OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE LOURDES M. GARCIA-BLANCO AND ATTY. LOLITA R. MERCADO, BRANCH CLERK OF COURT, BOTH OF THE REGIONAL TRIAL COURT, CARIGARA...

A.M. NO. RTJ-05-1941 (FORMERLY OCA IPI NO. 05-6-373-RTC). April 25, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

This administrative complaint stemmed from the report of the judicial audit team[1] which conducted a judicial audit on November 17, 2004 in the Regional Trial Court (RTC), Branch 36, of Carigara, Leyte, then presided over by Judge Lourdes M.G. Blanco, who compulsorily retired on February 16, 2005.

Dated January 5, 2005, the Judicial Audit Report disclosed that as of November 17, 2004, Judge Blanco had a total caseload of 297 cases, consisting of 125 criminal and 172 civil cases. The Report tabulated the cases assigned to Judge Blanco with unresolved incidents and those undecided beyond the reglementary period, viz:

I. CASES SUBMITTED FOR DECISION:

CASE NO.
TITLE NATURE DATE SUBMITTED FOR DECISION DUE DATE REMARKS

CRIMINAL CASE:

4265 Bito Acts of Lasciviosness 09-29-04 12-28-04 WITHIN

2366 Lepasana, et al. Robbery 09-22-04 12-21-04 WITHIN

4007 J. Dela Cruz Sec.68 P.D. 705 09-20-04 12-19-04 WITHIN

2675 Cesar Azores, et al. HOMICIDE 10-18-04 01-16-05 WITHIN

CIVIL CASE:

2097 Sps. Leo H. Blanco, et al. vs. Municipality of Carigaea, Leyte Quieting of title, Recovery of Real Property 09-10-04 12-09-04 WITHIN

SCA 44 NAPOCOR vs. Sps. Yu, et al. Eminent Domain 06-25-04 09-23-04- BEYOND

1523 E. Cadavez, et al. vs. E. Mendoza Recovery of Real Property 02-20-04 05-20-04 BEYOND

SP 772 Sps. Brian Mark Arret & Nimfa Arret Adoption 11-04-04 02-02-05 WITHIN

2193 L. Tablate vs. Sps. Emilio and Irene Castroverde Forcible Entry w/ prayer fro issuance of writ of prohibitory injuction w/ application for the issuance of a status quo order 11-09-04 02-07-05 WITHIN

2171 Ma. Clara Carolino vs. Sps. Illegal Detainer w/ Damages (Appealed case from MCTC, Carigara, Leyte 02-21-04 05-21-04 BEYOND

II. CASES WITH PENDING MOTIONS/INCIDENTS FOR RESOLUTION:

CASE NO. TITLE PENDING MOTION FOR RESOLUTION DATE SUBMITTED FOR RESOLUTION DUE DATE REMARKS

CRIMINAL CASE:

3037 Pilandre Opposition to the Formal filed by accused 08-18-04 11-16-04 BEYOND

3072 Seneneng, et. al. Motion for Leave of Court to file Demurrer to evidence 08-20-04 11-18-04 WITHIN

4357 J. Eda'o Motion to Quash 11-12-04 02-10-05 WITHIN

4169 M. Redulla, et al. Motion to insert the true name of accused John Doe in the information and record 01-21-04 04-20-04 BEYOND

CIVIL CASE:

2170 F. Negado vs. P. Bough, et al.

Omnibus Motion to Declare defendant in default

12-09-03

03-08-04

BEYOND

Manifestation w/ reiteration for appointment of receiver by plaintiff 07-29-04 10-27-04 BEYOND

2047 R. Salvacion vs. SPO1 T. Asis, et al.

Motion for Reconsideration by public defendant on the denial of the Motion to Dismiss

11-19-99

02-16-00

BEYOND

Manifestation and Motion by public defendant to immediately resolve MR and suspend PTC 07-26-00 10-24-00 BEYOND

SP 775
Adelaida Vallar Grapilon Letter of Guardianship be issued 10-26-04 01-25-05 WITHIN

