

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
FORMER JUDGE LEONARDO L. LEONIDA, OF THE REGIONAL TRIAL
COURT BRANCH 27, STA. CRUZ, LAGUNA, RESPONDENT.**

A.M. No. RTJ-09-2198. January 18, 2011*

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PER CURIAM:

This administrative case at bench stemmed from a judicial audit and inventory of pending cases conducted by the Office of the Court Administrator (OCA), in Branch 27, Regional Trial Court, Sta. Cruz, Laguna (Branch 27, Sta. Cruz), and in Branch 74, Regional Trial Court, Malabon City (Branch 74, Malabon).

The audits were conducted because respondent Judge Leonardo L. Leonida (Judge Leonida) applied for Optional Retirement effective July 5, 2008. Judge Leonida was the presiding judge of Branch 27, Sta. Cruz, from October 1997 until his retirement and was detailed as assisting judge of Branch 74, Malabon.

On May 21, 2009, then Court Administrator Jose P. Perez issued a Memorandum[1] on the audit team's findings, among which are:

1)

As of audit date, March 5 and 6, 2009, Branch 27, Sta. Cruz had a total caseload of 507 cases consisting of 280 criminal cases and 227 civil cases based on the records actually presented to, and examined by, the audit team.

2)

Out of the total number of pending criminal cases, no further action was taken after varying considerable periods of time in 14 cases.[2]

3)

Pending incidents and motions filed by parties in 8 criminal cases[3] were left unresolved for more than one (1) year in 3 cases, and three months in 2 cases.

4)

Twenty-nine (29) criminal cases[4] submitted for decision, the earliest in 2001, were undecided.

5)

Of the 227 civil cases lodged in the court, no setting for hearing and no further action was taken on 46 cases.[5]

6)

Twenty-four (24) civil cases[6] have pending motions/incidents awaiting resolution, the earliest since 2002.

7)

Fifty-seven (57) civil cases[7] submitted for decision from 2000 to 2009 were undecided at the time of the audit.

8)

In the course of the audit in Branch 27, Sta. Cruz, several records of criminal cases were found to be incomplete. The records were not paginated. Certificates of arraignment, minutes of hearings and notices of hearing were missing from the files.

9)

The record of one case, Criminal Case No. 12178,[8] an appealed case submitted for resolution, is missing and is in the possession of Judge Leonida as per certification issued by Atty. Bernadette Platon, the Branch Clerk of Court.[9]

Regarding Branch 74, Malabon City, the OCA also looked into the Monthly Report of Cases submitted by said branch for August-October 2008 and January-March 2008 and noted that 95 criminal cases and 18 civil cases were submitted for decision.[10] Considering that Judge Leonida applied for Optional Retirement effective July 5, 2008, he should have decided 91 of the 95 submitted criminal cases and 16 of the 18 submitted civil cases.

In sum, Judge Leonida failed to decide 102 criminal cases and 43 civil cases both in Branch 27 and Branch 74, and failed to resolve motions in ten (10) civil cases in Branch 27.

The same report bears the recommendations of the OCA that were eventually adopted by the Court in a Resolution dated July 29, 2009,[11] to wit:

(1) RE-DOCKET the judicial audit report as an administrative complaint against former Judge Leonardo L. Leonida for gross incompetence and inefficiency;

(2) REQUIRE Judge Leonida to MANIFEST whether he is willing to submit the case for decision on the basis of the pleadings/records already filed and submitted, within ten (10) days from notice;

(3) DIRECT:

(a) Hon. Jaime C. Blancaflor, Acting Presiding Judge, RTC, Branch 27, Sta. Cruz, Laguna to:

(1) TAKE APPROPRIATE ACTION on Criminal Case Nos. xxx which are without further action for a considerable length of time;

(2) RESOLVE with dispatch the pending incidents/motions in Criminal Case Nos. xxx and furnish the Court, through the OCA, a copy of the resolution/order within ten (10) days from issuance/resolution thereof; and

(3) DECIDE with dispatch Criminal Case Nos. xxx and Furnish the Court, through the OCA, a copy of the decision within ten (10) days from its promulgation; and

(b) Atty. Bernadette Platon, Branch Clerk of Court, to:

(1) APPRISE the Acting Presiding Judge, from time to time, of cases submitted for resolution/decision and those cases that require immediate action;

(2) ORDER the stitching of all orders issued, minutes taken, notices of hearing issued, certificates of arraignment in all appropriate case folders especially those jointly tried, including their chronological arrangement and pagination as well as the proofreading of all orders and notices; and

(3) SUBMIT report of compliance therewith to this Court within fifteen (15) days from notice.

