

REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF CASES IN THE METROPOLITAN TRIAL COURT OF MANILA, BRANCH 2.

A.M. No. 00-3-48-MeTC. August 12, 2003

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PER CURIAM:

This administrative matter is a consequence of the judicial audit and physical inventory conducted from January 17-21, 2000, by an audit team from the Office of the Court Administrator (OCA) in response to the delay in the submission of monthly reports of cases for the whole of 1999 and the semestral docket inventory ending June 1999 of the respondent, Judge Rolando B. de Guzman, Presiding Judge of the Metropolitan Trial Court of Manila, Branch 2.

Judge de Guzman failed to submit his court's monthly reports of cases from January to December 1999 and semestral docket inventory ending June 1999. Due to his repeated failure to submit said reports, the OCA, on February 5, 1999, issued a Memorandum directing Mrs. Antonina Soria, Officer-in-Charge, Financial Management Office, OCA, to withhold the salaries of the respondent and Branch Clerk of Court Rosario C. de Guzman.[1]

On January 14, 2000, the OCA organized an audit team to conduct a judicial audit and physical inventory of pending cases, including those submitted for decision or resolution and to look into the delay of the required reports.[2] The judicial audit team found that the court's case records were mismanaged and there was no effective records management procedure. Some civil cases were mixed with criminal cases. Disposed or decided cases were in the same bundle as pending cases. Pending cases were mingled with cases to be archived. Cases were clogging the docket due to the non-observance of proper archiving procedures, pursuant to Administrative Circular No. 7-92[3] dated October 12, 1992. At the time of the audit, the caseload of said court was 3,410 cases, 2,872 criminal cases and 538 civil cases.[4]

The audit team also reported that docket books were not properly maintained and updated. The docket book for criminal cases was not the prescribed book. Moreover, the record book contained only the number, title, nature, filing date of the case, and the date the case was terminated; other pertinent data in the proceedings of the cases were not recorded at all. Orders made in open court, when reduced to writing, remained unsigned by the respondent. Warrants of Arrest had been issued but no action had been taken thereon.[5]

The team summarized its findings[6] as follows:

CASE STATUS/STAGE OF

TOTAL

CRIMINAL

CIVIL

PROCEEDINGS

CASES

CASES

CASES

I. For promulgation

1

1

0

II. Submitted for decision

76

15

61

III. Submitted for resolution

95

38

57

IV. On trial/set for hearing

604

576

28

V. For pre-trial

19

10

9

VI. With matter for compliance

25

11

14

VII. For arraignment of accused

75

75

0

VIII. Ex-parte proceedings

1

0

1

IX. Unacted upon after lapse of

454

364

90

considerable length of time

X. For preliminary examination

2

2

0

XI. Held in abeyance

1

0

1

XII. Warrants/summons

1,864

1,644

220

XIII. Newly filed cases

7

0

7

XIV. Decided/dismissed cases

169

133

36

XV. Archived cases

3

3

0

XVI. With writ of execution

14

0

14

Total

3,410

2,872

538

Adopting the recommendation of the audit team, this Court issued on May 10, 2000 a Resolution[7] which read as follows:

Adm. Matter No. 00-3-48-MeTC (Re: Report on the Judicial Audit and Physical Inventories of Cases in the Metropolitan Trial Court, Branch 2, Manila). -Considering the memorandum dated 16 March 2000 of Court Administrator Alfredo L. Benipayo on the judicial audit and physical inventory of cases in the Metropolitan Trial Court of Manila, Branch 2, the Court RESOLVES to DIRECT:

