RE: JUDICIAL AUDIT REPORT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 17, KIDAPAWAN CITY JUDGE RODOLFO M. SERRANO, REGIONAL TRIAL COURT, BRANCH 17, KIDAPAWAN CITY, NORTH COTAB...

A.M. No. 02-8-471-RTC. March 14, 2003

Ponente: MENDOZA, J.

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MENDOZA, J.:

Near the date of his retirement on August 20, 2002, an audit and physical inventory of the cases in the Regional Trial Court, Branch 17, Kidapawan City, North Cotabato, of which Judge Rodolfo M. Serrano was presiding judge, was made. Based on the records of the RTC, Branch 17 of Kidapawan City, the audit showed that he had a total caseload of 453 cases, consisting of 310 criminal cases and 143 civil cases. The nature of the cases, their status, and their number are as follows:

CASE STATUS OF PROCEEDINGS

TOTAL NUMBER OF CASES CRIMINAL CASES CIVIL CASES

I. Submitted for decision 97 72 25

II. Submitted for resolution 21 10 11

III. On trial/set for hearing 182 121 61

IV. For ex-parte proceedings 3 -- 3

V. For pre-trial 49 35 14

VI. For arraignment of accused 49 49 --

VII. With matter for compliance 23 12 11

VIII. With no action taken since filing 3 0 3

IX. Held in abeyance 2 1 1

X. Warrants/Subpoenas/Summons 13 2 11

XI. For reinvestigation 6 6 --

XII. Decided/Dismissed/Terminated 4 2 2

XIII. For writ of execution 1 -- 1

Total 453 310 143

To the 97 cases submitted for decision, eight more were added, bringing the total number of cases submitted for decision to 105. The eight cases are as follows:

CASE NUMBER

DATE
SUBMITTED
FOR
DECISION

DUE
DATE OF
DECISION

REMARKS

CIVIL CASES:

1. 97-32 04-23-02 07-22-02 Within

2. 2002-08 05-21-02 08-19-02 Within

3. 2001-11 11-20-01 02-18-02 Beyond

4. 2001-17 01-10-02 04-10-02 Beyond

5. MISC 38-2001 07-09-02 10-07-02 Submitted before Judge Narisma; Within

6. MISC 29-2001 06-24-02 09-22-02 Submitted before Judge Narisma; Within

7. SP 24-2000 07-01-02 09-29-02 Submitted before Judge Narisma; Within

8. SP 40-2000 06-26-02 09-24-02 Submitted before Judge Narisma; Within

Still later, 12 additional cases with pending incidents were submitted for resolution:

CASE NUMBER

DATE
SUBMITTED
FOR
DECISION

DUE
DATE OF
DECISION

REMARKS

CRIMINAL CASES:

1. 171-01 02-18-02 05-19-02 Beyond

2. 131-97 03-21-01 06-19-01 Beyond

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3. 132-97 03-21-01 06-19-01 Beyond

4. 43-96 06-29-99 09-27-99 Beyond

CIVIL CASES:

5. 02-99 11-09-00 02-07-01 Beyond

6. 2001-10 05-17-02 08-15-02 Within

7. 611 02-10-02 05-11-02 Beyond

8. 2000-27 04-04-02 07-02-02 Beyond

9. 97-17 09-21-00 12-20-00 Beyond

10. 98-01 06-26-00 09-24-00 Beyond

11. 848 08-29-01 11-27-01 Beyond

12. SP 50-2000 06-28-02 09-26-02 Submitted before Judge Narisma; Within

The audit team found that the following cases had not been acted upon since they were filed: Criminal Case Nos. 220-01, 105-02, 106-02, 107-02, 108-02, 112-02, 122-02, and 124-02, Special Proceedings Case Nos. 22-02, 19-02, and 19-99, and Miscellaneous Case Nos. 03-2002, 06-2002, 14-2002, 17-2002, 18-2002, and 19-2002; and that in the meantime, Civil Case Nos. 98-17, 27-99, 2001-14, 2001-15, and SC 01-2001 may be ordered archived pursuant to the guidelines set forth in Administrative Circular No. 7-A-92, as amended, dated June 21, 1993.

Thus, in its initial audit and inventory of the cases in the RTC, Branch 17, the judicial audit team found that Judge Serrano had failed to decide 150 cases and to resolve pending incidents/motions in 25 cases. In its follow-up audit conducted on July 10, 2002, the team found that of the 150 cases submitted for decision, Judge Serrano was able to decide only 52 cases, thus leaving 98 undecided cases and pending incidents in about 14 cases. After his retirement on August 20, 2002, the number of undecided cases was reduced to 82, while the number of cases with pending incidents was reduced to 21. The details of the report were as follows:

150 cases

—

reported by the previous audit team as submitted for decision

less:

2 cases

—

found by the present team to be still on the trial stage

less:

52 cases

—

already decided

less:

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19 cases

—

decided after foolow-up audit

add:

1 case

—

found to be already submitted for decision not with motion submitted for resolution

add

4 cases

—

additional cases submitted for decision (2 cases still within the mandatory period as of audit date)

