

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE TOMAS B. NOYNAY, REGIONAL TRIAL COURT, BRANCH 23,
ALLEN, NORTHERN SAMAR, RESPONDENT.**

A.M. No. RTJ-02-1704 (formerly A.M. No. 01-10-569-RTC). March 18, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Delay in the rendition of judgments diminishes the people's faith in our judicial system. If, for some valid reasons, judges cannot comply with the deadlines prescribed by law, they should apply for extensions of time to avoid administrative sanctions.

The Case and the Facts

This administrative case stems from a Certification[1] dated July 13, 2001, written by Judge Salvador L. Infante of the Regional Trial Court (RTC), Branch 23, Allen, Northern Samar. He reported therein that at least 56 criminal and civil cases[2] had been left undecided by Judge Tomas B. Noynay, the former acting presiding judge of the same RTC. Of the 56 cases, 22 remain in the possession of the latter, while 34 are in the custody of the RTC clerk of court.

Prior to his optional retirement on December 21, 2000 -- approved by this Court's First Division in its Resolution dated July 25, 2001[3] -- Judge Noynay served as the regular presiding judge of the RTC of Laoang, Northern Samar, Branch 21; and as acting presiding judge of the RTC of Allen, Northern Samar, Branch 23.

When Judge Infante assumed his duties and functions as the regular judge of the RTC of Allen, Northern Samar, Branch 23, on February 1, 2000, he made an inventory of the cases he inherited from Judge Noynay. On April 13, 2001, he issued the aforesaid Certification.

In a letter dated September 17, 2001,[4] Judge Noynay submitted a Certification,[5] this time issued by Atty. Emerenciana O. Manook, clerk of court of the RTC of Allen, Northern Samar, Branch 23. The Certification stated that respondent judge had already turned over to Atty. Manook all the records of the criminal and the civil cases in the former's possession, except those of Criminal Case No. A-1264, which had been misplaced. However, photocopies of the complete records of that case, which was on file with the Office of the Public Prosecutor, is now in the possession of the clerk of court.

In a Report[6] dated October 9, 2001, the Office of the Court Administrator (OCA) directed Judge Noynay to explain, among others, why a portion of his retirement benefits should not be forfeited as a result of his failure to decide the 56 cases.

In his Explanation[7] dated December 3, 2001, respondent gave several reasons why he had failed to decide the cases during his stint as acting presiding judge. We reproduce his Explanation as follows:

“(1) That the undersigned Acting Presiding Judge of RTC, Branch 23, Allen, N. Samar had inherited more or

less twenty (20) cases from then retired Judge Clemente C. Rosales[,] the regular Presiding Judge of RTC, Branch 23, Allen, N. Samar;

“(2) That the district of RTC, Branch 23, Allen N. Samar covers seven (7) municipalities with only one (1) RTC, Branch 23 as compared to the district of Catarman RTC which covers eight (8) municipalities with two (2) RTC Courts and the district of Laoang RTC, all of Northern Samar which covers nine (9) municipalities with also two (2) RTC Courts. x x x;

“(3) Pressure of work – considering the heavy turn out or load of cases x x x;

“(4) [I]ntermittent electrical brownouts;

“(5) [H]ealth and/or physical indisposition due to age and the undersigned operation of both eyes at the Chong Hua Hospital, Cebu City, with doctor’s advice not to overburden them (eyes) x x x;

“(6) Sometimes when reading/studying, undersigned suffers mental blackout.”[8]

Findings and Recommendations of the OCA

In its April 17, 2002 Memorandum to the chairman[9] of the Third Division of this Court, the OCA belittled respondent’s explanation for his failure to resolve the 56 cases. It explained: “When health condition, heavy workload, or other factors hinder [judges], it is incumbent upon them to request the Court through this Office x x x additional time to decide the cases which they could not reasonably act upon and decide.”[10] Without any justifiable reason, respondent failed to do so.

In addition, the OCA found that this was the second time he had been asked to explain his delay in rendering decisions. As to the lost records of Criminal Case No. A-1264, his negligence may be tempered. After all, he was able to secure a copy of those records and to immediately turn them over to the clerk of court, resulting in no actual prejudice reported.

Since respondent had already retired from the service, the OCA recommended leniency in the penalty to be imposed: a fine in the amount of P25,000, which would be taken from the P100,000 ordered withheld from his retirement benefits in this Court’s Resolution dated October 24, 2001.[11]

This Court’s Ruling

The Court agrees with the findings and the recommendations of the OCA, but modifies the penalty to conform with the Rules on the matter.