On October 4, 2009, Judge Leonida filed an Urgent Motion for Extension of Time to File Manifest and

Memorandum.[12] He cited the short period compounded by the typhoons and floods which ravaged Manila as his reason for requesting an additional period of twenty (20) days within which to file the same. In its October 28, 2009 Resolution, the Court noted Judge Leonida's motion.

On October 22, 2009, Judge Leonida filed a Manifest and Memorandum[13] expressing his willingness to submit the case for decision based on the pleadings. He explained that he failed to finalize and promulgate cases pending in his sala because of the severely clogged docket of Branch 74. With an overwhelming number of more than 1,000 cases, he calendared an average of 30 cases daily in order to "keep all the cases moving." According to Judge Leonida, "the court sessions together with the preparation/correction/review of the orders in the cases set for hearing almost ate up" his time as a judge. The fact that Branch 74, a commercial court, was still included in the raffle of regular cases exacerbated the situation. Voluminous pleadings requiring extensive dissection and research, and cases involving numerous intervenors who raised different and complex issues, made matters much more difficult that he even had to conduct hearings on applications for search and seizures until nighttime. Judge Leonida further claimed that his work encroached upon the time he had to devote to his wife and eight children. Finally, the reconstruction and review of case records submerged in flood waters added up to his struggle to expedite the disposition of cases assigned to his court.

Anent the missing record in Branch 27, Judge Leonida alleged that the case was raffled to said branch long after he assumed the position of Assisting Judge of Branch 74; that he neither saw nor had possession of the said record; and that there was no reason for him to take the record anywhere. He pleaded for compassion and leniency from the Court, invoking his unblemished record in government service for twenty-three (23) years. He likewise offered his sincere apologies to those who were prejudiced.

In its evaluation of the charges against Judge Leonida, the OCA recommended that for his failure to resolve motions in ten (10) civil cases; decide eleven (11) criminal cases, and twenty-seven (27) civil cases in Branch 27, and to decide ninety-one (91) criminal cases and sixteen (16) civil cases in Branch 74, he be found guilty of gross incompetency and inefficiency, and fined the amount of P50,000.00 pesos to be deducted from his retirement benefits.

The recommendations of the OCA are well-taken.

Precedents have shown that the failure of a judge to decide a case within the reglementary period warrants administrative sanction. The Court treats such cases with utmost rigor for any delay in the administration of justice; no matter how brief, deprives the litigant of his right to a speedy disposition of his case.[14] 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.[15]

No less than Section 15 (1), Article 8 of the 1987 Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within three (3) months from the date of submission. The prescribed period is a firm mandatory rule for the efficient administration of justice and not merely one for indulgent tweaking.

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 for the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[16] In the same vein, Canon 3, Rule 3.05 of the Code of Judicial Conduct is emphatic in enjoining judges to administer justice without delay by disposing of the court's business promptly and deciding cases within the period prescribed by law.

Corollary to this, Administrative Circular No. 3-99 dated January 15, 1999, requires all judges to scrupulously

observe the periods prescribed in the Constitution for deciding cases, because failure to comply therewith violates the constitutional right of the parties to speedy disposition of the cases.[17] Only in certain meritorious cases, that is, those involving difficult questions of law or complex issues, may a longer period to decide the case be allowed but only upon proper application for extension of the period has been made by the concerned judge.[18]

Judge Leonida was clearly remiss in his duties as a judge for he did not take the above constitutional command to heart. Neither did he observe the above rules which have encapsulated the Court's strict message: "the need and the imperative" for judges to promptly and expeditiously decide cases including all incidents therein.[19] In this case, the findings of the OCA showed that Judge Leonida failed to decide a considerable number of cases: (102) criminal cases and forty-three (43) civil cases. Judge Leonida openly admitted his culpability in the delay of disposition of cases.

His proffered explanation is unacceptable given the ample period that he had. He cannot take refuge behind the common excuse of heavy caseload to justify his failure to decide and resolve cases promptly. He could have asked the Court for a reasonable period of extension to dispose of the cases but did not.

