

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC-BRANCH 20, MANILA.

A.M. No. 00-1-48-RTC. October 12, 2000

Ponente: BUENA, J.

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BUENA, J.:

Before the Court is an administrative matter borne by the non-resolution of several civil cases within the 90-day reglementary period and failure to act upon several other cases for a considerable length of time, by Judge Virgilio D. Quijano[1] of the Regional Trial Court (RTC) of Manila, Branch 20.

A retrospection of events and proceedings is in order.

On 22 November 1999, a Judicial Audit Team of the Office of the Court Administrator (OCA), Supreme Court, conducted a physical inventory and audit of cases in RTC-Manila, Branch 20, then presided by Judge Virgilio Quijano. The Judicial Audit Report, dated 06 January 2000, submitted to Court Administrator Alfredo Benipayo, revealed that Judge Quijano failed to resolve within the 90-day reglementary period a total of eight (8) civil cases, to wit:

"a) Civil Case No. 95-73415 entitled 'Praxedes F. Pasicolan and Carlos P. Garcia vs. Angelina de Chavez' for Unlawful Detainer (Appealed). Case was submitted for decision on January 7, 1997;

"b) Civil Case No. 94-70306 entitled 'BPI Savings Bank vs. Changes Garments Mfg., Inc. et. al.' For Replevin and Damages. Submitted for resolution on August 21, 1998;

"c) Civil Case No. 89-51404 entitled 'Flora Garcia vs. Land Bank of the Philippines' for Declaration of Nullity of OCT's. Motion to investigate title was submitted for resolution on September 25, 1998;

"d) Civil Case No. 93-68481 entitled 'Jose Gotanco vs. Solomon Sia, et al.' For Damages. Case was submitted for Resolution on May 17, 1999;

"e) Civil Case No. 93-66416 entitled 'Asian Traders Insurance Corp. vs. Herminigildo Tiongson' for Damages. Submitted for decision on May 20, 1999;

"f) Civil Case No. 98-89167 entitled 'Filipino Financial Corporation vs. Sps. Cecilio Ramos, et. al.' For Delivery of Personal Property with Prayer for Issuance of Writ of Replevin. Motion to declare defendant in default was submitted for resolution on June 9, 1999.

"g) Civil Case No. 98-90244 entitled 'A.C. Corporation vs. Benguet Corporation' for Sum of Money. Submitted for resolution on July 28, 1999;

"h) Civil Case No. 98-87354 entitled 'BPI vs. Raquel A. Rodriguez, et. al.' For Replevin and Damages. Formal Offer of Exhibits submitted for resolution on August 10, 1999."

Similarly, the Judicial Audit Report showed that respondent judge failed to act upon eight (8) other civil cases[2] pending before RTC-Manila, Branch 20, for a considerable length of time.

In a Resolution dated 08 March 2000, the Supreme Court, Second Division, required respondent judge to explain within ten (10) days from notice his failure to decide or resolve within the prescribed period the abovementioned civil cases and his failure to act upon for a considerable length of time other cases pending before RTC-Manila Branch 20. In the same Resolution, the Court likewise ordered the Fiscal Management Office, OCA to retain from the retirement benefits of Judge Quijano the sum of Twenty Thousand Pesos (P20,000.00), to answer for any administrative liability that may be imposed upon respondent judge.

On 05 May 2000, respondent judge submitted to the OCA, a two-page Explanation averring therein that " if indeed there were delays in the resolution/decision of cases as alleged, the delay were (sic) not committed intentionally but merely thru inadvertence and/or oversight."

In a Memorandum dated 21 August 2000, the OCA recommended, among others, that a fine of Twenty Thousand Pesos (P20,000.00) be imposed on respondent judge, on the ground of undue failure to decide and/or act upon the subject cases within the reglementary period provided by law.

Except for the amount of fine, the recommendation of the OCA is well-taken.

The Constitution,[3] no less, mandates that all cases or matters filed before all lower courts shall be decided or resolved within three months from date of submission thereof. In the same vein, Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the periods fixed by law, that is three (3) months from the filing of the last pleading, brief or memorandum.[4]

In the instant case, we find unsatisfactory the Explanation of respondent judge as to his undue delay in the disposition and resolution of the subject cases within the reglementary period prescribed by law. Thus, with respect to Civil Case Nos. 95-73415, 94-70306, 93-68481, 93-66416, and 89-51404, respondent judge, in his Explanation, merely mentioned or specified the dates when said cases were supposedly promulgated without however apprising this Court of any valid explanation as to the delay in the disposition and resolution thereof.