[1] Judge Rolando B. de Guzman, Metropolitan Trial Court, Branch 2, Manila, to (a) INFORM this Court, through the Office of the Court Administrator, within five (5) days from notice hereof, whether or not the decision in Criminal Case No. 317151 was promulgated as scheduled; (b) EXPLAIN, within ten (10) days from notice hereof, why no administrative sanction should be imposed upon him for his failure to decide within the reglementary period the following cases, to wit: Criminal Case Nos. 293764, 307882, 308017 and 310903, Civil Cases Nos. 151789, 152259, 152348, 152814, 153298, 153504, 153865, 154244, 154576, 154673, 154679, 154681, 154685, 154687, 155354, 155481, 155503, 156453, 156528, 157311, 157508, 157516, 157637, 157725, 157788, 158263, 158350, 158566, 159510, 159589, 160357, 160655, 160855, 161058, 161176, 161225, 161576, 161952, 162211, 162765, 163524 and 163663 and Election Case No. 97-001270; for his failure to resolve within the mandatory period the pending incidents in the following cases, to wit: Criminal Cases Nos. 121616, 243206, 243207, 243208, 243209, 243210, 243211, 275232, 275233, 275234, 275235, 275236, 275237, 282515, 286637, 289582, 289583, 295717, 296635, 299717, 299284, 303252, 304426, 309181, 311067, 312113, 312459, 312460, 312461, and 312462 and Civil Cases Nos. 151912, 152019, 152866, 153588, 153593, 153600, 153858, 153861, 153957, 154124, 154349, 154439, 154594, 154803, 154934, 154965, 154966, 155320, 155445, 155637, 155862, 156023, 156122, 156264, 156272, 156558, 156916, 157411, 157570, 158075, 158101, 158677, 158936, 159000, 159413, 160161, 160546, 160706, 160719, 160998, 161086, 151506, 161734, 161978, 162014, 162099, 162329, 162587, 162971, 163548, 163615, 163881, 164142, and 165015; and for his failure to sign his orders of dismissals given in open court in the following cases, to wit: Criminal Cases Nos. 044629, 044706, 044707, 044708, 044795, 045238, 045286, 045460, 045471, 081753, 231629, 231630, 234248, 241001, 241002, 241003, 241004, 241005, 241006, 247578, 247579, 247580, 247581, 253698, 262533, 285201, 289714, 289715, 289716, 293511, 293512, 293513, 301227, 301257, 304545, 304889, 305308, 306766, 307338, 307775, 307904, 308650, 309430, 309637, 309750, 309751, 311419, 311969, 312149, 312150, 312151, 312152, 312976, 312977, 312978, 313328, 314205, 314206, 314207, 314208, 314209, 314210, 314211, 314212, 314213, 314419, 315686, 315985, 316006, 316461, 321978, 321980, 322044, 322045, 322046, 322048,