Due to his inefficiency, the constitutional right of parties to a speedy trial was violated out of neglect. Instead of justice wrought by efficient and competent handling of judicial business, the lower courts handled and assisted by Judge Leonida produced unnecessary financial strain, not to mention physical and emotional anxiety, to litigants. Delay derails the administration of justice. It postpones the rectification of wrong and the vindication of the unjustly prosecuted. It crowds the dockets of the courts, increasing the costs for all litigants, pressuring judges to take short cuts, interfering with the prompt and deliberate disposition of those cases in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility. More than these, possibilities for error in fact-finding multiply rapidly between the original fact and its judicial determination as time elapses. If the facts are not fully and accurately determined, even the wisest judge cannot distinguish between merit and demerit. If courts do not get the facts right, there is little chance for their judgment to be right.[20]

The Court has always considered a judge's delay in deciding cases within the prescribed period of three months as gross inefficiency.[21] Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary. The *raison d'etre* of courts lies not only in properly dispensing justice but also in being able to do so seasonably.[22]

Aside from the delay in deciding the reported cases, the audit findings likewise show that the case records/rollo in Branch 27 were not chronologically arranged. Certificates of arraignment, minutes of hearings and notices of hearing were unsigned by the accused and his/her counsel, or worse, missing from the files. Judge Leonida was asked to explain the whereabouts of the case records of Criminal Case No. 12178. His bare denial however, does not overcome the fair conclusion that Section 14 of Rule 136 of the Rules of Court[23] was not observed. The expectation directed at judges to exercise utmost diligence and care in handling the records of cases was certainly not met, or at least approximated.

The administration of justice demands that those who don judicial robes be able to comply fully and faithfully with the task set before them.[24] As frontline officials of the judiciary, judges should, at all times, act with efficiency and with probity. They are duty-bound not only to be faithful to the law, but likewise to maintain professional competence. The pursuit of excellence must be their guiding principle. This is the least that judges can do to sustain the trust and confidence which the public reposed on them and the institution they represent. [25]

Therefore, as recommended by the OCA after a thorough judicial audit and considering the unrebutted audit reports on record, proper sanctions must be imposed. The penalty imposed for undue delay in deciding cases

varies in each case: from fine, suspension, suspension and fine, and even dismissal, depending mainly on the number of cases left undecided within the reglementary period, and other factors, such as the damage suffered by the parties as a result of the delay, the health and the age of the judge.[26]

The Court agrees with the OCA that the total number of cases which Judge Leonida failed to timely decide or act on warrants a fine higher than that prescribed by the rules. In *Lugares v. Judge Gutierrez-Torres*,[27] the defaulting judge who was found guilty of gross inefficiency for her undue delay in resolving cases submitted for decision for a number of years was dismissed from the service.

In view of Judge Leonida's retirement on July 5, 2008, the only penalty that the Court can impose against him is a fine, pursuant to the rule that the retirement of a judge does not release him from liability incurred while in the active service.

WHEREFORE, the Court finds respondent Judge Leonardo Leonida, former Presiding Judge of Branch 27, Regional Trial Court, Sta. Cruz, Laguna, and Assisting Judge in Branch 74, Regional Trial Court, Malabon City, GUILTY of gross incompetence and gross inefficiency for failure to decide one hundred two (102) criminal cases and forty-three (43) civil cases for which he is FINED P50,000.00 to be deducted from his retirement/gratuity benefits.

Judge Jaime C. Blancaflor, Acting Presiding Judge, RTC, Branch 27, Sta. Cruz, Laguna, and Atty. Bernadette Platon, Branch Clerk of Court, are hereby ordered to report on their respective compliance with the orders of the Court contained in its July 29, 2009 Order, within ten (10) days from receipt hereof. The Court notes that, in its February 10, 2010 Resolution, Judge Blancaflor was granted a non-extendible period of sixty (60) to comply with its July 29, 2009 Order.

Judge Blancaflor is hereby ordered to cause the reconstitution of Criminal Case No. 12178 within three (3) months from receipt hereof and to report his compliance thereon within ten (10) days from completion.

Atty. Bernadette Platon is hereby ordered to include the status of said case in her Monthly Report of Cases.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo De Castro, Brion Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Velasco, Jr., J., No part due to relationship to party.

Perez, J. no part.

[*] Formerly A.M. No. 09-5-232-RTC.

[**] No part.

[1] Id. at 1-21.

[2] Case Nos. 4697, 8562, 11247, 9652, 9653, 9654, 9651, 9655, 11952, 11099, 11428, 10996, 10090, 8602.

[3] Case Nos. 12460, 12000, 7178, 11236, 13006, 7112, 7122, 11804.

[4] Case Nos. 6998, 4859, 6130, 8457, 7887, 7302, 8169, 10032, 8304, 7636, 8419, SC-6623, 7701, SC-8438, 8864, 8833, 9138, 9801, 8541, 8681, 8867, SC-10730, SC-13000, 9649, SC-10912, SC- 9059, 11084, 11907, 11802.

