

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 22, MANILA.

A.M. No. 00-1-10-RTC. September 10, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case is a consolidation[1] of two cases, both involving Judge Marino M. dela Cruz, Jr., presiding judge of the Regional Trial Court of Manila, Branch 22.

A.M. No. 00-1-10-RTC

On October 26, 1999, the Office of the Court Administrator (OCA) directed a team to conduct an on-the-spot audit and physical inventory of cases pending in the sala of the respondent judge. The members of the judicial audit team conducted the audit from October 27, 1999 to November 4, 1999, having had difficulty reconciling the records of the court. When confronted about the unsystematic record-keeping and improper management of court records, Branch Clerk of Court Atty. Felix Veridiano, Jr. explained that he himself could not reconcile the records of the cases and complete the reports. According to Atty. Veridiano, the respondent judge brought home the cases submitted for decision or locked them in his drawers, and that no staff member was allowed to touch these cases without his permission. The judicial audit team arrived at its findings through examining unofficial reports, which were verified with the list of raffled cases from the Office of the Clerk of Court and the actual cases presented for audit. The judicial audit team noticed that almost all of the case records, whether criminal or civil, did not contain any page numbers, and that many such records had loose copies of notices, orders or draft decisions. [2]

Pursuant to the judicial audit team's report and the Memorandum of then Court Administrator Alfredo Benipayo dated December 16, 1999, the Court issued the following Resolution on February 23, 2000:

- (a) Presiding Judge Marino dela Cruz, Jr., Regional Trial Court, Manila, Branch 22, to EXPLAIN in writing within ten (10) days from notice hereof why no administrative sanction should be imposed on him for:
- (1) failure to decide the following 78 criminal cases and 32 civil cases, within the ninety (90)-day reglementary period:

Criminal Cases Civil Cases

91-90046 99-92972

94-135548 99-93417

91-97265 86-34398

97-156420 98-88197

95-144007-11 R-81-86911

92-105443 98-86911

94-134270 93-63477
94-138257 97-82718
93-126422 91-59202
97-155030-31 93-68174
92-103538-60 97-86293
84-32464 98-90875
94-139172 98-88357
88-62579 97-84527
93-130096-114 93-66711
94-136816 95-73055
94-133785 90-53942
89-74843-46 95-73413
87-54666 90-53444
92-107757 93-65034
92-108634 96-77102
95-146443-48 95-73016
94-139627 92-63720
95-144693 95-75404
94-131598 91-57931
95-75449
93-67720
86-35031
95-72792
93-64390
92-60127
88-45762

(2) his actions on the following to wit:

1) promulgation of judgment without written decision in the case of CR No. 97-156420 – People vs. Jariol y Pedo and Crim. Case No. 88-62579 – People vs. Lanzona, et al.

2) the order of release of the accused in CR No. 95-144007-11 – People vs. Marilyn Fernandez, although no decision is attached to the record apart from an undated and an unfinished loose order purporting to be a decision .

3) the order of release of accused in G.R. No. 93-126422 – People vs. Dennis Ferrer y Bautista, although no

record of decision was attached to the record except an original copy of a one page "Decision" but it is loose, undated, unsigned and incomplete.

4) several resettings of promulgation in CR No. 97-155030-31 – People vs. Araceli A. Duran, and on the date of the promulgation of judgment the parties settled the case amicably. The decision found accused guilty of the crime but no mittimus for commitment of accused was issued.

5) there were no Orders attached to several cases to reflect the action of the Court on motions granted. Only notations with the Judge's signature indicate that a particular motion was granted; and

b) Atty. Felix Veridiano, Jr., Branch Clerk of Court, Regional Trial Court, Manila, Branch 22, to: (1) EXPLAIN in writing within ten (10) days from notice why no administrative sanction should be imposed on him for the disorderly, unsystematic and ineffective management of court records in that branch; (2) IMMEDIATELY conduct an inventory of cases that were decided, dismissed archived, inherited and transferred to other sala, for the purpose of determining the monthly case disposition of the court, then SUBMIT IMMEDIATELY a report thereon to the Statistical Reports Division, CMO, Office of the Court Administrator; (3) APPRISE the Presiding Judge on the cases which were not further acted upon or included in the court calendar despite the lapse of a considerable length of time; and (4) cause the UPDATING of the docket books with STERN WARNING that failure to religiously perform the task in the future will be dealt with more severely and, henceforth, REFLECT all cases assigned to the branch including subsequent pleadings, documents and other pertinent communications in said books.

