

## THE SECRETARY OF JUSTICE, COMPLAINANT, VS. HON. GREGORIO A. LEGASPI, RESPONDENT.

*A.C. No. 269-J. September 10, 1981*

Ponente: MAKASIAR, J.

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### MAKASIAR, J.:

Respondent District Judge Gregorio A. Legaspi of the Court of First Instance of Pangasinan, Branch VII, stationed at Alaminos, Pangasinan, is charged with serious misconduct and gross inefficiency in a complaint filed on November 29, 1972 with this Court by the then Secretary of Justice, now Associate Justice, Vicente Abad Santos in Administrative Case No. 269-J; in Administrative Matter No. 997-CFI, complainant Andres Maglipon, in his complaint filed on August 5, 1975 with this Court, charged herein respondent with gross negligence and misconduct; respondent is likewise charged with delay in the rendition of a decision in a civil case (Civil Case No. A-845) in a complaint filed on June 21, 1975 before this Court by Florentina Castrence-Pance in Administrative Matter No. 1310-CFI; and Administrative Matter No. 340-CFI is with reference to the suggestion of sending a team to audit the records of cases in the sala of respondent Judge Legaspi.

The complaint in Administrative Case No. 269-J filed on November 29, 1972 alleged that respondent Judge submitted his certificates of service dated August, 1968; January, February, March, May, June and August, 1969; January, March, April, May and December 1970; April, 1971, and March, 1972, where he certified that all special proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for decision or determination had been decided or determined on or before said dates; that at the time he submitted the aforesaid certificates of service he knew or should have known that the contents of the same were false because at the time he accomplished them, the trial of twenty-three (23) cases hereunder enumerated had been terminated and the cases had in fact been submitted for decision for more than ninety (90) days but were then still pending and undecided, as follows:

1. Special Proceedings No. A-45 entitled Intestate Estate of Atanacia Montemayor, Juan Braganza, et al., petitioners, vs. Teodoro Montemayor, et al., Oppositors. Date submitted for decision - May 6, 1968 Date decision due - August 4, 1968;
2. Civil Case No. A-439 entitled Gregorio Orlino vs. Pelagia Vda. de Urbano, et al. Date submitted for decision - October 29, 1968 Date decision due - January 27, 1969;
3. Civil Case No. A-473 entitled Gorgonia Cervania, et al. vs. Domingo Cervania, et al. Date submitted for decision - October 29, 1968 Date decision due - January 27, 1969;
4. Civil Case No. A-421 entitled Sofronio Quimson vs. Lutgarda Rapayrapay Date submitted for decision - November 15, 1968 Date decision due - February 12, 1969;
5. Civil Case No. A-424 entitled Sofronio Quimson vs. Juliana Rapayrapay, et al. Date submitted for decision - November 15, 1968 Date decision due - February 12, 1969;
6. Land Registration Case No. A-100 entitled Hermogenes de Castro, applicant, vs. Josefa de Castro, oppositor

Date submitted for decision - November 22, 1968 Date decision due - February 20, 1969;

7. Civil Case No. A-460 entitled Damasco Nicanor vs. Victoriano Nacario Date submitted for decision - February 7, 1969 Date decision due - May 8, 1969;

8. Land Registration Case No. A-229 entitled Archmides Balingit, applicant, vs. Miguel de Perio, oppositors Date submitted for decision - February 28, 1969 Date decision due - May 29, 1969;

9. Civil Case No. A-505 entitled Hilarion Redito vs. Dominador Carambas, et al. Date submitted for decision - March 3, 1969 Date decision due - June 5, 1969;

10. Civil Case No. A-413 entitled Magno Gavino, et al. vs. Teofilo Magno Date submitted for decision - March 27, 1969 Date decision due - June 25, 1969;

11. Civil Case No. A-191 entitled Emiliana Rances, et al. vs. Herminigildo Adviento, et al. Date submitted for decision - October 27, 1969 Date decision due - January 25, 1970