[5] Case Nos. 4214, SP-1783, 1687, LRC 786, SP 2110, 4078, 3616, SC- 3913, 4431, 154 (06), SC- 3941, SP 150

(06), SP Pet. 200, SP. Pet. 184, 4352, Sp Pro. 307, 4444, Sp 289, SP 213, 4683, 3934, SP 1673, SP 2059, SC-4591, SP 24, SP 37, SP 40, SP 42, SP 141, SP 253, SP 297, SC 319, SP 2284, SP 55, SC 368, SP 1749, SC-4593, 3445, 4404, 4666, SC-3844, LRC 15, LRC 16, LRC 39, SP 216, 4741.

[6] Case Nos. SC-4118, SC-4174, SC-4153, 4022, SC-4096, SP-1879, CAD 2 lot 1145 OCT 21128, 4318, SC-4519, SC-3870, SC 4668, SP 1981, SP 737, SC 4346, SC 4045, LRC 638, SC-3842, LRC 143 (06), SC- 3885, SC-4674, 4193, 3294, 4412, 4581.

[7] Case Nos. SC 3098, SC-3440, 3856, SC-3226, SC-3982, 4046, SC-4208, SC-3313, SC-3988, LRC CAD No.8, SC 4053, SC-3707, SC-3981, SC-3239, 3873, SC-4372, 4099, SC-4157, SC-4201, 4330, SC-4320, SC-4369, SC-3876, SC-2147, SC-3966, SC-4087, 3585, SC-1769, 1686, 4592, SC-4395, SC-4151, SP Pet. 373, 4038, SP 123 (05), SCA 4678, SC 4686, SC-4361, 1372, 4719, 4699, 4069, 4469, 2705, 2447, 4616, 4312, 4324, 4694, 4620, Sp-472 (08), Sp-501 (08), Sp Pet 443, SP-500-08, SC-4180, 3651, SP-528 (08).

[8] Entitled People v. Leonila Cruz.

[9] Rollo, p. 92.

[10] Id. at 15-18.

[11] Id. at 159-162.

[12] Id. at 163.

[13] Id. at 342-343.

[14] OCA v. Garcia-Blanco, A.M. No. RTJ-05-1941, April 25, 2006, 488 SCRA 109, 121, citing Bangco v. Gatdula, 428 Phil. 598, 604 (2002).

[15] Duque v. Garrido,, A.M. No. RTJ-06-2027, February 27, 2009, 580 SCRA 321, 327.

[16] Balajedeong v. Del Rosario, A.M. No. MTJ-07-1662, June 8, 2007, 524 SCRA 13, 17, citing Gachon v. Devera, Jr., G.R. No. 116695, June 20 1997, 274 SCRA 540, 548-549.

[17] Re: Cases Submitted for Decision Before Hon. Meliton G. Emuslan, Former Judge, Regional Trial Court, Branch 47, Urdaneta City, Pangasinan, Resolution A.M. No. RTJ-10-2226, March 22, 2010.

[18] Lopez v. Alon, 324 Phil. 396, 398 (1996).

[19] Isip Jr. v. Nogoy, 448 Phil. 210, 222 (2003).

[20] Atty. Victoriano V. Orocio v. Justice Vicente Q. Roxas, A.M. Nos. 07-115-CA-J and CA-08-46-J, August 19, 2008, 562 SCRA 347, 357, citing Southern Pac. Transport. Co. v. Stoot, 530 S.W.2d 930, 931 (Tex. 1975).

[21] Guintu v. Judge Lucero, 329 Phil. 704, 711 (1996).

[22] Dee C. Chuan & Sons, Inc., A.M. No. RTJ-05-1917, April 16, 2009, 585 SCRA 93, 98, citing Concerned Trial Lawyers of Manila v. Veneracion, A.M. No. RTJ-05-1920, 26 April 2006, 488 SCRA 285, 296 and Lim, Jr. v. Magallanes, A.M. No. RTJ-05-1932, 2 April 2007, 520 SCRA 12.

[23] "No record shall be taken from the clerk's office without an order of the court except as otherwise provided by these rules."

[24] OCA v. Legaspi Jr., A.M. No. MTJ-06-1661, January 25, 2007, 512 SCRA 570, 583.

[25] Re: Report on the judicial audit in the RTC, Br. 32, Manila, 481 Phil. 431, 447 (2004), citing Juan De los

Santos v. Mangino, 453 Phil. 467, 479 (2003).

[26] Re: Judicial Audit Conducted in the Regional Trial Court, Branch 6, Tacloban City, A.M. No. RTJ-09-2171, March 17, 2009, 581 SCRA 585, 592.

[27] A.M. No. MTJ-08-1719, November 23, 2010.

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