Atty. Veridiano complied with the Court's directive on April 13, 2000 and averred that he submitted the monthly reports and inventories filed on January 31, 2000 and February 11, 2000 to the OCA, Statistical Reports Division. He explained that he had recently figured in an accident, and that he had only one clerk assisting him in managing the court dockets. He prayed for the Court's understanding and indulgence and promised to do his best to comply with the Court's requirements.

On March 31, 2000, the respondent filed a motion for extension of thirty (30) days within which to comply with the directive, which the Court granted. Upon his failure to comply with the said resolution, he was directed to show cause why he should not be disciplinarily dealt with or held in contempt for such failure.[3] The respondent, thereafter, filed a motion[4] for extension of thirty (30) days from receipt of a copy of the memorandum within which to submit his compliance, and further requested an extension of thirty (30) days, which the Court again granted in a Resolution dated February 20, 2002. Thereafter, succeeding motions were filed on the following dates:

Date Filed Extension requested Action of the Court

1. January 31, 2002 30 days Granted 30 days extension (Resolution [dated] April 10, 2002)
2. April 3, 2002 30 days Granted with warning that the same shall be the last and no further extension will be given (Resolution dated May 29, 2002)
3. April 15, 2002 30 days Granted, definitely the last extension that will be allowed as he had already been warned that no further extension would be granted (Resolution dated September 9, 2002)
4. June 3, 2002 30 days
5. July 1, 2002 30 days DENIED (Resolution dated October 9, 2002)
6. September 2, 2002[5]

The respondent judge was, thus, given a total of two hundred forty (240) days within which to comply with the

Resolution of February 23, 2000. To determine whether the respondent judge had complied with the directives of the Court in the said resolution, the OCA conducted a second audit of the pending cases in the respondent judge's sala. The judicial audit team found that out of seventy-eight (78) criminal cases, twenty-two (22) cases had been decided, while there were unfinished draft decisions in four (4) criminal cases; out of thirty-two (32) civil cases, eleven (11) had been decided, with five (5) other unfinished or draft decisions.[6] Pursuant to the recommendation of the Court Administrator in his Report dated January 27, 2003, the Court issued a Resolution on March 5, 2003, resolving as follows:

(a) to DIRECT Officer-in-Charge Nestor A. Malabigan, Regional Trial Court, Branch 22, Manila: (1) to EXPLAIN in writing, within ten (10) days from notice, why no disciplinary action should be taken against him for a) inefficiency, gross neglect of duty and for disorderly, unsystematic and ineffective management of court records; and b) his failure to apprise/remind the Presiding Judge on cases which were not acted upon or no further setting in the court calendar after a lapse of considerable length of time; and (2) to REPORT to the Court through the Office of the Court Administrator, within ten (10) days from notice hereof the status of the following cases:

Criminal Cases

92-197757 99-179369 00-185269

94-139610 00179588 00-175858

95-140963 00-179947 00-186758

97-161040 00-180278 00-187668

99-172245 00-18160 00-187669

99-173861 00-18161 00-187894

99-175497 00-182667 95-144007

99-175498 00-184864 95-144008

99-175666 00-185285 95-144009

99-175787 00-185399 95-144010

99-175788 00-185537 95-144011

99-176565 00-185931

99-176566 00-185670

99-176567 00-186233

99-176568 00-186184

99-176569 00-186732

99-176926 00-186787

99-177955 00-186873

99-178048 00-186874

99-178573 00-187478

Civil Cases

90-54608 00-97249 01101171

91-58176 00-97821 01-101761

98-90288 00-97892 00-96038

98-90875 00-98459 00-96178

92-63477 00-99051 00-96178

95-75449 00-99126 00-96975

98-88724 00-99557 00-97092

96-76825 1-100282 01-102207

01-102393; and

(b) Clerks Liza Arcega (sic) and Riza Pueca, Regional Trial Court, Branch 22, Manila: (1) to EXPLAIN in writing, within ten (10) days from notice, why no disciplinary action should be taken against them for inefficiency, gross neglect of duty and for disorderly, unsystematic and ineffective management of civil and criminal docket books; and (2) to UPDATE their respective assigned docket books within thirty (30) days from notice hereof submitting proof of compliance with this directive within ten (10) days from the expiration of the thirty (30) day period.

