OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE CARLITO A. EISMA, REGIONAL TRIAL COURT, BRANCH 13, ZAMBOANGA CITY, RESPONDENT.

A.M. No. RTJ-02-1685 (Formerly A.M. No. 01-6-352-RTC). October 15, 2002

Ponente: VITUG, J.

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VITUG, J.:

On the basis of the "Monthly Report of Cases" submitted to it by Judge Carlito Eisma, Presiding Judge of the Regional Trial Court, Branch 13, of Zamboanga City, the Office of the Court Administrator (OCA) sent on 23 November 2000 a memorandum to Judge Eisma directing him, among other things, to explain why no administrative sanction should be imposed for his failure to timely decide the cases listed in his September 2000 Monthly Report of Cases. In reply, respondent judge wrote that it was never his intention to unduly delay his action on the cases but admitted that there was an unfortunate oversight on his part. He undertook to decide the cases in due time. Noting the explanation, the OCA reminded respondent judge of the reglementary periods for resolving cases and exhorted him to forthwith attend to the remaining cases.

The monthly report of cases for March 2001 submitted by respondent judge would show that there were twenty-six undecided cases (five criminal cases and twenty-one civil cases). The OCA observed that there were long pending civil cases, filed during the late 1980's to the year 2000, still in the pre-trial stage. In respondent judge's Docket Inventory of Cases for July to December 2000, it would appear that several criminal cases were filed in the later part of 1999 and during the early months of 2000 that would yet have to be set for arraignment.

Respondent judge attributed the delay to his heavy caseload and his various other assignments in Region 9 provinces for the period of from 1982 to 2000. In 1982, he was designated Acting Presiding Judge in the Court of First Instance of Basilan Province. In 1985, he was assigned to be Acting Presiding Judge of Branches 3 and 4 of the Regional Trial Court of Jolo and Parang, in the Province of Sulu, and in Branch 5 of Bongao, Tawi-Tawi, until the appointment of a regular presiding judge. The Court, in 1988, again gave him assignments in Jolo and Parang in view of the death of the regular presiding judge. In 1994, he was ordered to preside over Branch 5 of the Regional Trial Court of Bongao, Tawi-Tawi, until 1996. In 1997, he was directed by the Court to hear and try a double murder case since the two previously assigned judges inhibited themselves. In year 2000, his sala was named a special court to try drug-related cases where hearings were held daily.

On 8 April 2001, respondent judge was compulsorily retired. In its memorandum of 5 June 2001 to the Court, the OCA reported that of the twenty six cases left undecided by respondent judge at the time of his retirement, only one case, Criminal Case No. 3196 (13487), was still within the reglementary period. The Court, in its Resolution of 19 June 2001, resolved, thusly:

> "(a) NOTE the Memorandum dated 5 June 2001 of Acting Court Administrator Zenaida N. Elepaño;
>
> "(b) REQUIRE Judge Eisma to SUBMIT within ten (10) days from notice a certification, under oath, of: (b-1) the list of cases he had decided from September 2000 to 8 April 2001 with the corresponding dates when these

> cases were submitted for decision or actually decided and when decisions were promulgated and (b-2) the list of cases he had left undecided;
>
> "(c) DIRECT Judge Eisma and his Branch Clerk of Court to EXPLAIN within ten (10) days from notice why they did not include in the previous Monthly Reports of Cases most of the cases long been submitted for decision and instead added the same per batch in their October and November 2000 and January 2001 Monthly Reports of Cases; and
>
> "(d) DIRECT the FINANCIAL MANAGEMENT OFFICE, OFFICE OF THE COURT ADMINISTRATOR, to WITHHOLD the amount of Fifty Thousand Pesos (P50,000.00) from the retirement benefits of Judge Eisma pending the completion of the requirements herein above enumerated and the evaluation of his administrative liability regarding the cases he left undecided beyond the reglementary period."

In compliance with the above resolution, Judge Eisma and his branch clerk of court, Amador Tatel, submitted the list of cases (September 2000 to April 8, 2001) still left undecided. Relative to the unaccounted cases, respondent judge explained that it was only after an inventory that the cases were discovered to have been placed in the court's warehouse.

The Court, in its resolution of 11 September 2001, referred the matter to the Office of the Court Administrator for evaluation, report and recommendation. In its memorandum dated 22 October 2001, the OCA found respondent judge's explanation unsatisfactory; it stated:

> "x x x. It is the duty of a judge to take note of the cases submitted for his decision or resolution and to see to it that the same are decided within the 90-day period fixed by law, and failure to resolve a case within the required period constitute gross inefficiency. (Office of the Court Administrator vs. Benedicto, 296 SCRA 62, citing Re: Letter of Mr. Octavio Ralalo, 231 SCRA 403 [1994], citing Longbonn vs. Hon. Emilio L. Polig, 186 SCRA 557 [1990]). 'A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them properly.' (Re inventory of cases in the RTC, Branch 11, Balayan, Batangas, 234 SCRA 360 [1996]). Judge Eisma failed in this respect, hence the resultant delay in the resolution of several cases in his sala."