12. Civil Case No. A-455 entitled Florencio Meija. et al. vs. Rafael Monje Date submitted for decision - December 18, 1969 Date decision due - March 28, 1970;

13. Civil Case No. A-602 entitled Eduvigis Orara vs. Nicolas Español, et al. Date submitted for decision - December 18, 1969 Date decision due - March 18, 1970;

14. Civil Case No. A-496 entitled Florenda Bugarin vs. Rustico Onia Date submitted for decision - December 22, 1969 Date decision due - March 22, 1970;

15. Civil Case No. A-547 entitled Avelino Cudal, et al. vs. Nepomuceno Bonsato, et al. Date submitted for decision - February 18, 1970 Date decision due - May 19, 1970;

16. Land Registration Case No. A-111 entitled Angel Braganza, et al., applicant, vs. Domingo Racraquin, et al., oppositors Date submitted for decision - May 11, 1970 Date decision due - August 9, 1970;

17. Criminal Case No. A-729 entitled People vs. Sumawang Date submitted for decision - June 15, 1970 Date decision due - September 13, 1970;

18. Land Registration Case No. A-98 entitled Herminigildo Adviento, et al., applicants, vs. Emiliana Rances, oppositors Date submitted for decision - September 30, 1970 Date decision due - December 29, 1970;

19. Civil Case No. A-591 entitled Alfredo Nafarrete, et al. vs. Sebastian Nagal Date submitted for decision - January 21, 1971 Date decision due - April 21, 1971;

20. Civil Case No. A-601 entitled Columbia Buenaflor vs. Maria Barrozo Date submitted for decision - January 21, 1971 Date decision due - April 21, 1971;

21. Civil Case No. A-619 entitled Sebastian Nagal vs. Alfredo Nafarrete, et al. Date submitted for decision - January 21, 1971 Date decision due - April 21, 1971

22. Civil Case No. A-683 entitled Victoria Modelo, et al. vs. Juan Millora, et al. Date submitted for decision - December 9, 1971 Date decision due - March 9, 1972

23. Criminal Case No. A-993 entitled People vs. Lucrecio Fabrigas Date submitted for decision - December 24, 1971 Date decision due - March 24, 1972;

that respondent submitted the aforesaid certificates to enable him to collect his salary; and that at the time the docket of his court was audited from July 5, 1972 to August 4, 1972, the said cases had not yet been decided (pp. 1-4, Adm. Case No. 269-J, rec.).

Respondent, in his answer filed on January 12, 1973, admitted the termination of the hearing and submission for decision for more than 90 days of the aforesaid twenty-three (23) cases at the time he prepared and submitted the questioned certificates of service, but denied however that he knew or should have known that the contents thereof were false since he did not know and neither was his attention called to those cases pending decision for more than 90 days. He alleged that in preparing the certificates, he relied on the corresponding monthly reports prepared and submitted by the clerk of court which reflect, among others, the number of cases and their status pending at the end of the month and the reports covering the aforesaid certificates of service showed no cases pending decision for more than ninety days; that he relied on the monthly reports of the clerk of court because of the legal presumption that a public officer has performed faithfully his duties and that he was not aware of any previous occasion wherein any such report did not truly reflect the status of all cases pending in his sala; that the clerk of court, whose duty is to prepare such report, is in the best position to know not only the number of cases pending but also their status; that while it is admitted that the twenty-three (23) cases referred to in the complaint were not yet decided when the docket of his court was audited from July 5, 1972 to August 4, 1972, nevertheless, all the aforesaid cases were already decided as of October, 1972; that at the time he assumed office on July 16, 1962, there were nearly 400 pending cases in his court, many of which were partially tried by his predecessors but without transcripts of stenographic notes and at the time the complaint was filed in November, 1972, the total number of cases was reduced to only 69; that respondent had been in the government service for more than thirty-one (31) years having risen from the ranks without the help of any politician, his appointment to the Judiciary being upon the recommendation of the then Secretary of Justice; that during his more than 31 years of service, he was never charged administratively; that he would not jeopardize his career by submitting the questioned certificates of service if he had actual knowledge or had reason to believe that the clerk of court's monthly reports, on which he based his certificates, were incomplete or inaccurate and could not be relied upon; and that at most he could only be guilty of simple neglect (pp. 16-24, A.C. No. 269-J, rec.).