2183 F. Negado vs. S. Apostol Motion to Dismiss 08-17-04

11-15-04

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BEYOND

2145 Heirs of Rufino Serdoncillo vs. Rodolfo Constiniano Motion to Dismiss 10-08-04

01-06-05

WITHIN

2096 W. Co vs. Sulpicio Lines Demurrer to evidence 06-19-04 09-17-04 BEYOND

1885 Republic of the Phils. vs. R. Avila, et al. MR on the denial of the Motion for attachment Supplemental MR - Joint Motion of plaintiff-intervenor' Ex parte Urgent joint motion to resolve joint motion
03-07-03 06-05-03 BEYOND

2180 Rizal Teachers Kilusang Bayan Credit vs. Teresa Juntilla MR on the dismissal of appealed case 11-20-04 02-18-05 WITHIN

2196 Francisca Cañeda vs. Atty. Rafael Iriarte Motion to Dismiss and Opposition to Motion to Dismiss 11-13-04 02-11-05 WITHIN

2181
Ernest Campos, et al. vs. Sps. Magdalino & Florida Arnosa, et al.
Motion to Declare defendants in Default filed by plaintiff 07-06-04 10-04-04 BEYOND

SP 654 Rosario P. Glena, et al. vs. Remegio S. Pilapil Notice of Death w/ Motion for Substitution of Parties 11-17-04 02-15-05 WITHIN

2039 Urbida Sedillo vs. Sps. Rufino and Apolinaria Sedillo Formal Offer of Exhibit filed by the defendant/Com-ment to defendant's formal offer of exhibit
10-16-04 01-14-05 WITHIN

2150 Nierna S. Doller vs. Arnold James Ysidoro Ex Parte Motion to set case for Pre-Trial 05-12-03 08-18-04 BEYOND

Motion for Clarification 08-18-04 11-26-04 WITHIN

Of the 10 cases submitted for decision, three (3) remained undecided beyond the mandatory 90-day period, while motions already submitted for resolution in 11 out of the 19 cases were already beyond the reglementary period to resolve.[2] There were also six (6) cases that have not been initially acted upon from the time they were filed,[3] and 72 cases have not also been acted upon despite the lapse of a considerable length of time.[4]

Acting on the report, the Office of the Court Administrator (OCA), by Memorandum dated January 5, 2005, directed Judge Blanco to:

> - EXPLAIN the causes for delay in deciding the following cases within the 90-day reglementary period, to wit: Civil Case Nos. SCA 44, 1523 and 2171 and to DECIDE the said cases with dispatch, furnishing the Court copies of the decisions within five (5) days from the rendition/promulgation of judgment.
>
> - INFORM the Court whether the following cases which are submitted for decision but still within the mandatory period to decide have already been decided to wit: Criminal Case Nos. 4265, 2366, 4007, 2675 and Civil Case Nos. 2097, SP 772 and 2193 and SUBMIT copies of the decisions.
>
> - EXPLAIN the causes for delay in resolving the pending incidents/motions within the mandatory period in the following cases, namely: Criminal Case Nos. 3037, 4169 and Civil Case Nos. SP 775, 2145, 2180, 2196, SP

654 and 2039 and SUBMIT copies of the Orders taken thereon.

- EXPLAIN why the following cases have not been acted upon for a considerable length of time, to wit: Criminal Case Nos. 4125, 4140, 4156, 4191, 2906, 2985, 2003, 3015, 4247, 4248, 4254, 4273, 4290, 4302, 2882, 2891, 2892, 4327, 2714, 2817, 2045, 4228, 4364, 4372, 2825, 2633, 4337, 4159, 4095, 3036, and Civil Case Nos. 2103, 2137, 2049, 2040, 2080, 2147, 2038, 2129, 2062, 2123, SCA 28, 2169, 2165, 2173, 2127, 2157, SCA 61, SP 746, SP 735, SP 734, 1943, SCA 67, LRC 12, SCA 29, SCA 10, SP 743, SCA 39, SP 398, 2089, 2026, 2027, SP 749, SP 729, SP 728, SCA 42, SCA 41, 2078, SCA 36, SCA 47, C-1956, SCA 39 and 1083.