In the meantime, Atty. Fatima A. Farrales was appointed as Branch Clerk of Court and assumed office on November 22, 2002.[7]

In his Compliance dated May 8, 2003, Officer-in-Charge (OIC) Nestor Magabilin pointed out that the disorderly, unsystematic and ineffective management of court records in the office was an inherited problem and that at the time of the audit, he had been designated as OIC barely more than a year. In their Joint Compliance dated June 9, 2003, Clerks Liza C. Alcera and Riza C. Pueca alleged that it was never their intention to disregard their duties of maintaining and recording their respective assigned docket books; their voluminous work loads prevented them from updating their records. Several other factors were mentioned, foremost of which was the miserable condition of the court at the then Napocor Building which also served as the storeroom for both active and disposed records.

In the meantime, on March 7, 2003, the respondent submitted a supplemental report dated February 28, 2003, specifying therein the action taken on the cases and the respective promulgation dates of the decisions he had already rendered. The respondent expressed his commitment to dispose of the other cases submitted for decision and those with pending incidents for resolution for a period of not more than six (6) months. The respondent, likewise, submitted on February 16, 2004 a listing of the cases as reported by the audit team, the action taken on the said cases, and copies of decisions rendered. The Court Administrator also noted that –

A verification of the last report submitted by Judge dela Cruz show[s] that he had disposed most of the cases submitted for decision as reported by the audit team and submitted copies of the decisions in the said cases. However, Judge dela Cruz, in his compliance, failed to indicate the actions taken on the pending motions/incidents on cases enumerated in our memorandum dated January 27, 2003. We also took note of the submission of the court's monthly report and docket inventory for the last quarter of 2003.[8]

A.M. No. RTJ-04-1824

(Formerly OCA IPI No. 00-946-RTJ)

Atty. Eddie Tamondong filed a verified Letter-Complaint[9] dated April 24, 2000, charging the respondent judge

with gross indolence and neglect of duty relative to Civil Case No. 97-86658.[10] According to the complainant, the plaintiff in the said case, it took the respondent half a year to resolve simple, unopposed motions.[11] The complainant also alleged the following:

14. Moreover, the undersigned, did not receive any notice from the court of Judge dela Cruz setting the hearing for Jan. 19, 2000 and did not talk or tell the OIC, whoever he or she was, that the parties were discussing a settlement. The undersigned, as plaintiff, would not have entertained such discussion because he had already rested his case and submitted his memorandum in June 1999, or seven (7) months earlier, while the defendant had no evidence on record.

15. In any event, to expedite the proceedings, and more specially to spur his Honor, Judge dela Cruz, to move or wake him from his stupor, the undersigned filed on March 2, 2000 an “URGENT MOTION TO CALENDAR CASE FOR THREE (3) DATES FOR RECEPTION OF DEFENDANT’S EVIDENCE.” In this motion, the undersigned, as plaintiff, manifested to his Honor that ---

“[T]o obviate further delay in the disposition of this case, which is now in its third year, plaintiff has not opposed the defendant’s motion for reconsideration of the waiver of the presentation of its evidence x x x as well as its subsequent motion to set the case for presentation of its evidence, WHICH THE PLAINTIFF INSTEAD JOINS FOR THE PURPOSE OF EXPEDITING THE PROCEEDING OF THIS SUIT. ...

The undersigned then proceeded to pray that the case be calendared for presentation of defendant’s evidence for three (3) dates at the earliest available days in the Court’s calendar, preferably on March 14, 21, and 28, or April 4, 11 and 18, all in the year 2000, at 8:30 a.m. ...