In OUR resolution of May 24, 1973, WE referred this case to Justice Emilio Gancayco of the Court of Appeals, for investigation, report and recommendation. On August 28, 1973, the Investigating Justice submitted his report stating that the charges of serious misconduct and inefficiency against respondent Judge Legaspi were not substantiated and that there is no evidence to show that he knowingly submitted the false certificates to collect his salaries. However, he found respondent judge guilty of negligence for not having taken the necessary precautions to verify every now and then whether there are still cases pending for decision beyond 90 days. But considering that respondent had been a career man for about 32 years who rose from the ranks primarily on the basis of his competence and integrity, that he has never been charged administratively except now, and that his record of service and efficiency as a judge is above-board, the Investigating Justice recommended that tempering justice with mercy, the respondent judge be cleared of the charges but with a warning that a repetition of such negligence in the performance of his duty will be dealt with more severely (pp. 43-55, A.C. No. 269-J, rec.).

On August 5, 1975, respondent Judge Legaspi was charged with gross negligence and misconduct by Andres Maglipon for failure to decide two (2) civil cases within the ninety-day reglementary period for deciding cases. Docketed as Administrative Matter No. 997-CFI, complainant alleged in his verified complaint that he filed with respondent's court Civil Case No. A-421 on November 19, 1963 and Civil Case No. A-424 on December 3, 1963; that on November 15, 1968, respondent issued an order, stating inter alia, that these two cases shall be deemed submitted for decision after the filing by the parties of their respective memoranda; that pursuant to said order the parties submitted their respective memoranda, but it was only on May 30, 1973, or after a period of about five (5) years that the respondent judge rendered his decision in the said cases in violation of Section 5 of R.A. 296 and Memorandum Circulars No. 9 dated February 6, 1952 and No. 17 dated March 14, 1963 respectively, of the Department (now Ministry) of Justice, which require judges of the Courts of First Instance to decide cases

submitted for decision within 90 days from the date of submission thereof; that there is also a very strong possibility that respondent judge may have made misrepresentations if not falsifications with respect to the submission of certificates of service and the drawing of his salaries within a period of five (5) years from the time the aforesaid cases were submitted for decision up to May 30, 1973 when he finally rendered his decision; and that the actuations of the respondent Judge constitute gross negligence and misconduct (pp. 1-3, Adm. Matter No. 997-CFI, rec.).

In his comment dated August 20, 1975, the respondent Judge did not deny the complainant's allegations but merely stated that the aforesaid civil cases were two of those specified in and covered by the complaint filed against him in Administrative Case No. 269-J; and that said case is still pending before the Supreme Court (p. 33, A.M. No. 997-CFI, rec.).

In a letter-complaint dated June 21, 1976 and docketed as Administrative Matter No. 1310-CFI, Florentina Castrence-Pance charged respondent Judge Legaspi with delay in the rendition of the decision in her case, Civil Case No. A-845, alleging that despite the submission of said case for decision as early as December 17, 1975, respondent has not decided the case up to the present (pp. 1-2, Adm. Matter No. 1310-CFI, rec.).

Upon being required to comment, the respondent Judge filed one on August 27, 1976 alleging among others, that the delay in the rendition of the decision in Civil Case No. A-845 was not intentional and may be attributed to the none too perfect recording and filing system of his court; that a draft of the decision was already transcribed sometime in May 1976, and was discovered among the files of the cases submitted for decision, after another one was dictated and was about to be transcribed by the stenographer (pp. 5-6, Adm. Mat. No. 1310-CFI, rec.).