- IMMEDIATELY ACT on the following cases which remain dormant, to wit: Criminal Case No. 2003 and Civil Case Nos. 2049, 2147, 2038, 2169, 2165, 2173, 2127, 2157, 1943, SCA 67, SCA 29, SCA 10, SP 743, SCA 39, SP 398, 2089, SP 728 and 1083 and SUBMIT copies of the Orders taken thereon.

- DEVISE a records management system that will promote an efficient and effective tracking of movement of cases to ensure prompt action on all pending cases.[5]

In another Memorandum also dated January 5, 2005, the OCA directed Atty. Lolita Mercado, Branch Clerk of Court, to explain why Civil Case Nos. 2166, LRC No. 14, SP NO. 771, CAD 3-04 and LRC No. 18 have not been acted upon since the time of filing.[6]

In compliance with the OCA's directive, Atty. Mercado filed her explanation by letter dated January 18, 2005, the pertinent portions of which read:

- Civil Case No. 2166 Summons was issued immediately to the Sheriff upon receipt of this instant case with verbal instruction to contact the plaintiffs for the reproduction of the complaint and its annexes and to exact the necessary fees considering that the other defendants are residents of Kananga. However, the plaintiffs failed to coordinate with the Sheriff. The matter was brought to the attention of the Presiding Judge for issuance of a court order requiring the appearance of the parties. During the preparation of the 2[nd]Semestral Inventory for calendar year 2003, this case was among the list which the undersigned recommended for archiving. The same was not, however, acted upon by the Presiding Judge.

- LRC No. 14 Case was archived on 10 December 2004.

- SP No. 771 Case was archived on 10 December 2004.

- CAD Case No. 3-04 Set for hearing per Order dated 7 December 2004.

- LRC No. 18 Case suspended pending compliance by the petitioner to submit a third copy of the application for registration and supporting documents which have to be sent to the Land Registration Authority.[7]

For her part, Judge Blanco, in her letter dated March 22, 2005, explained that her failure to decide the cases within the reglementary period was due mainly to the lack of resource materials in her court. Thus, she often needed to go elsewhere just to research on the applicable jurisprudence. She likewise claimed that it took her sometime to review some of the records because the transcript of stenographic notes were mere carbon copies and thus were no longer legible.

Judge Blanco also put the blame on her Branch Clerk of Court, Atty. Mercado, for those cases that had not been acted upon for a considerable length of time. She averred that said cases were not brought to her attention by Atty. Mercado, thus, she failed to issue the proper orders. Judge Blanco stressed that Atty. Mercado had not been cooperative with her since her assumption to office.

Finally, she informed the Court that she had decided all the cases submitted for decision and resolution prior to her retirement on February 16, 2005 as evidenced by the certification[8] to this effect issued by Atty. Mercado.

After evaluating the records of the case in relation to the Judicial Audit Report, the OCA in a Memorandum dated June 10, 2005, recommended to the Court the following:

> - JUDGE LOURDES M.G. BLANCO, Presiding Judge, Regional Trial Court, Branch 36, Carigara, Leyte, be FINED in the amount of FIVE THOUSAND PESOS (P5,000.00) for her failure to decide and resolve cases within the 90-day reglementary period which shall be deducted from her retirement benefits.
>
> - ATTY. LOLITA R. MERCADO, Branch Clerk of Court, Regional Trial Court, Branch 36, Carigara, Leyte, be FINED in the amount of ONE THOUSAND PESOS (P1,000.00) and WARNED that a repetition of the same will be dealt with more severely by the Court.
>
> - The Judicial Audit Report be docketed as an administrative complaint against Judge Blanco and Atty. Mercado.

In its resolution of July 18, 2005, the Court had the instant case docketed as a regular administrative matter, and required Judge Blanco and Atty. Mercado to manifest whether they are submitting the same on the basis of the pleadings filed. In her manifestation of August 30, 2005, and duly noted by the Court, Atty. Mercado manifested her conformity thereto. On the other hand, in her letter dated September 16, 2005, Judge Blanco stated that she was leaving everything to the Court's sound judgment and requested that her retirement benefits be approved and released in due time. The letter was likewise duly noted by the Court.