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82 cases

—

still to be decided

25 cases

—

reported by the previous audit team as with motion submitted for resolution

less:

1 case

—

found to be already submitted for decision not with motion submitted for resolution

less:

14 cases

—

already resolved

add:

11 cases

—

additional cases with motion submitted for resolution, all beyond the mandatory period

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21 cases —

with motion still to be resolved

Earlier, Judge Rogelio R. Narisma of the Regional Trial Court, Branch 23, Kidapawan City, was designated Assisting Judge in the RTC, Branch 17 of Kidapawan City to try and decide the pending and newly filed cases in that court. Judge Serrano was directed to stop trying cases in his court and instead concentrate on resolving all cases submitted to him for decision before his retirement on August 20, 2002.[1]

In view of the report, dated August 19, 2002, submitted by the judicial audit team, the Court directed Judge Serrano to explain why he failed to decide all cases and resolve all motions submitted to him for decision and/or resolution during the previous audit conducted. Meanwhile, the amount of P100,000.00 was withheld from his retirement benefits to answer for any administrative liability which may be imposed on him. Judge Narisma, Assisting Judge of Branch 17, was directed to: (a) inform this Court whether or not Civil Case No. 40-2000 [should be Special Proceedings Case No. 40-2000], Special Proceedings Case No. 24-2000, and Miscellaneous Case Nos. 29-2001 and 38-2001 had been decided and the pending incident in Special Proceedings Case No. 50-2000 resolved within the mandatory period; and (b) immediately take appropriate action on the cases which had not been acted upon since their filing[2] and on the other cases,[3] pursuant to Adm. Circ. No. 7-A-92, dated June 21, 1993, as amended.

Judge Serrano explained that his failure to decide and resolve the remaining cases was due to the fact that he developed cirrhosis of the liver in May 2001 and had been advised by his physician to rest for a month. In an earlier letter, dated August 29, 2001, he claimed that as his retirement was approaching, he had requested the OCA to exempt him from the regular raffle of cases and to relieve him from hearing heinous crime cases so that he could concentrate on cases submitted thus far for decision, but, although his request was granted, the grant was made only on June 5, 2002, just less than three (3) months before his retirement on August 20, 2002.

For his part, Judge Narisma submitted a report, dated October 18, 2002, informing the Court on the latest action taken or the status of the cases assigned to him.

The matters were referred to the Office of the Court Administrator which, on February 6, 2003, submitted a memorandum recommending the following:

- The letter-report dated 18 October 2002 of Acting Presiding Judge Rogelio R. Narisma, RTC, Branch 17, Kidapawan City, North Cotabato, be considered as a SUFFICIENT COMPLIANCE with the Court's resolution under par. (c) dated 11 September 2002 as far as the following cases are concerned: Civil Case No. 40-2000 [should be Special Proceedings Case No. 40-2000], Special Proceedings Case No. 24-2000, Miscellaneous Case Nos. 29-2001 and 38-2001, Special Proceedings Case No. 50-2000, Criminal Case Nos. 220-01, 105-02, 106-02, 107-02, 108-02, 122-02, and 124-02, Special Proceedings Case Nos. 22-02 and 19-02, Miscellaneous Case Nos. 03-2002, 06-2002, 14-2002, 17-2002 and 18-2002, Civil Case Nos. 98-17, 27-99, 2001-15 and SC-01-2001;

- Acting Presiding Judge Rogelio R. Narisma, RTC, Branch 17, Kidapawan City, North Cotabato, be DIRECTED to inform the Honorable Court thru the Office of the Court Administrator within ten (10) days from receipt of notice the latest action or status of the following cases, to wit: Special Proceedings Case No. 19-99, Miscellaneous Case No. 19-2002 and Civil Case No. 2001-14;

- Retired Judge Rodolfo M. Serrano, RTC, Branch 17, Kidapawan City, North Cotabato, be found administratively liable for delay and neglect of duty and be FINED in the amount of Five Thousand Pesos (P5,000.00), to be DEDUCTED from the withheld amount of One Hundred Thousand Pesos (P100,000.00) from his retirement benefits;

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> - The Financial Management Office, OCA, be DIRECTED to release the remaining balance of the retirement benefits of Retired Judge Rodolfo M. Serrano, same court, unless there exists another lawful cause for withholding them.

Except as to the four (4) cases[4] which Judge Narisma omitted from his report of October 18, 2002, the Court, in its resolution of February 26, 2003, adopted the recommendation of the OCA that the said report on the status of the cases[5] assigned to him be considered sufficient compliance with the resolution of September 11, 2002. Additionally, Judge Narisma was also directed to inform the Court, through the OCA, of the status of the aforementioned four (4) cases.

As to the recommendation of the OCA that Judge Serrano be found administratively liable for delay and neglect of duty and fined in the amount of Five Thousand Pesos (P5,000.00), the Court finds the same to be well taken.