The last case involving respondent Judge Legaspi, which was docketed as Administrative Matter No. 340-CFI, arose out of his failure to submit his certificates of service since October, 1975 despite reminders sent to him and the withholding of his salary since January, 1976. The then Executive Officer, now Deputy Court Administrator, Arturo B. Buena issued a memorandum dated April 22, 1977, addressed to the then Acting Judicial Consultant, now Minister of Justice, Ricardo C. Puno, recommending that an audit team, preferably composed of lawyers, be sent to respondent's court at Alaminos, Pangasinan, to audit the cases therein.

On July 7, 1977, this Court resolved to solidate Administrative Matter No. 997-CFI with Administrative Case No. 269-J for the reason that the issues raised in the former case are encompassed in the latter case.

On July 28, 1977 respondent Judge Legaspi wrote to the late Chief Justice Fred Ruiz Castro and admitted the non-submission of his certificates of service since October, 1975 up to the present, but explained that the same does not mean that he has not rendered the service required of him, and that it was his fear and mistaken belief that he could not truthfully submit his certificates of service for the months when there are cases submitted and pending decision for more than 90 days; that he had hoped to clear first his docket of these cases and thereafter submit his overdue certificates of service, but he failed, and instead, the cases submitted for decision increased; that it is only now that he realized that he could have truthfully made those certificates of service without possibly being guilty of falsification by stating therein the cases then pending decision for more than 90 days so that his superiors in Manila could have known that he is still performing his duties; and that he also attends to matters not connected with cases pending in court, in that, persons familiar with him would come for advice regarding contemplated suits one intends to file against another, and in that way, he has prevented some cases from reaching the court. Respondent further stated that as of June, 1977, his case load was 136 but he has some 19 cases (14 civil and 5 criminal) pending decision for more than 90 days; that he hopes to finish the said cases in two months as he has no legal researcher and his clerk of court, who is a sick man, could not be of help; that it is his heart condition which caused him to slow down in his work upon the advice of his physician; that long before his

appointment to the Judiciary in 1962, he had an enlarged heart with murmurs and had to undergo treatment; that fortunately, after several months, he recovered and it was only in 1968 that his ailment recurred; that in 1976, a medical check-up revealed the same heart condition he had in 1962 and 1968, but seemingly in a more advanced degree. Respondent then requested that he be given two (2) months leave so he could concentrate his full time to the writing of the decisions in the cases which have been pending for more than 90 days and that thereafter, he be allowed to retire in view of his ailment (pp. 13-16, Adm. Mat. No. 340-CFI, rec.).

In a resolution dated September 27, 1977, this Court consolidated Administrative Case No. 269-J, Administrative Matter No. 997-CFI, Administrative Matter No. 1310-CFI, and Administrative Matter No. 340-CFI; and authorized respondent Judge not to hold trials in his court until December 31, 1977 provided that he shall submit to the Court a monthly report commencing October of at least seven decisions written and promulgated by him in order that by the end of 1977 all the cases submitted for decision as of September 27, 1977 shall have been terminated. It was also stated that the Court shall only approve respondent's request for optional retirement after full compliance with the aforesaid directive.

Pursuant to the aforesaid resolution, respondent judge informed this Court on October 19, 1977 that he has cancelled all trials in his court effective October 17, 1977 until December 31, 1977, with the view of deciding on or before December 31, 1977, all cases submitted for decision as of September, 1977.

On November 4, 1977, Deputy Court Administrator Arturo B. Buena sent a telegram to the respondent judge reminding him to submit his monthly report of decisions written and promulgated beginning October 1977, as required by the September 27, 1977 resolution of this Court. The records, however, reveal no further communication from him.