322049, 322060, 322061, 322062, 322063, 322064, 322065, 322066, 322067, 322068, 322069, 322070, 322071, 322072, 322073, 322074, 322075, 322076, 322077, 322078, 323101, 323223, 323265, 323330, 323573, 323597, 323621, 324039, 324066, 324209, 324538, 324631, 324932, 325297, 325421, 325650, 325900, 325924, 326343, 327041, 327756, 327858 and 329319 and Civil Cases Nos. 153873, 153884, 155240, 157741, 157893, 159353, 159537, 159810, 159886, 163160, 163250, 163500, 163904, 164120, 164296, 164339, 164417, 164522, 164544, 164626, 164809, 164921, 164941, 165339 and 165474; (c) DECIDE/RESOLVE and/or SIGN his orders of dismissals with dispatch in the above enumerated cases contained in directive No. 1(b) and thereafter SUBMIT a report to this Court, through the Office of the Court Administrator, compliance with this directive within ten (10) days from rendition of the decisions/resolutions; (d) DECIDE Criminal Cases Nos. 108900, 108901, 145700, 145701, 171368, 179606, 192101, 195708, 289294, 292778, Civil Cases Nos. 141634, 141788, 141899, 142471, 142547, 142948, 151459, 151609, 152368, 153244 and Election Case No. 96-0180 within thirty (30) days from notice and to SUBMIT a report to this Court, through the Office of the Court Administrator, compliance with this directive within ten (10) days from rendition of the decisions; (e) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice whether or not Civil Cases Nos. 160310, 163386 and 165392 were decided within the mandatory period and whether or not the pending incidents in Civil Cases Nos. 154124, 158936 and 165015 were resolved within the reglementary period; (f) TAKE APPROPRIATE ACTION on Criminal Cases Nos. 045495, 045548, 045556, 045573, 045594, 045605, 045624, 045664, 045679, 045687, 045703, 045736, 045745, 045755, 045758, 314962, 317775, 317776, 317777, 317778, 318356, 318357, 318358, 318525, 318967, 319679, 319680, 319887, 320274, 320441, 320442, 320443, 320531, 320575, 320731, 320733, 320745, 321181, 321182, 321411, 321483, 321557, 321625, 321626, 321627, 321628, 321650, 321711, 321726, 322260, 322592, 322593, 322594, 322595, 322596, 322597, 322598, 322599, 322600, 322601, 322602, 322603, 322604, 322605, 322606, 322607, 329360, 329361, 329362, 329363, 329364, 329365, 329366, 329367, 329368, 329369, 329370, 329371, 329396, 329419, 329656, 329713, 330068, 330085, 330086, 330145, 330221, 330222, 330223, 330224, 330225, 330226, 330227, 330228, 330229, 330230, 330231, 330232, 330233, 330234, 330235, 330236, 330237, 330238, 330239, 330240, 330241, 330242, 330243, 330244, 330245, 330246, 330247, 330248, 330249, 330250, 330251, 330252, 330253, 330254, 330255, 330214, 330338, 330539, 330540, 330541, 330542, 330543, 330544, 330603, 330694, 330913, 330960, 330961, 331070, 331130, 331131, 331132, 331183, 331184, 331307, 331330, 331383, 331430, 331431, 331526, 331527, 331528, 331627, 331628, 331675, 331780, 331788, 331993, 331994, 331995, 331996, 332179, 332273, 332328, 332394, 332414, 332496, 332516, 332551, 332615, 332635, 332642, 332699, 332719, 332742, 332753, 332754, 332777, 332797, 332839, 332856, 332859, 333050, 333051, 333084, 333085, 333086, 333190, 333226, 333253, 333317, 333318, 333319, 333320, 333409, 333441, 333523, 333542, 333561, 333562, 333563, 333582, 333583, 333584, 333585, 333586, 333587, 333588, 333589, 333590, 333621, 333644, 333656, 333693, 333757, 333794, 333795, 333802, 333832, 333853, 333932, 333952, 333978, 334009, 334085, 334112, 334131, 334151, 334152, 334216, 334239, 334262, 334327, 334390, 334410, 334477, 334518, 334568, 334587, 334684, 334699, 334740, 334741, 334742, 334743, 334744, 334745, 334746, 334747, 334748, 334749, 334750, 334751, 334752, 334753, 334785, 334800, 334801, 334864, 334907, 334934, 335071, 335094, 335109, 335172, 335182, 335183, 335184, 335185, 335186, 335187, 335188, 335189, 335190, 335191, 335192, 335193, 335194, 335195, 335196, 335197, 335198, 335199, 335256, 335263, 335269, 335270, 335312, 335313, 335366, 335367, 335368, 335369, 335370, 335414, 335415, 335439, 335487, 335539, 335563, 335592, 335616, 335621, 335641, 335659, 335660, 335661, 335662, 335717, 335771, 335772, 335773, 335774, 335775, 335942, 335943, 335944, 335945 and 335946 and Civil Cases Nos. 165440 and 165460 which were not acted upon since they were filed; on Criminal Cases Nos. 044946, 145700, 145701, 172312, 184869, 238168, 238169, 242810, 302038, 302039, 303367, 303368, 303369, 303370, 303371, 303372, 303373, 303374, 307578, 307781, 307782, 308301, 308302, 308303, 310486, 314558, 314559, 316928, 323438, 323439, 323440, 323441, 323442, 323443, 323444, 323445, 323446, 327689, 327690, 329160, 329565, 329566, 330005, 330006, 330007, 330008, 332798, 333288 and 333289 and Civil Cases Nos. 058395, 137265, 142353, 151390, 151662, 152830, 153262, 153591, 153598, 153599, 153857, 154200, 154377, 154446, 154647, 154750, 154934,