16. Judge dela Cruz, to this writing, had not acted on plaintiff’s above motion.

17. Having lost all hope that the case will ever be terminated – because Judge dela Cruz could or would not even resolve motions (of the defendant) that were not only unopposed but even joined in by the plaintiff, the undersigned gave up the ship, as it were, and, against his better judgment, agreed with the defendant for the dismissal of the complaint and counterclaim just to relieve his Honor, Judge MARINO M. DELA CRUZ, JR., from the burden of resolving one case that he did not know what to do.[12]

In the 1st Indorsement dated June 6, 2000, the Office of the Court Administrator referred the complaint to the respondent and directed him to file his comment thereon. The respondent requested for an extension of thirty (30) days to submit the said comment in a Letter[13] dated July 21, 2000. The OCA granted the request.[14] Thereafter, the respondent requested for another extension of twenty (20) days, or until August 23, 2000 within which to file the required comment. He reasoned that the pressure of work and personal problems prevented him from submitting the same within the extended period, and that he had to go home to the province to attend to urgent family matters.[15] The OCA granted the request, but the respondent failed to file the required comment. Thus, in the 1st Tracer dated November 22, 2000, the respondent was directed to submit the required comment within five (5) days from receipt thereof; otherwise, the case would be submitted for the Court’s consideration without the same.

In its Report[16] dated October 11, 2001, the OCA opined that the respondent’s failure to file his comment on the administrative complaint against him is deemed a waiver thereof:

Respondent Judge should have been more punctual and attentive in the discharge of his duties and functions as a Judge, even if he was merely on detail or temporary assignment. But considering that it was not his regular assignment, he may be spared from any disciplinary action against him with the warning that a repetition thereof would be dealt with more severely[.]

RECOMMENDATION: Respectfully submitted for the consideration of this Honorable Court is the

recommendation that the complaint against respondent Judge be DISMISSED, with the warning that a repetition of the same would be dealt with appropriately.[17]

In a Resolution[18] dated January 21, 2002, the Court directed the respondent to show cause why he should not be disciplinarily dealt with or held in contempt for failing to file his comment despite the grant of his motions for extension of time. The respondent once more asked for the Court's indulgence and another thirty-day extension[19] within which to comply.

Thereafter, the respondent filed nine other motions[20] for extension of time to comply with the Court's successive show-cause orders, one after the other. The Court granted all the said motions, and in the Resolution dated November 20, 2002, warned that it would definitely be the last.[21]

Finally, in a Resolution dated November 19, 2003, the Court imposed upon the respondent a P3,000 fine and reiterated that he comply with the Resolution of January 21, 2002, by submitting to the Court the required comment and explanation.

Thereafter, the respondent filed a Motion for Reconsideration dated February 2, 2004 of the November 19, 2003 Resolution. While he expressed his willingness to pay the fine of P3,000, he maintained that he had "no intention to disrespect the lawful orders of this Court or to waste its precious time." He reasoned that although he was compelled to file his answer, the instant administrative complaint against him caused too much emotional disturbance to enable him to timely and properly meet the issues raised therein. He also alleged that the "unfounded administrative charge" stemmed from a case raffled to another branch which was added to his regular assignment where he acted as a mere pairing judge.

The respondent, likewise, submitted his Comment to the administrative complaint on February 4, 2004, where he denied all the allegations of the complainant. He averred that he was at a loss as to why the complaint was ever filed against him, considering that the case that gave rise to the complaint was terminated by no less than the parties themselves through a compromise agreement.

Delay in the disposition
Of cases constitutes
Gross inefficiency

While we agree that the administrative complaint against the respondent judge in A.M. No. RTJ-04-1824 should be dismissed, he is, nonetheless, administratively liable for delay in the disposition of cases pending in his sala, as evinced by the judicial audits conducted by the OCA in the RTC of Manila, Branch 22.