Aware of the caseload of judges, this Court has viewed with understanding requests for extension made by judges. Hence, should a judge find himself unable to decide cases within the 90-day period for doing so, he can ask for an extension of time for deciding the same. Such requests are generally granted.[6] In the case at bar, Judge Serrano does not dispute the findings of the audit team that he failed to decide several criminal and civil cases submitted to him for decision or resolution. His excuse, that although his request to be relieved of the raffle of cases so that he could concentrate on cases submitted for decision was granted the grant came just less than three months before his retirement, is unsatisfactory. He could have asked for an extension of time to decide the cases and resolve matters pending before his sala, but he did not.

In Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr., we stated:[7]

> The Court finds deserving of due consideration, the explanation of respondent Judge for leaving ten (10) undecided cases before his retirement from the service. Serious illness may justify the inability of a judge to perform his official duties and functions. But then, the Court has to enforce what is required by law and to impose a reasonable punishment for a violation thereof. The members of the judiciary have the sworn duty to administer justice without undue delay. Failure to decide cases within the periods fixed by law constitutes a neglect of duty, which warrants the imposition of administrative sanctions. When he was hindered by a grave malignancy, it was incumbent upon the respondent Judge to request this Court, through the Office of the Court Administrator, for additional time to decide the cases which he could not seasonably act upon and decide. For failing to do so, respondent Judge has to suffer the consequences of his omission.

In Office of the Court Administrator v. Quizon, it was held:[8]

> While the Court is sympathetic to the plight of judges, it cannot be overemphasized that the public's faith and confidence in the judicial system is at stake in cases involving delays in the disposition of cases. No less than the Constitution mandates judges to decide cases with deliberate dispatch. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of the Court's business promptly and decide cases within the required periods. For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.

Admittedly, Judge Serrano's illness had adversely affected the performance of his duties. Nonetheless, his illness should not be an excuse for his failure to render the corresponding decisions or resolutions within the prescribed period as he could have sought an extension to do so. He cannot therefore seek exoneration for his failure to decide cases.

The OCA recommends a fine of P5,000.00 in this case. In Office of the Court Administrator v. Quizon,[9] the Court considered as attenuating circumstances the fact that the judge was seriously ill (end stage renal disease

secondary to nephrosclerosis) and that his caseload was heavy and reduced the fine recommended by the OCA from P20,000.00 to P5,000.00. In Re: Report on the Judicial Audit Conducted in the RTC-Br. 220, Quezon City,[10] the OCA recommended that the judge be fined P10,000.00 for his failure to take appropriate actions to reduce the backlog of the cases assigned to him before his retirement. The Court, however, considered as mitigating circumstances the failing health of the judge, who had undergone surgical operations for cancer of the colon and the urinary bladder and later chemotherapy and linear accelerator therapy, and the personal tragedies (three members of his family died) that befell him. The fine was reduced to P5,000.00. In Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.,[11] serious illness (acute prostate ailment) justified the inability of respondent judge to decide before his retirement seven criminal cases and three civil cases within the 90-day reglementary period. The recommended fine of P5,000.00 by the OCA was reduced to P2,000.00 by the Court.

WHEREFORE, respondent Judge Rodolfo M. Serrano is adjudged administratively liable for the delay in deciding the subject cases and is FINED in the amount of Five Thousand Pesos (P5,000.00), the same amount to be deducted from the retirement benefits due him.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

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[1] Pursuant to SC Adm. Order No. 75-2002 dated June 5, 2002.

[2] Criminal Case Nos. 220-01, 105-02, 106-02, 107-02, 108-02, 112-02, 122-02, and 124-02, Special Proceedings Case Nos. 22-02, 19-02, and 19-99, and Miscellaneous Case Nos. 03-2002, 06-2002, 14-2002, 17-2002, 18-2002, and 19-2002.

[3] Civil Case Nos. 98-17, 27-99, 2001-14, 2001-15, and SC 01-2001.

[4] Special Proceedings Case No. 19-99, Miscellaneous Case No. 19-2002, Civil Case No. 2001-14, and Criminal Case No. 112-02.

[5] Civil Case No. 40-2000 [should be Special Proceedings Case No. 40-2000], Special Proceedings Case No. 24-2000, Miscellaneous Case Nos. 29-2001 and 38-2001, Special Proceedings Case No. 50-2000, Criminal Case Nos. 220-01, 105-02, 106-02, 107-02, 108-02, 122-02, and 124-02, Special Proceedings Case Nos. 22-02 and 19-02, Miscellaneous Case Nos. 03-2002, 06-2002, 14-2002, 17-2002, and 18-2002, Civil Case Nos. 98-17, 27-99, 2001-15, and SC-01-2001.

[6] Report on the Judicial Audit Conducted in RTC-Branches 61 & 63, Quezon; MTC, Calauag, Quezon & Tagkawayan, Quezon, 328 SCRA 543 (2000).

[7] 306 SCRA 50, 53-54 (1999).

[8] A.M. No. RTJ-01-1636, February 13, 2002.

[9] Id.

[10] 360 SCRA 242 (2001).

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[11] 306 SCRA 50 (1999).

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