Moreover, a verification of the records of the subject cases assigned to respondent judge revealed the following findings: Civil Case No. 95-73415, which was submitted for decision on 07 January 1997, was resolved on 21 September 1999; Civil Case No. 94-70306 submitted for decision on 21 August 1998 was resolved on 29 September 1999; Civil Case No. 89-51404 submitted for decision on 25 September 1998 was resolved on 17 November 1999; Civil Case No. 93-68481 submitted for decision on 17 May 1999 was resolved on 16 November 1999; Civil Case No. 93-66416 submitted for decision on 20 May 1999 was resolved on 16 November 1999.

Further, in Civil Case No. 98-87354 submitted for decision on 10 August 1999, respondent judge alleged that said case was decided on 19 October 1999, within the mandatory period provided by law. Notably however, Judge Quijano neither submitted nor attached a copy of the Decision to his Explanation so as to support his bare allegation.

Likewise, as to Civil Case Nos. 97-86206, 97-81699, 99-93184, 98-88919, 98-90658, and 96-79701, respondent judge merely alleged and mentioned "the latest action of the court on said cases, again without explaining why these cases were unnecessarily pending without apparent action from the court."

Certainly, this Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, pursuant to Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15(1) and (2), Article VII of the Constitution. Judges are repeatedly reminded that failure to decide cases within the required period is not excusable and constitutes gross inefficiency which is a ground for administrative sanction against the defaulting judge.[5]

Under these circumstances, respondent judge clearly transgressed the applicable rules relating to the proper and speedy disposition and resolution of cases within the reglementary period provided by law. For the standing rule is that the ninety-day period for deciding cases should be observed by all judges, unless they have been granted additional time.[6] Stated differently, magistrates of the law are, in this jurisdiction, not without adequate remedy to balance the proper administration of justice with the strict demands and exigencies of judicial service. Thus, judges when burdened by heavy caseloads which prevent them from disposing their cases within the reglementary period may, with leave of this Court, ask for additional time,[7] especially when difficult questions of law are involved.

On the whole, judges ought to be mindful of the crucial role they play in keeping the flames of justice alive and forever burning. Cognizant of this sacred task, judges are duty-bound to vigilantly and conscientiously man the wheels of justice as it grinds through eternity. In a sense, judges are revered as modern-day sentinels, who, like their erudite forerunners, must never slumber, so to speak, in the hour of service to their countrymen.

For as lady justice never sleeps, so must the gallant men tasked to guard her domain.

WHEREFORE, in view of the foregoing, the Court finds Judge Virgilio D. Quijano, liable for undue delay in the rendition of judgment and resolution of cases within the reglementary period and for violating Rule 3.05, Canon 3 of the Code of Judicial Conduct.

ACCORDINGLY, this Court hereby imposes upon respondent judge a fine of P10,000.00 to be deducted from the amount of P20,000.00 already set aside from his retirement benefits, to answer for any liability for which he may be held accountable.

THEREUPON, the Financial Management Office, OCA is hereby directed to release with dispatch the remaining P10,000.00 to Judge Quijano.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] Now retired.

[2] Civil Case No. 97-86206; Civil Case No. 97-81699; Civil Case No. 99-93184; Civil Case No. 99-92516; Civil Case No. 98-90658; Civil Case No. 98-88919; Civil Case No. 96-79707; Civil Case No. 96-76770.

[3] Section 15, Article VIII of the Constitution.

[4] Cases Submitted for Decision Before Retired Judge Maximo A. Savellano, Jr., RTC-Branch 53, Manila, AM No. 99-7-250-RTC, promulgated on 05 April 2000, per Justice Arturo B. Buena, citing Re: Report of Justice Felipe B. Kalalo, 282 SCRA 61 [1997], and Abarquez vs. Rebosura, 285 SCRA 109 [1998].

[5] Report on the Judicial Audit Conducted in the Regional Trial Court , Branch 27 Of Lapu-Lapu City, Presided over by Judge Teodoro K. Siros, 289 SCRA 398 [1998].

[6] Sanchez vs. Vestil, 298 SCRA 1[1998].

[7] Cases Submitted for Decision Before Retired Judge Maximo A. Savellano, Jr. RTC-Branch 53, Manila, AM. No. 99-7-250-RTC, promulgated on 05 April 2000.

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