Under Rule 3.05 of the Code of Judicial Conduct,[22] judges are required to dispose of the court's business promptly and to act, one way or the other, on pending cases within the prescribed period therefor.[23] Indeed, the failure to decide cases and other matters within the reglementary period therefor constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.[24] Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary.[25] Delay results in undermining the people's faith in the judiciary and from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly.[26] While this Court remains sympathetic to the plight of judges who are, more often than not, beset with heavy caseloads, such fact is not a sufficient justification to avoid administrative sanction, for they can always ask for extensions of time within which to decide cases should they find themselves unable to comply with the ninety-day requirement.[27] In fact, even grave illness and personal tragedies intervening in the performance of the judge's duty will not excuse him from informing the Court of his inability to seasonably decide the cases.[28] As aptly observed by the Court Administrator, while the respondent may have submitted copies of his

decisions and his resolutions on all pending incidents in his sala, in compliance with the Court's directive, he already violated the mandate of Section 15(1) of the Constitution requiring judges to resolve cases within ninety (90) days from the time they are submitted for decision, as well as Rule 3.05 of the Code of Judicial Conduct.[29]

It must be stressed that the primordial and most important duty of every member of the bench is decision-making.[30] Furthermore, as administrators of their respective courts, judges have the primary responsibility of maintaining the professional competence of their staff.[31] Prompt disposition of the court's business is attained through proper and efficient court management, and a judge is remiss in his duty and responsibility as court manager if he fails to adopt a system of record management.[32]

As frontline officials of the judiciary, judges should, at all times, act with efficiency and with probity.[33] They are duty-bound not only to be faithful to the law, but likewise to maintain professional competence.[34] 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.[35]

The Respondent's Failure To
Comply With the Lawful
Directives Of The Court
Constitutes Gross Misconduct
And Insubordination

The failure of a judge to comply with show-cause orders issued by the Court constitutes grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.[36] It underscores lack of respect for authority and defiance for law and order which is at the very core of his position. This is anathema to those who seek a career in the judiciary because obedience to the dictates of the law and justice is demanded of every judge. When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law, and impairs public confidence in the integrity of the judiciary itself. [37]

As a judge, the respondent ought to have known that the resolution of the Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request. Respondents should comment on all accusations or allegations against them, as it is their duty to preserve the integrity of the judiciary.[38] The respondent judge's repeated failure to comply with the Court's directives constitutes gross misconduct and insubordination.[39] We agree with the following ratiocinations of the Court Administrator:

Judge dela Cruz's failure to comply with the Court's directive constitutes a blatant display of his indifference to the lawful directives of the Court (A.M. No. MTJ-03-1515, Feb. 3, 2004). Failure to comply with the Court's directives, constitutes gross misconduct and insubordination (Martinez vs. Zoleta 315 SCRA 438). His failure to comply with the directives of the Court as noted in our memorandum dated January 27, 2003 is deemed to constitute a clear manifestation of his willful disobedience of the lawful order of this Court which he had violated several times.

It should also be noted that Judge dela Cruz did not comply with the directive in the resolution dated February 23, 2000. What he did was only to ask for extension of time and never complied with his undertaking. It was only during the second audit that he committed to dispose of the cases subject of the audit. However, still he did not submit any explanation on his failure to decide the 78 criminal cases and 32 civil cases and his actions on the cases enumerated therein.[40]

By his actuations, the respondent violated the following Canons of Judicial Conduct:

CANON 1 – A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

Rule 1.01. – A judge should be the embodiment of competence, integrity and independence.

CANON 2 – A JUDGE SHOULD AVOID IMPROPRIETY AND APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

Rule 2.01. – A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

The respondent also violated Canon 11 of the Code of Professional Responsibility, which requires a member of the bar to observe and maintain the respect due to the courts and to judicial officers and insist on similar conduct by others.

Thus, for repeatedly failing to heed the Court's show-cause orders, as well as the lawful directives of the OCA, the respondent showed disrespect to the Court, displaying conduct unbecoming a member of the bench.

WHEREFORE, for gross inefficiency^[41] and gross misconduct,^[42] respondent Judge Marino M. dela Cruz, Jr. is hereby FINED an amount of Forty Thousand Pesos (P40,000). He is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely.