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[2] Branch Clerk of Court Rosario Concepcion A. de Guzman, Branch 2, Metropolitan Trial Court, Manila, to (a) DEVISE a systematic and orderly management of court records; (b) REGULARLY/RELIGIOUSLY UPDATE the entries of the docket books, using the prescribed docket books, with WARNING that a similar

infraction in the future will be dealt with more severely; (c) CAUSE the completion of the transcripts of stenographic notes, within twenty (20) days from notice hereof, in Criminal Case Nos. 108900, 108901, 145700, 145701, 171368, 179606, 192101, 195708, 282931, 282974, and 292778; Civil Case Nos. 141634, 141788, 141899, 142471, 142547, 142948, 151418, 151459, 151609, 151892, 152368, 152390, 152966 and 153244 and Election Case No. 96-0180 and submit the records of said cases together with the complete transcripts of stenographic notes to Judge de Guzman for the preparation of the decision and SUBMIT to this Court, through the Office of the Court Administrator, a report of compliance with this directive within ten (10) days thereafter; and (d) SUBMIT, within ten (10) days from notice hereof, the Semestral docket Inventory of Cases with the List of Cases Submitted for Decision but not yet Decided at the End of the Month appearing on page two thereof duly accomplished from January 1999 to present;

[3] the Financial Management and Budget office, Office of the Court Administrator to CONTINUE WITHHOLDING the salaries and emoluments of Judge Rolando A. de Guzman and Branch Clerk of Court Rosario Concepcion A. de Guzman, Metropolitan Trial Court, Branch 2, Manila, for non-compliance with the submission of their Monthly Reports of Cases and Semestral Docket Inventory of Cases until a certificate is released by the Statistical Records Division, Court Management Office that they have complied with the above requirements; and

[4] the Property Division, Office of the Court Administrator, to FURNISH the Metropolitan Trial Court, Branch 2, Manila, with copies of the criminal docket book for their use.

In compliance with this Court's Resolution, the respondent filed his Manifestation-Explanation dated October 3, 2000[8] and October 27, 2000.[9]

On September 3, 2001, this Court found the explanations of the respondent unsatisfactory and resolved to-

(a) REITERATE the directives of the Court in its resolution dated 10 May 2000; and

(b) DIRECT: 1) Judge de Guzman to: [a] CEASE and DESIST from hearing cases in the MeTC, Branch 2, Manila, and DEVOTE all his time in deciding/resolving all the cases submitted to him for decision/resolution; and [b] DECIDE/RESOLVE all the cases submitted to him for decision/resolution within a period of one hundred twenty (120) days from receipt, and submit a monthly report of performance every end of the month until all the cases submitted to him for decision/resolution are finally disposed of within the prescribed period, with WARNING that his failure to do so shall be dealt with severely; and 2) Judge de Guzman and Branch Clerk of Court Rosario C. de Guzman to SUBMIT all pending monthly reports of cases (from January 2000 to the present) and semestral docket inventory of cases (from January 1999 to the present) to the Office of the Court Administrator within a period of fifteen (15) days from notice hereof, with WARNING that their failure to comply with this directive shall be dealt with severely; and

c) DESIGNATE Judge Juan D. Bermejo, Jr., MeTC, Branch 3, Manila, as assisting judge of Branch 2, same court, to try and hear cases thereat, until Judge de Guzman has decided/resolved all cases submitted to him for decision/resolution.[10]

On September 21, 2001, the respondent moved to reconsider the said Resolution and prayed that the order to withhold his salaries and other emoluments be lifted and his salaries be released[11] because per certification of the Statistical Reports Division, he had already submitted the required Semestral Docket Inventory of Cases for the periods ending June 1999, December 1999, June 2000, December 2000, and June 2001 on October 23, 2001. The certification also stated that he had already submitted the twelve (12) monthly report of cases for the year 2000 and the monthly report of cases for January to August 2001 on October 11, 2001 and October 15, 2001, respectively. He was, thus, up-to-date on his monthly reports and semestral docket inventories.