We agree with the findings of the OCA but modify the recommended penalty.

Article VIII, Section 15(1) of the Constitution mandates lower court judges to decide a case within the reglementary period of 90 days.

Likewise, the Code of Judicial Conduct under Rule 3.05 of Canon 3 enunciates as follows:

> Rule 3.05 - A judge shall dispose of the court's business promptly and decide cases within the required periods.

Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is mandatory.[9] The Court has consistently emphasized strict observance of this rule in order to minimize the twin problems of congestion and delay that have long plagued our courts.[10]

Judge Blanco clearly violated both the Constitution and the Code of Judicial Conduct when she failed to decide 3 cases and resolve 11 motions within the reglementary period. This Court has always emphasized the need for judges to decide cases within the constitutionally prescribed 90-day period. Their failure to do so constitutes gross inefficiency which consequently warrants imposition of administrative sanctions.[11]

Although Judge Bautista decided/resolved these cases before she retired on February 16, 2005, the length of delay in the decision/resolution thereof could not be ignored. Indeed, all the pending incidents and cases submitted for decision/resolution were acted upon by Judge Blanco long after the 90-day period expired, or immediately before her retirement, entailing years of delay with respect to some incidents, and even a delay of almost 5 years with respect to one incident submitted for resolution.

Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. Not only does it magnify the cost of seeking justice. It undermines the people's faith and confidence in the judiciary, lowers its standards and brings it to disrepute.[12]

Whenever a judge cannot decide a case promptly, all he has to do is to ask the Court for a reasonable extension of time to resolve it.[13] In this case, however, Judge Blanco does not appear to have asked for an extension to resolve any of the overdue cases. Nor did she offer any satisfactory explanation for the delay. Respondent judge

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gave as an excuse the lack of resource materials in her court. Said excuse is lame and unacceptable. As a judge, she is expected to be resourceful and diligent in deciding cases as her duty to dispose of them within the prescribed period is mandated by no less than the Constitution itself.

Compounding her failure to decide cases on time is her inability to act on 72 cases despite the lapse of a considerable length of time. Judge Blanco conveniently lays the blame on her branch clerk of court. On this score, the Code of Judicial Conduct provides:

> Rule 3.08 - A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.
>
> 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.

A judge has the primary responsibility of maintaining the professional competence of his staff and is charged with the administrative responsibility of organizing and supervising his court personnel to secure the prompt and efficient dispatch of business.[14]

Judge Blanco was remiss in her responsibility as a judge by failing to adopt a system of record management. Surely, she ought to know the cases pending in her sala and their status. She is expected to keep her own record of cases so that she may act on them with dispatch.[15] She cannot be allowed to blame her court personnel for her own incompetence or negligence. A judge cannot simply take refuge behind the inefficiency or mismanagement of his court personnel, for the latter are not the guardians of the former's responsibility.[16]

In the same manner, Branch Clerk of Court Lolita Mercado could not heap the blame on Judge Blanco and feel absolved of any liability for faulty court management. As clerk of court, Atty. Mercado is the administrative officer of the court who must ensure that a continuous physical inventory of cases is made on a monthly basis so that a judge is aware of the status of each case.[17] Atty. Mercado should be reminded that the physical inventory of cases is instrumental to the expeditious dispensation of justice. It is only through this that a judge can keep himself abreast of the status of pending cases and informed that everything is in order in his court.[18]

The fact that the cases were eventually resolved and disposed of after the judicial audit had been conducted does not exculpate Atty. Mercado from administrative liability. For her failure to act promptly on the court's business, she is deemed guilty of negligence.

Time and again, we stress that clerks of court are essential judicial officers who perform delicate administrative functions vital to the prompt and proper administration of justice. Their duty is, inter alia, to assist in the management of the calendar of the court and in all matters that do not involve the discretion or judgment properly belonging to the judge. They play a key role in the complement of the court, as their office is the hub of adjudicative and administrative orders, processes and concerns. As such, they are required to be persons of competence, honesty and probity; they cannot be permitted to slacken on their jobs.[19]

One final note. We would like to remind judges and branch clerks of court that they share the same duty and obligation to dispense justice promptly and speedily. In achieving this salutary purpose, their individual roles are corollary, even symbiotic.[20] They should, therefore, strive to work together and mutually assist each other in the pursuit of this goal.