The complaint in A.M. No. RTJ-04-1824 against the respondent is DISMISSED.

The Motion for Reconsideration of the Resolution dated November 19, 2003 is DENIED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Azcuna, Tinga, and Chico-Nazario, JJ., concur.
Austria-Martinez, and Carpio-Morales, JJ., on official leave.

[1] Resolution dated March 2, 2004.

[2] Report dated December 16, 1999.

[3] Supreme Court Resolution dated July 25, 2001.

[4] The Court granted the same in a Resolution dated October 1, 2001.

[5] Memorandum dated January 27, 2003, pp. 2-3.

[6] Memorandum dated April 1, 2004, pp. 2-3.

[7] Memorandum dated August 8, 2003, p. 3.

[8] Id. at 3.

[9] Rollo, pp. 2-6 (A.M. No. RTJ-04-1824).

[10] Entitled Eddie U. Tamondong v. Signet Distributors, Inc. for rescission of contract and damages.

[11] Rollo, p. 4 (A.M. No. RTJ-04-1824).

[12] Id. at 4-5.

[13] Id. at 4.

[14] Id. at 16.

[15] Id. at 17.

[16] Id. at 21-23.

[17] Id. at 22-23.

[18] Id. at 26.

[19] Id. at 28.

[20] Id. at 31, 33, 34, 41, 43, 45, 52, 55, 61.

[21] Id. at 54.

[22] In A.M. No. 03-05-01-SC dated April 27, 2004, the Court promulgated the “New Code of Judicial Conduct for the Philippine Judiciary” which took effect on June 1, 2004. This supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct, which shall, however, still be applied in a suppletory character in case of deficiency or absence of specific provisions in the New Code.

[23] Edgardo D. Balsamo v. Judge Pedro L. Suan, A.M. No. RTJ-01-1656, September 17, 2003.

[24] Visbal v. Buban, 395 SCRA 584 (2003).

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

[26] Casia v. Gestopa, Jr., 312 SCRA 204 (1999).

[27] Report on the Judicial Audit and Physical Inventory of Cases in the Metropolitan Trial Court of Manila, Branch 2, 408 SCRA 583 (2003).

[28] See Re: Report on the Judicial Audit Conducted in the RTC-Br. 220, Q.C., 360 SCRA 242 (2001).

[29] Report dated April 1, 2004, p. 4.

[30] Id. at 24.

[31] The Code of Judicial Conduct enumerates the following administrative responsibilities of the judge, among others:

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.

[32] Office of the Court Administrator v. Quilala, 351 SCRA 596 (2001).

[33] Cabahug v. Dacanay, 410 SCRA 413 (2003).

[34] Peña v. Martizano, 403 SCRA 281 (2003).

[35] De Los Santos v. Mangino, 405 SCRA 521 (2003).

[36] Davila v. Generoso, 336 SCRA 576 (2000).

[37] Pablito R. Soria and Teodulo R. Soria vs. Judge Franklyn A. Villegas, A.M. No. RTJ-03-1812, November 19, 2003.

[38] Martinez v. Zoleta, 315 SCRA 438 (1999).

[39] Dolores Imbang v. Judge Deogracias K. Del Rosario, MCTC, Branch 3, Patnognon, Antique, A.M. No. MTJ-03-1515, February 3, 2004; Martinez v. Zoleta, supra; Tabao v. Espina, 257 SCRA 298 (1996); Pasane v. Reloza, 235 SCRA 1 (1994).

[40] Memorandum dated April 1, 2004, pp. 3-4 (A.M. No. 00-1-10-RTC).

[41] Under Section 9(2), Rule 140 of the Rules of Court, undue delay in rendering a decision or order is classified as a less serious charge, punishable by either suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00 under Section 11(B) of the same Rule (as amended by A.M. No. 01-8-10-SC, September 11, 2001 which took effect on October 1, 2001).

[42] Gross misconduct constituting violations of the Code of Judicial Conduct is classified as a serious charge under Section 8 of the same Rule. The corresponding sanction as provided under Section 11 are the following:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of all benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000 but not exceeding P40,000.

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