On June 23, 1980, Deputy Court Administrator Romeo D. Mendoza, sent an audit team composed of Attys. Umberto T. Ancajas and Romanito A. Amatong to Alaminos, Pangasinan, in order to conduct a physical inventory, examination and evaluation of the case records and docket books of the respondent's court. After a thorough examination of the records of cases in the sala of respondent Judge Legaspi, the audit team, in its reports dated July 22 and 31, 1980, stated that, contrary to what was declared in the monthly report of cases for March 1980 submitted by the respondent that there are no cases pending decision, respondent judge has thirty-six (36) cases pending and submitted for decision as of March 31, 1980, thirty (30) cases of which were pending decision beyond the 90-day reglementary period. Moreover, it was discovered that out of the nineteen (19) cases reported by the respondent in his letter dated July 27, 1977 to the late Chief Justice Fred Ruiz Castro to be pending decision for more than 90 days as of June 30, 1977, it appears that respondent was able to dispose of only ten (10) of these cases, as nine (9) of these cases together with two (2) unreported cases were still pending decision as of December 31, 1977 and remained undecided as of March 31, 1980. It was further reported that respondent judge suffered a heart attack and was confined at the Philippine Heart Center in Quezon City from June 9 to 23, 1980 and this was followed by a more serious heart attack on July 22, 1980 for which he was confined at the UST Hospital (pp. 29-48, Adm. Mat. No. 340-CFI, rec.).

In connection with Administrative Case No. 269-J, WE have gone over the records and WE do not fully agree with the recommendation of Investigating Justice Emilio A. Gancayco that respondent Judge Legaspi be cleared of all the charges against him. It is undisputed that respondent judge prepared and submitted his certificates of service dated August, 1968; January, February, March, May, June and August, 1969; January, March, April, May and December 1970; April, 1971 and March, 1972, where he certified that all civil and criminal cases which had been submitted to him for decision had been decided within the ninety-day period. But the records reveal otherwise, for at the time he prepared and submitted the different certificates, there were still 23 cases as specified in the complaint which had already been terminated and had in fact been submitted for decision but remained

pending and undecided for more than ninety days.

Respondent contends however that he did not intentionally or knowingly falsify the aforesaid certificates because he had no knowledge nor was his attention called to those cases pending decision for more than 90 days at the time he submitted the different certificates and that he relied solely on the monthly reports of cases of the clerk of court, which showed no cases pending decision for more than 90 days.

There is no merit in that contention. Respondent, as the incumbent judge, ought to know those cases submitted to him for decision particularly those cases pending decision for more than ninety days. As a matter of fact, he is supposed to keep his own record of the cases submitted for decision so that he could act on them promptly and without delay, mindful of the mandate in Section 5 of Republic Act No. 296, also known as the Judiciary Act of 1948, that judges should decide cases submitted for decision within ninety days from submission and to certify to the fact that there are no cases pending decision beyond that period. It is expected that he should be more diligent and more vigilant in attending to cases submitted for decision as well as in the preparation of his monthly certificates of service by verifying every now and then whether there are cases pending decision for more than ninety days; because he could be held accountable for any error or falsification in his certificates. Thus, respondent cannot now escape liability for falsification of his certificates of service with the lame excuse that he has no knowledge of those cases pending decision for more than ninety days at the time he submitted his certificates of service. Nor could he give the excuse that his attention was not called to the cases pending decision beyond ninety days because he need not be reminded of his deadlines by a subordinate court employee like the clerk of court. Court employees are not the guardians of a judge's responsibilities. A judge is personally and directly responsible for the proper discharge of his judicial functions. Likewise, his total reliance on the monthly report of cases of the clerk of court cannot but be frowned upon. It is manifest that respondent had not instituted some form of control over his court records especially those of cases submitted for decision.