On April 17, 2002,[12] this Court adopted the recommendation[13] of the Court Administrator and resolved to

treat this matter as an administrative complaint. In the same Resolution, the respondent was also directed to (1) show cause why he should not be administratively penalized for his repeated failure to decide all the cases submitted to him for decision/resolution enumerated in the Resolution of May 10, 2000 and for his failure to comply with the directives contained in item 1(b) of the Resolution of September 3, 2001; and (2) to comply with said directives. The Financial Management Division, OCA, was ordered to continue withholding the salaries due the respondent until further orders, but to immediately release the salaries due Branch Clerk of Court Rosario C. de Guzman which had been withheld pursuant to the Resolution of May 10, 2000. Branch Clerk of Court de Guzman was ordered to submit the required report of cases for November and December 2001 and January 2002 within ten (10) days from notice, otherwise, her salaries would be withheld again.

On June 17, 2002, the respondent submitted his Comment with Motion for Reconsideration.[14] He alleged, inter alia, that (a) he had already complied with the directives of this Court; (b) he had decided the cases submitted to him for decision/resolution as enumerated in the Resolution of May 10, 2000; and that (c) the volume of work had tripled when he was the pairing/acting judge in another sala and when his branch was undermanned. He admitted that he was not able to cope with the requirements of his duties and responsibilities and that he failed to exercise the diligence, effort, and industry required of him by his position and by law. He also expressed regret for his delay in the submission of the required reports and the disposition or resolution of cases. For his shortcomings, the respondent apologized and begged this Court's indulgence.

To determine the veracity of the respondent's allegations particularly in resolving and deciding the cases and motions that were found submitted for his decision/resolution during the previous audit, the OCA organized another judicial audit team on July 25, 2002 to conduct another judicial audit and physical inventory of cases in Branch 2 of the MeTC of Manila. Included in the team's instructions was to determine if there were additional cases and motions submitted before the respondent.[15]

This second audit team found that 13 of the 76 cases found to be submitted for decision in the first audit remained undecided and an additional 90 cases remain undecided beyond the 3-month reglementary period.[16] Of the 144 cases dismissed in open court but the decisions for which remained unsigned at the time of the first audit, 105 remained unsigned. The audit team also noted 37 more cases with unsigned decisions or with draft orders/decisions.[17] Only 44 of the 92 cases with pending incidents noted in the first audit were acted upon. The second audit team found 361 additional cases with unresolved incidents or motions.[18] Of the 317 cases that had not been acted upon since their filing, 91 remained unacted upon. Worse, the second audit team discovered 400 new cases, which the respondent had failed to act upon from the time they were filed, the oldest having been filed as early as March 17, 1997.[19] The respondent also failed to take any action on 78 of the 140 dormant cases despite the lapse of a considerable length of time. The second audit team also reported an additional 207 new cases which have likewise remained dormant even after the lapse of a considerable length of time.[20]

In addition to the above, the second audit team reported that of the 1,645 cases which were ready for archiving pursuant to Administrative Circular No. 7-92 dated October 12, 1992, only 461 were actually archived. Eighty-five (85) of these archived cases had unsigned warrants of arrest while 101 had unsigned orders of arrest attached to the records. In his monthly report of cases for June and July 2002, the respondent reported an additional 303 archived cases. The team, however, found that the orders to archive these cases remained unsigned.[21] Finally, the audit team reported an additional 1,590 cases which may already be archived.[22]

On February 14, 2003, the OCA, through Deputy Court Administrator Christopher O. Lock, recommended the dismissal of the respondent from the service for gross neglect of duty, inefficiency in the performance of official duty, and indifference to his responsibility concerning speedy disposition of cases.[23]

This Court agrees with the recommendation of the OCA.

The failure of the respondent to decide and resolve cases submitted to him for decision and resolution is an outright disregard of the rule which directs judges to dispose of the court's business promptly and decide cases with dispatch.[24] It is equally a demonstration of his utter lack of dedication to duty. The respondent should be reminded that his assumption of judicial office casts upon him duties and restrictions peculiar to his position. The courts exist to promote justice and to attain this, a judge should organize his court with a view to prompt and convenient dispatch of business; be punctual in the performance of his duties; exhibit an industry and application commensurate with the duties imposed upon him; and be prompt in disposing all matters submitted to him especially those cases which the law requires to be expeditiously heard and decided. Regrettably, the respondent lacked these qualities as well as the sensitivity required of a judge.