The Court resolved, on 27 November 2001, to direct respondent judge and OIC-Branch Clerk of Court Amador T. Tatel, RTC, Branch 13, Zamboanga City to-

> "(a) EXPLAIN within ten (10) days from notice hereof why:
>
> "(a-1) the following cases, to wit: Civil Cases Nos. 1101 (4270), 1166 (4513), 1187 (4540), 1121 (4359) [basis: September 2000 Monthly Report of Cases]; Civil Cases Nos. 1171 (4520), 1144 (230), 1183 (4477), 1146 (4445) [basis: October 2000 Monthly Report of Cases]; Civil Case No. 1137 (4413) [basis: November 2000 Monthly Report of Cases]; and Civil Case No. 1089 (4210) [basis: January 2001 Monthly Report of Cases]; were not included either in the list of cases decided from September 2000 to 8 April 2001 or in the list of cases left undecided by Judge Eisma upon his compulsory retirement; if aforesaid cases have already been decided prior to his retirement, ATTACH to their explanation copies of the decision/resolutions indicating therein the date of promulgation or date when entered in the book of judgment; and
>
> "(a-2) Criminal Case No. 3309 (13933) and Civil Case No. 1186 (4572) which were submitted for decision on 1 March 1995 and 2 October 1998, respectively, were not reported as submitted for decision in any of the Monthly Reports of Cases; and

"(b) RENDER a status report under oath, within ten (10) days from notice hereof, on the following cases, to wit:

> Title of the Case

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Date of Last Hearing

Lapse of Time from December 2000

Criminal Cases

PP v. Marivic Lian (5 counts) 02-19-92 8 yrs. & 10 mos.

Constancia Bundahon 03-27-95 5 yrs. & 9 mos.

Sarah Osea 06-20-90 10 yrs. & 6 mos.

Owen Osea and Sarah Osea 05-20-99 1 yr. & 7 mos.

Esclarito Emfistan, et al. 04-06-00 8 mos.

Rosita B. Suba, et al. 05-04-99 1 yr. & 7 mos.

Roderick P. Oliveros 09-15-99 1 yr. & 3 mos.

Enrico Deles 10-14-96 4 yrs. & 2 mos.

A. Gadayan 09-30-98 2 yrs. & 3 mos.

Tessie Walog (5 counts) 03-08-00 9 mos.

Ludivico Calasang 11-27-00 1 mo.

Maria Rubille Atilano y Galvez 05-11-00 7 mos.

Celso Fabian y Ingana 01-24-00 11 mos.

Ramil Siera y Aplasin 06-07-00 6 mos.

Wilfrido D. Climaco 06-15-00 6 mos.

Alnasir Ispilin y Pawaki, et al. 06-20-00 6 mos.

Civil Cases

Eulogio Geronimo vs. Lodwina Serrano, et al.

06-25-82 18 yrs. & 6 mos.

City of Zamboanga vs. Argacio Locson & Sons

03-18-94 6 yrs. & 9 mos.

Maria Luisa T. Santiago vs. A. Posequit, et al.

02-09-94 6 yrs. & 10 mos.

DBP vs. Sps. Estanislao Roxas and Julia Roxas

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Segunda Francisco, et al. vs. P. R. Francisco 07-11-86 14 yrs. & 5 mos.

RP vs. M. Ramillano, Sr., et al.

01-15-92 8 yrs. & 11 mos.

R.M. Mariwa vs. RTC Sheriff E. Cunting, et al.

09-01-89 11 yrs. & 3 mos.

Hadji Jundana Sahi vs. Sps. J.T. Angara, et al.

06-15-92 8 yrs. & 6 mos.

J. Abejas vs. Romeo Basinio, et al.

05-17-95 5 yrs. & 7 mos.

Lolito Limbaga, et al. vs. Sixto Infante

02-09-96 4 yrs. & 10 mos.

Jose Mariano, et al. vs. Efren Mariano, et al.

04-16-97 3 yrs. & 8 mos.

Sonia Alvarez vs. Ocson Kibtiani, et al.

07-02-93 7 yrs. & 5 mos.

Nul Tanjiji vs. SKT Shipping Corp.

03-10-94 6 yrs. & 9 mos.

Modesto Tan Uro, et al. vs. Francisco Tan, et al.

01-29-99 1 yr. & 11 mos.

Cesar Atilano vs. Sps. Roberto T. Tabar, et al.

11-21-95 5 yrs. & 1 mo.

Pedro Belarino, Sr., et al. vs. G. Canada, et al.

02-10-99 1 yr. & 10 mos.

Esperanza Midel Domingo, et al. vs. Heirs of Consuelo Domingo

04-07-97 3 yrs. & 8 mos.

Concepcion de Gadon, et al. vs. Corazon delos Santos, et al.

01-17-96 4 yrs. & 11 mos.

Bienvenido T. Gutierrez vs. Ofelia Olivar

02-07-97 3 yrs. & 10 mos.

Heirs of the Late Pilar Ignacio Infante vs. the Estate of the Late Sixto Infante

02-20-98 2 yrs. & 10 mos.