Sections 9 and 11 of Rule 140, as amended by A.M. No. 01-8-10-SC,[21] provide:

> Sec. 9. Less Serious Charges - Less serious charges include:

- Undue delay in rendering a decision or order, or in transmitting the records of a case;

- Frequent and unjustified absences without leave or habitual tardiness;

- Unauthorized practice of law;

- Violation of Supreme Court rules, directives and circulars;

- Receiving additional or double compensation unless specifically authorized by law;

- Untruthful statements in the certificate of service; and simple misconduct. (Italics ours)

xxx xxx xxx

Sec. 11. Sanctions.

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B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- 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 but not exceeding P20,000;

xxx xxx xxx

For Judge Blanco's gross inefficiency, we impose on her a fine of Fifteen Thousand Pesos (P15,000.00), taking into consideration the mitigating circumstance that it was respondent judge's first offense.[22]

For Atty. Mercado's neglect of duty as branch clerk of court, we impose on her a fine of One Thousand Pesos (P1,000.00) with a warning for a more severe penalty.

WHEREFORE, Retired Judge LOURDES M.G. BLANCO is found GUILTY of GROSS INEFFICIENCY, for which she is FINED in the amount of Fifteen Thousand Pesos (P15,000.00) to be deducted from her retirement benefits.

Branch Clerk of Court LOLITA R. MERCADO is found GUILTY of NEGLECT OF DUTY, for which she is FINED in the amount of ONE THOUSAND PESOS (P1,000.00), with a WARNING that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

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

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[1] Headed by Atty. Marilou Marzan-Anigan.

[2] Rollo, pp. 8-10.

[3] Id. at 16-17.

[4] Id. at 10-16.

[5] Rollo, pp. 20-21.

[6] Id. at 22.

[7] Rollo, pp. 23-24.

[8] Id. at 36.

[9] Gachon vs. Devera, Jr., G.R. No. 116695, 274 SCRA 540, June 20, 1997.

[10] Salud vs. Alumbres, A.M. No. RTJ-1594, 404 SCRA 411, June 20, 2003.

[11] Re: Report on the Judicial Audit conducted in the RTC-Branch 220, Quezon City, A.M. No. 00-4-166-RTC, 360 SCRA 242, June 29, 2001.

[12] Bangco vs. Gatdula, A,M. No. 00-1297, 378, SCRA 534, March 7, 2002.

[13] Bernardo vs. Fabros, A.M. No. MTJ-99-1189, 307 SCRA 28, May 12, 1999.

[14] Gonzalez-Decano vs. Siapno, A.M. No. MTJ-00-1279, 353 SCRA 269, March 1, 2001.

[15] Office of the Court Administrator vs. Benedicto, A.M. No. 96-5-176-RTC, 296 SCRA 62, September 25, 1998.

[16] Lagatic vs. Peñas, Jr., A.M. No. RTJ-97-1383, 276 SCRA 46, July 24, 1997.

[17] Office of the Court Administrator vs. Quiñanola, A.M. No. MTJ-99-1216, 317 SCRA 37, October 20, 1999.

[18] Juan vs. Aria, A.M. No. P-310, 72 SCRA 404, August 23, 1976.

[19] Re: Report on the Judicial Audit Conducted at the Municipal trial Court in Cities (Branch 1) Surigao City, A.M. No. P-04-1835, 448 SCRA 13, January 11, 2005.

[20] Re: Report on the Judicial Audit Conducted in the RTC Branches 61, 134, and 147, Makati, Metro Manila, A.M. No. 93-2-1001-RTC, 248 SCRA 5, September 5, 1995.

[21] Amendment to Rule 140 of the Rules of Court on the Discipline of Judges and Justices, promulgated on September 11, 2001 and took effect on October 1, 2001.

[22] Office of the Court Administrator vs. Judge Dilag, AM RTJ-05-1914, September 30, 2005.

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