Evidently, the falsification committed by the respondent judge in connection with his monthly certificates of service, which was resorted to in order to collect his salary, amounts to serious mis-conduct being violative of Section 5 of Republic Act 296. It has been held that "for serious misconduct to exist, there must be a clear showing that the act complained of was corrupt or inspired by an intention to violate the law or was in persistent disregard of well known legal principles" (Dy Teban Hardware & Auto Supply Co. vs. Hon. Lauro L. Tapucar, and related cases, A.M. 1720, A.M. 1911, A.M. 2300-CFI, promulgated on January 31, 1981, citing *In re: Impeachment of Hon. Antonio Horilleno*, 43 Phil. 212 [1922]). More-over, the falsification, made more patent by the fact that there were not only one but several falsified certificates involved, is condemnable considering that it was committed by a person occupying a judicial position and sworn to uphold the majesty of the law.

On the charge of gross inefficiency for failure to dispose of the 23 cases specified in the complaint within the 90-day period, respondent admitted that the 23 cases were already submitted for decision and that the same remained pending and undecided for more than 90 days. He likewise admitted that at the time his docket was audited from July 5, 1972 to August 4, 1972, the aforesaid 23 cases were then still pending decision but he asserted that the 23 cases were already decided as of October, 1972. However, this claim is belied by the fact that Civil Case No. A-421 and A-424, two of the 23 cases submitted for decision and now subject of Administrative Matter No. 997-CFI, were both submitted for decision on November 15, 1968 but it was only on May 30, 1973, or a period of about five (5) years that the respondent judge rendered his decision in the said cases.

Moreover, it appears from the audit team's reports of July 22 and 31, 1980, and the respondent admits, that Land Registration Case No. A-111, one of the aforesaid 23 cases, was submitted for decision first on May 11, 1970 and then on March 20, 1974 but was still pending at the time of the audit in June, 1980 (p. 34, Adm. Mat. No. 340-CFI, rec.). The fact that the same case was submitted for decision twice invites suspicion. Nevertheless, there

is no question that the aforesaid case was not decided as of October, 1972 as claimed by the respondent nor was it decided within ninety days from the date of sub-mission.

This prolonged and undue delay in the rendition of decisions in no less than 23 cases of respondent's court, is a patent violation of Section 5, R.A. 296 which requires judges to determine or decide motions, special proceedings, petitions and all civil and criminal cases submitted within a period of ninety (90) days from the date of their submission.

WE have reminded the judges to act with dispatch in the disposition of cases assigned to their respective salas in order to alleviate the present clogged condition of court dockets, thus:

"We must once more impress upon the members of the Judiciary their sworn duty of administering justice without undue delay under the time-honored precept that justice delayed, is justice denied. The present clogged condition of the courts' docket in all levels of our judicial system cannot be cleared unless each and every judge earnestly and painstakingly takes it upon himself to comply faithfully with the mandate of the law. No less important than the speedy termination of hearings and trials of cases is the promptness and dispatch in the making of decisions and judgment, the signing thereof and filing the same with the Clerk of Court" (Castro vs. Malazo, A.M. No. 1237-CAR, August 21, 1980).

It may also be added that no less than the 1973 Constitution has enjoined that all "public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people" (Sec. 1, Art. XIII). We have already declared that "In the administration of justice, it is expected that men who wield authority should be the paragon of honesty and efficiency if only to preserve sacred and inviolate the trust and confidence of the people" (The Philippine Trial Lawyers Association, Inc. vs. Garcia, A.M. No. 2356-CTJ, October 30, 1980).

Consequently, in spite of all the glowing achievements cited by the respondent judge in his answer, such as being able to reduce the cases pending in his court from 400 at the time he assumed office on July 16, 1962, to 69 in January, 1973, it is obvious that he was remiss in the performance of his official duties.

For the unreasonable delay in the disposition of the aforesaid 23 cases, and for his false certificates of service, he should be subject to administrative sanctions.