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Estefano Montuno, et al. vs. Sps. Leonardo & Zosimo Chiong

02-16-99 1 yr. & 10 mos.

Hrs. of Sps. Angel Antinio, et al. vs. Fidencio Antonio

09-05-97 3 yrs. & 3 mos.

King Jr. Security Agency & General Services vs. DiaStar Security & Gen. Services

05-03-00 7 mos.

Melania Salvador, et al. vs. PNB, et al.

04-07-00 8 mos.

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07-22-97 3 yrs. & 5 mos.

In their compliance, respondent judge and Amador T. Tatel submitted a status report on the aforementioned cases. The OCA, in its memorandum of 22 March 2002, made the following findings:

> "In sum, out of the one hundred thirty-six (136) cases included in the list of cases decided from September 2000 to April 8, 2001, only nine (9) cases were resolved within the reglementary period, the rest beyond the 90-day period.
>
> "After Judge Eisma's retirement he still left twenty-five (25) cases submitted for decision. These are Criminal Cases Nos. 3283 (13755), 1975 (7235), 1106 (4392), 1883 (6862) and 3196 (13487) and Civil Cases Nos. 107 (1249), 183 (1528), 340 (1842), 430 (2005), 560 (2298), 601 (2408), 830 (2973), 834 (2994), 859 (3069), 860 (3105), 873 (3173), 1013 (3826), 1041 (4010), 1069 (4099), 1077 (4153), 1168 (4514), 1192 (4589), 1193 (4601), 1195 (4623) & 1209 (430).
>
> "Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct explicitly provide:
>
> "Rule 1.02. – A judge should administer justice impartially and without delay.
>
> "Rule 3.05 – A judge shall dispose of the court's business promptly and without delay.
>
> "The Court in a long line of decision has reminded members of the bench that the unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate. (Ang vs. Judge Enrique Asis, A.M. No. RTJ-00-1590, January 15, 2002; Abarquez vs. Rebosura, 285 SCRA 109; Ng vs. Ulibari, 293 SCRA 342; Guinto vs. Lucero, 261 SCRA 1; Report on the Audit and inventory of Cases in RTC, Branch 11, Balayan, Batangas, 234 SCRA 502).
>
> "Failure to resolve cases submitted for decision within the period fixed by law constitutes gross inefficiency. Delay in the resolution of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it to disrepute. (Abarques vs. Rebosura, 285 SCRA 109 [1998]).
>
> "Indeed, Judge Eisma should be held liable for failure to resolve several cases submitted for decision on time and for leaving unresolved twenty-five more cases submitted for decision before he retires and for failure to act/set for hearing thirty-seven more cases for a considerable length of time."

The OCA recommended that respondent judge be fined the amount of Ten Thousand Pesos (P10,000.00), deductible from the fifty thousand pesos (P50,000.00) which was withheld from his retirement benefits under the Court's 19[th] June 2001 resolution. In recommending the administrative sanction, the OCA took into

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consideration the forty-three long years of service in the government of respondent judge; the fact that his average caseloads of 417 cases since 1983 was reduced by the end of March 2001 or shortly before his compulsory retirement to only 231; and that when he was designated Acting Presiding Judge of Sulu & Tawi-Tawi and directed to hear election cases in view of the inhibition of the regular presiding judges thereat, he accepted without hesitation the additional assignment despite the known danger of risking his life thereat.

The OCA's recommendation is well taken.

The Court is not unaware of the awesome burden heaped on the shoulders of every judge. Very often, a judge must cope with a heavy caseload along with still other tasks that attach to his position. The grave responsibility notwithstanding, a judge is not excused from being remiss in all that is incumbent upon him. From the moment he takes his oath, he becomes a beholder to the public and is expected to live up to the exacting standards of an exalted office.

The Court has constantly reminded judges of the need to decide cases with dispatch because any delay in the disposition of cases can easily undermine the people's faith and confidence in the judiciary. The Constitution itself mandates that courts must decide cases before them within reglementary periods. The Code of Judicial Conduct expresses that "a judge should administer justice impartially and without delay"[1] and shall dispose of the court's business promptly. Unavoidable circumstances, indeed, could compel judges to ask for extensions of time in resolving cases but, in these instances, the Court has been sympathetic and has almost always acted favorably on such requests.

Regrettably, respondent judge has been neglectful in the above respect. The OCA, nevertheless, is correct in not ignoring respondent judge's long years of service in the government, his repeated designation to handle other branches of the court, and his evident effort to reduce his caseload prior to his retirement.

WHEREFORE, the Court finds respondent Judge Carlito A. Eisma guilty of inefficiency and imposes on him a fine of TEN THOUSAND PESOS. The Financial Management Office, Office of the Court Administrator, is authorized to deduct this amount from his withheld retirement benefits. Unless there are other reasons to still withhold the Forty Thousand Pesos balance of the sum withheld from his retirement benefits, let such balance be released forthwith to respondent judge.

SO ORDERED.

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

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[1] Rule 1.02, Canon 1, Code of Judicial Conduct.

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