Respondent’s Administrative Liability

The Code of Judicial Conduct[12] mandates judges to dispose of the court’s business promptly within the periods prescribed by the law and the rules. Under the Constitution, lower court judges are directed to decide a case within ninety (90) days from its submission.[13]

Time and time again, we have emphasized strict observance of this duty because of our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts.[14] Failure to comply with this mandate constitutes gross inefficiency[15] and warrants administrative sanction on the defaulting judge.[16]

In the present case, respondent judge reneged on this duty. He has not only failed to live up to the demands of his profession, but has caused the erosion of the people’s faith and confidence in the judiciary.[17]

This Court grants, in meritorious cases, a reasonable extension of time to dispose of cases when, for valid reasons,

these cannot be resolved within the reglementary period. Respondent should have known that if his health, his caseload or other factors hindered him from disposing of cases with dispatch, all he needed to do was to request an extension of time to dispose of them.[18] However, he made no such request.

Undue delay in rendering a decision constitutes a less serious charge under Section 9 of Rule 140 of the Rules of Court. If found guilty thereof, the judge shall be suspended from office without salary and other benefits for not less than one (1) month or more than three (3) months; or imposed a fine of more than P10,000, but not exceeding P20,000.

We find the fine of P20,000 sufficient penalty for the gross inefficiency of respondent, considering that this is his second infraction of the same nature -- undue delay in rendering a decision -- and that he has already retired from the service.

We reiterate that judges should always be mindful of their duty to render justice within the period prescribed by law. Unreasonable delay in the disposition of a judicial matter undermines the people's faith and confidence in the judiciary.[19] Judges who are unable to live up to this exacting duty should be disciplined, if not weeded out of the judiciary. We will not sacrifice the integrity of the entire judicial system by holding on to these inefficient officials.

WHEREFORE, Judge Tomas B. Noynay is found guilty for the second time of undue delay in rendering decisions. He is ORDERED to pay a FINE of P20,000, which shall be deducted from the P100,000 withheld from his retirement benefits.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo, pp. 18-21.

[2] The following are the reported undecided cases: A-1162, A-1267, A-1259, A-1264, A-1299, A-1303, A-1319, A-1326, A-1348, A-1394, A-1425, A- 1435, A-1539, A-607, A-615, A-660, A-692, A-760, A-796, A-811, A-63, A-78, A-895, A-935, A-1028, A-1056, A-1057, A-1094, A-1098, A-1150, A-1151, A-1211, A-1235, A-1238, A-1311, A-1337, A-1345, A-1375, A-1384, A-1366, A-1389, A-1398, A-1412, A-1439, A-1442, A-1443, A-1446, A-1447, A-1448, A-1449, A-495, A-675, A-714, A-502, A-Spl. Proc. No. 98, and Spl. Proc. No. A-70.

[3] Rollo, p. 45.

[4] Id., p. 9.

[5] Dated September 14, 2001; rollo, p. 11.

[6] Signed by Deputy Court Administrator Zenaida N. Elepaño and approved by Court Administrator Presbitero J. Velasco Jr.; rollo, pp. 1-8.

[7] Rollo, pp. 34-36.

[8] Id., pp. 34-35.

[9] Justice Jose A.R. Melo; id., pp. 41-44.

[10] OCA's Memorandum, p. 3; rollo, p. 43.

[11] Id., pp. 4 & 44.

[12] Canon 3, Rule 3.05, Code of Judicial Conduct.

[13] Section 15, Article VIII, Constitution.

[14] Guintu v. Lucero, 261 SCRA 1, August 23, 1996.

[15] Re: Report on the Judicial Audit Conducted in the RTC, Branch 68, Camiling, Tarlac, 305 SCRA 61, March 19, 1999; Lambino v. de Vera, 275 SCRA 60, July 7, 1997.

[16] Bonifacio Law Office v. Bellosillo, AM No. MTJ-00-1308; Reaport v. Mariano, 361 SCRA 1, July 11, 2001; Report on the Judicial Audit conducted in RTC, Brs. 29, 56 & 57, Libmanan, Camarines Sur, 316 SCRA 272, October 7, 1999.

[17] Bontuyan v. Villarin, AM No. RTJ-02-1718, August 26, 2002; Re: Report of the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City, 292 SCRA 8, July 8, 1998; Re: Judge Danilo M. Tenefire, 255 SCRA 184, March 20, 1996.

[18] Lambino v. de Vera, *supra*.

[19] Spouses Reaport v. Mariano, 361 SCRA 1, July 11, 2001; Abarquez v. Rebosura, 285 SCRA 109, January 28, 1998.

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