With reference to Administrative Matter No. 997-CFI, there is no need to discuss the charges of gross negligence and misconduct filed by complainant Andres Maglipon against respondent judge because the two civil cases submitted for decision in 1968 and decided only in 1973 (Civil Case No. A-421 and A-424), upon which the same is based, are likewise included as bases of Administrative Case No. 269-J, where WE earlier held that respondent is administratively liable for his false certificates of service and for his failure to decide the 23 cases, which as aforestated, included Civil Case No. A-421 and A-424, within the ninety-day reglementary period.

In Administrative Matter No. 1310-CFI, complainant Florentina Castrence-Pance charged respondent with delay in the disposition of her case, Civil Case No. A-845. The records disclose that Civil Case No. A-845 was submitted for decision on December 17, 1975 but the same remained pending up to the time the present complaint was filed on June 21, 1976 with this Court, or about six (6) months after the case was submitted for decision. It then appears that the respondent judge violated the ninety day period provided for by Section 5, Republic Act No. 296 within which to decide a case submitted before him for decision.

The respondent judge's explanation that the delay in the disposition of Civil Case No. A-845, was due to the none too perfect recording and filing system of his court merits, as heretofore stated, condemnation as it reflects his lack of elementary knowledge of court management. He could be faulted for not maintaining or devising a better recording and filing system in his court. Besides, he should have kept in his own files and under his supervision a

record of cases submitted for decision so that his memory will not fail him or any disorderliness in his court docket will not affect the speedy disposition of cases submitted for decision.

Furthermore, note should also be taken of the fact that respondent, apparently because of the administrative charges filed against him, opted not to submit his monthly certificates of service from October, 1975 up to November, 1977 (p. 45, A.M. No. 340-CFI, rec.). This was due, according to the respondent, to his fear and mistaken belief that he could not truthfully submit his certificates of service for the months when there are cases submitted and pending decision for more than 90 days and that he had hoped to clear first his docket of these cases and thereafter submit his overdue certificates of service. Admittedly, there were 19 cases pending decision beyond 90 days that had accumulated as of June, 1977, allegedly because of respondent's recurring heart ailment and his advanced age. And despite the fact that respondent was authorized on September 27, 1977 not to hold any trial until December 31, 1977 so he could decide all the afore-said 19 cases, he was able to dispose of only ten (10) cases while nine (9) cases together with two (2) unreported cases remained pending and undecided as of December 31, 1977, as found by the audit team created under Administrative Matter No. 340-CFI.

Respondent judge retired on November 17, 1980 having reached the compulsory retirement age of 70.

WE find the recommended penalty of Deputy Court Administrator Romeo D. Mendoza, which consists of a fine equivalent to respondent's salary for six (6) months, as too light considering that there was a total of 24 cases involved in the instant administrative cases, and as of March 31, 1980, respondent had thirty-six (36) cases pending decision, thirty (30) of which were pending decision beyond 90 days, including the eleven (11) undecided cases as of December 31, 1977. In addition, Land Registration Case No. A-111, which is one of the 23 cases involved in Administrative Case No. 269-J and submitted for decision on May 11, 1970, appeared to have been submitted for decision again on March 20, 1974 and remained pending decision as of March 31, 1980.

It is clear, therefore, that respondent's inattention to his official duties, which resulted in the delay in the disposition of several cases, continued even after the filing of the administrative charges against him.

WHEREFORE, THE COURT HEREBY FINDS RESPONDENT JUDGE GREGORIO A. LEGASPI GUILTY OF SERIOUS MISCONDUCT AND GROSS NEGLIGENCE AND HEREBY ORDERS HIM TO PAY A FINE EQUIVALENT TO HIS SALARY FOR ONE (1) YEAR, TO BE DEDUCTED FROM HIS RETIREMENT GRATUITY.

**LET A COPY OF THIS DECISION BE ENTERED IN HIS RECORD.**

**SO ORDERED.**

Fernando, C.J., Teehankee, Barredo, Aquino, Concepcion, Jr., Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

Abad Santos, J., no part.

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