academic. In the Office of the Court Administrator v. Fernandez,[31] we held:

> Cessation from office of respondent judge because of death or retirement does not warrant the dismissal of the administrative complaint filed against him while he was still in the service or render the said administrative case moot and academic. The jurisdiction that was this Court's at the time of the filing of the administrative complaint was not lost by mere fact that the respondent public official had ceased in office during the pendency of his case. Indeed, the retirement 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.

Rule 140 of the Revised Rules of Court classifies as a less serious charge the undue delay in rendering a decision or order, or in transmitting the records of a case.[32] The penalty for such infraction is suspension from office for not less than one nor more than three months or a fine of more than P10,000 but not exceeding P20,000.[33]

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Considering that respondent judge has already retired after suffering a stroke, we impose upon him a fine of P11,000, to be deducted from the amount withheld from his retirement benefits.

WHEREFORE, judgment is hereby rendered:

1) DISMISSING for lack of merit the charge of misconduct and tardiness against Judge Lorenzo B. Veneracion in A.M. No. RTJ-05-1920; and

2) Finding Judge Lorenzo B. Veneracion LIABLE for gross inefficiency in A.M. No. RTJ-01-1623 for which he is hereby FINED P11,000 to be deducted from the amount withheld from his retirement benefits.

SO ORDERED.

Sandoval-Gutierrez, (Acting Chairperson), Azcuna, and Garcia, JJ., concur.
Puno, (Chairperson), J., on leave.

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[1] Already decided in an En Banc Resolution promulgated on June 21, 2000; 389 Phil. 483.

[2] In the Resolution of the Second Division dated June 26, 2002, the administrative case against Atty. Rogelio M. Linatoc, Clerk of Court, Branch 47, RTC, Manila was considered closed and terminated. He was, however, admonished to be more conscientious in the performance of his official duties as Clerk of Court and to undertake the measures he promised to improve the court's delivery of service to the public; Rollo (A.M. No. RTJ-01-1623), pp. 226-227.

[3] In the Resolution of the First Division dated June 5, 2002, this administrative case was dismissed insofar as Judge Lorenzo B. Veneracion and Clerk of Court Rogelio M. Linatoc were concerned. Court Stenographer Teresita C. Vasquez was reprimanded in the same resolution.

[4] In the Resolution of the Second Division dated April 16, 2001, the application for optional retirement of Judge Lorenzo B. Veneracion was approved affective September 23, 2000, immediately after serving the 3 months' suspension meted out to him in A.M. No. RTJ-99-1432. However, the payment of his retirement benefits was withheld pending resolution of his other administrative cases.

[5] Two of these five consolidated administrative cases (A.M. No. RTJ-99-1432 and OCA I.P.I. No. 02-1418-RTJ) have already been decided and the application for retirement (A.M. No. 10425-RET) approved. The discussion in this Resolution is, therefore, confined to the remaining administrative matters left undecided after consolidation. See notes 1, 3 and 4.

[6] Rollo (A.M. No. RTJ-05-1920), pp. 3-4.

[7] Id., p. 1.

[8] The members of the Concerned Trial Lawyers of Manila were not named. Neither were their addresses stated in the anonymous letter-complaint.

[9] Id., p. 5.

[10] Second Indorsement dated November 12, 1999; Id., p. 6.

[11] Id., pp. 7-11.

[12] Id., pp. 51-94.

[13] Id., pp. 15-23.

[14] Rizalino T. Simbillo v. Carmen S. Simbillo, Civil Case No. 93-66673; Id., pp. 12-14.

[15] Rollo, (A.M. No. RTJ-01-1623), pp. 1-14.

[16] See note 2.

[17] Id., pp. 229-237.

[18] June 2, 2001; Id., pp. 48-51.

[19] Case Nos. 99-95522, 98-87929, 00-97156, 00-97298 and 00-97386.

[20] A.M. No. 03-05-01-SC, effective June 1, 2004.

[21] See note 17.

[22] Section 15(1), Article VIII, 1987 Constitution: All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from the 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 lower courts. (emphasis ours)

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

[24] Promulgated on April 27, 2004 and took effect on June 1, 2004.

[25] Re: Report on the Judicial Audit in the RTC, Branch 71, Antipolo City, A.M. No. 03-11-652-RTC, 21 July 2004, 434 SCRA 555.

[26] Report on the Judicial Audit conducted in the RTC, Branches 87 and 98, Quezon City, 392 Phil. 675 (2000).

[27] Office of the Court Administrator v. Judge Villanueva, 344 Phil. 677 (1997).

[28] See note 21.

[29] Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 8, Cebu City, A.M. No. 05-2-101-RTC, April 26, 2005.

[30] See note 4.

[31] A.M. No. MTJ-03-1511, 20 August 2004, 437 SCRA 81.

[32] Section 9, Rule 140.

[33] Section 11(B)[1], Rule 140.

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