The requirement of the law that cases be decided within a specified period from their submission is designed to prevent delay in the administration of justice. It cannot be gainsaid that justice delayed is justice denied, and delay in the disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standard and brings it into disrepute.[25] Indeed, procrastination among members of the judiciary in rendering decisions and acting upon cases before them causes great injustice to the parties and invites suspicion of ulterior motives on the part of the judge.[26]

It is worthy to note that the respondent has been given 120 days to decide and resolve the cases subject of the first audit. During that period, he was directed to desist from hearing cases. Despite the ample time given, the respondent failed to decide, resolve and act on aforesaid cases. He likewise failed to submit on time the required monthly reports on his performance to determine his compliance with our directive.

It needs stressing that some of the audited cases remained undecided or unresolved have been pending as early as 1993, 1994 and 1995. The long inaction of the respondent in deciding and resolving said cases is a typical example, to say the least, of his dereliction of duty.

The respondent maintains that he was unable to perform his duties because his caseload tripled when he was designated as the Pairing/Assisting Judge in Branch 3 during the time when half of the salas in the Metropolitan Trial Court were vacant and when his court was undermanned.

Again, we find that the above explanation is far from acceptable. The respondent cannot hide under the much-abused excuse of heavy caseload to justify his failure to decide and resolve cases promptly. 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 90-day requirement.[27] This Court notes that the respondent never asked for such extension of time.

Moreover, the respondent could have lessened his caseload had he been prompt in archiving the cases properly. The 1,645 cases subject of the first audit which were ready for archiving could have eased his workload had these been properly and promptly archived.

Similarly, the respondent's alleged lack of personnel does not justify his failure to decide and resolve the cases submitted to him. As stated in the Memorandum[28] dated July 20, 2001 of the OCA, other Metropolitan Trial Courts of Manila who were similarly situated have manageable caseloads. Thus:

Branch

JUDGE

Total

Month

Caseload

- 1 Ma. Ruby B. Camarista 968 Dec. 2000
- 2 Rolando B. de Guzman 3344 Dec. 1999
- 3 Juan O. Bermejo, Jr. 818 Feb.2001
- 4 Severino B. de Castro, Jr. (APJ) 313 Oct. 2000
- 5 Alejandro G. Bijasa 1036 Feb.2001
- 6 Ma. Ruby B. Camarista (APJ) 701 Dec. 2000
- 7 Lucia P. Purugganan (APJ) 754 Dec. 2000
- 8 Caroline R. Colasito 752 Dec. 2000
- 9 Amelia A. Fabros 1477 Jan. 2001
- 10 Myra Garcia-Fernandez 829 Jan. 2001
- 11 K. Casiano P. Anunciacion, Jr. 1318 Nov. 2000
- 12 Amelia A. Fabros (Pairing) 182 Nov. 2000
- 13 Eduardo B. Peralta, Jr. 957 Feb. 2001
- 14 Ma. Xytuz R. Turiano 987 Jan. 2001
- 15 Ma. Xytuz R. Turiano (APJ) 942 Feb. 2001
- 16 Severino B. de Castro, Jr. (APJ) 907 Dec. 2000
- 17 William S.P. Peralta 1492 Jan. 2001
- 18 William S.P. Peralta (Pairing) 62 Feb. 2001
- 19 Hipolito J. Dela Vega (APJ) 486 Dec. 2000
- 20 Lucia P. Purugganan 1685 Dec. 2000
- 21 Severino B. de Castro, Jr. (EJ) 230 Feb. 2001
- 22 Hipolito J. De Vega 1335 Dec. 2000
- 23 Tingaran U. Guiling 1221 Nov. 2000
- 24 Aida R. Roque 1226 Nov. 2000
- 25 Severino B. de Castro, Jr. 262 Feb. 2001
- 26 Dionisio C. Jimenez 371 Jan. 2001
- 27 Marie Christine A. Jacob 1438 Feb. 2001
- 28 Marlene G. Sison 1382 Feb. 2001

29 Nina G. Antonio-Valenzuela (Pairing) 767 Jan. 2001

30 Nina G. Antonio-Valenzuela 608 Nov. 2000

Taking into account the foregoing circumstances, the long delay of the respondent in deciding, resolving and acting on cases pending before his court is a violation of the provision of Canon 3, Rule 3.05 of the Code of Judicial Conduct. It enjoins judges to dispose of the courts' business promptly and decide cases within the required periods. Violations thereof are tantamount to gross neglect of judicial duty, negligence in the performance of official functions, and indifference in the responsibilities concerning speedy disposition of cases. As recommended by the OCA, the penalty of dismissal of respondent is in order.[29]

WHEREFORE, respondent Judge Rolando B. de Guzman, Presiding Judge, Metropolitan Trial Court of Manila, Branch 2, is found **LIABLE** for gross neglect of judicial duty, inefficiency in the performance of official functions, and indifference to his responsibility concerning speedy disposition of cases. He is ordered **DISMISSED** from the service, with forfeiture of all benefits except accrued leave credits, if any, and with prejudice to re-employment in any government branch or instrumentality, including government-owned or controlled corporations. This order is effective immediately.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, and Tinga, JJ., concur.
Callejo, Sr., J., on leave.

[1] Rollo, p. 177.

[2] Ibid.

[3] Guidelines in the Archiving of Cases.

[4] Supra, note 1 at 1-2.

[5] Id.at 2.

[6] Ibid.

[7] Id. at 43-49.

[8] Rollo, pp. 58-59.

[9] Id. at 68-69.

[10] Id. at 78-79.

[11] Id. at 80-83.

[12] Id. at 114-115.

[13] Id. at 111-113.

[14] Id. at 155-157.

[15] Id. at 180.

[16] Id. at 182-185.

[17] Id. at 185-186.

[18] Id. at 186-198.

[19] Id. at 198-205.

[20] Id. at 205-213.

[21] Id. at 213-223.

[22] Id. at 223-226.

[23] Id. at 230.

[24] Rule 3.05 of Canon 3 of the Code of Judicial Conduct.

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

[25] Re: Problem of Delays in cases before the Sandiganbayan, A.M. No. 00-8-05-SC, 31 January 2002, p. 11.

[26] Re: Judicial Audit Report Conducted in the RTC, Br. 17, Kidapawan City, A.M. No. 02-8-471-RTC, 14 March 2003, p. 8.

[27] Concillo v. Judge Gil, A.M. No. RTJ-02-1722 (OCA-IPI No. 01-1282-RTJ), 24 September 2002, pp. 4-5; Office of the Court Administrator v. Judge Quizon, A.M. No. RTJ-01-1636, 13 February 2002, p. 12; Report on the Judicial Audit Conducted in RTC-Brs. 61 63, Quezon; MTC-Calauag, Quezon Tagkawayan, Quezon, A.M. No. 98-8-262-RTC, 21 March 2000, 328 SCRA 543, 580.

[28] Rollo, pp. 72-77.

[29] Rule 140, Rules of Court. Charges against Judges.

SEC. 3. Serious Charges.-Serious charges include:

- Bribery, direct or indirect;
- Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019);
- Violations of the Code of Judicial Conduct;
- Knowingly rendering an unjust judgment or order;
- Conviction of a crime involving moral turpitude;
- Willful failure to pay a just debt;
- Borrowing money or property from lawyers and litigants in a case pending before the court;
- Immorality;
- Gross ignorance of the law or procedure;
- Partisan political activities;
- Drunkenness in the courtroom;
- Bias and partiality; and
- Violations of human rights.

XXX

SEC. 10. Sanctions-A. If the respondent is found culpable of a serious charge, any of the following sanctions may be imposed:

- Dismissal from the service with forfeiture of benefits (except accrued leaves) and disqualification from reinstatement or appointment to any public office including a government-owned or controlled corporation;
- Suspension for three (3) to six (6) months without salary and benefits; or
- A fine of not less than P20,000.00 but not more than P40,000.00.

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