

## **RE: REPORT ON THE JUDICIAL AUDIT IN THE REGIONAL TRIAL COURT, BRANCH 71, ANTIPOLLO CITY.**

*A.M. No. 03-11-652-RTC. July 21, 2004*

Ponente: CALLEJO, SR., J.

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### **CALLEJO, SR., J.:**

On November 7, 2003, the judicial audit team of the Office of the Court Administrator submitted a report on the inventory of cases in the Regional Trial Court, Branch 71, Antipollo City, then presided by Judge Felix S. Caballes.[1] The team found that Judge Caballes failed to accomplish the following:

- to decide within the ninety (90)-day reglementary period, 29 criminal cases and 21 civil cases;
- to resolve within the reglementary period, motions/pending incident in the cases; and,
- to take further actions in 92 cases.

The team recommended that Judge Caballes be required to explain why no administrative sanction should be imposed upon him for such failure, and to direct the Fiscal Management Office to withhold the amount of One Hundred Thousand Pesos (P100,000.00) from his retirement benefits, pending his explanation on the matter. The Court adopted the foregoing recommendation in a Resolution dated January 19, 2004.

In his Letter dated March 22, 2004, Judge Caballes explained that his failure to decide and resolve some criminal and civil cases was not due to laziness, neglect of duty or complacency. He narrated that he had been suffering from his heart ailment, and underwent a quadruple by-pass surgery on May 27, 1997. He further reasoned as follows:

It must also be stated that I had no regular appointed Clerk of Court. My Acting Clerk of Court, not being a lawyer, although she is an LLB graduate, has naturally some limitations to help me in my work. She tried her best and did well during my term. But things would have been different if she were a full-fledged lawyer to discuss with and to do research work.

My Court was, and still is, undermanned, like the other branches of the Antipollo Court. With a caseload of 1,500 cases, it is almost humanly impossible for a staff of eleven personnel to be at par with other Courts which have only 200 or 250 cases – or with those in Batanes and Tawi-Tawi. Typing of subpoenae and other Court's processes alone would consume more than one week's fulltime (sic) work. That is why a big number of my unresolved incidents and cases were either not brought to my attention or misfiled or "nadagdagan" among many folders of cases. The small office of the staff and lack of cabinets or space to file the cases are contributory factors also.

And so with all honesty and candor, I say that my inability to resolve and decide the pending cases prior to my retirement date was because of circumstances beyond human control – and not by indolence, complacency or willful neglect of duty. No matter how much I tried to decide as many cases as I could, it was beyond my physical tolerance to resolve all.

Judge Caballes appealed for the Court's sense of fairness, kindness, and understanding.

Rule 3.05 of The Code of Judicial Conduct requires judges to dispose of the court's business promptly and to act, one way or the other, on pending cases within the prescribed period therefor.[2] No less than the 1987 Constitution requires that cases at the trial court level be resolved within three (3) months from the date they are submitted for decision.[3] Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary. Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their duties.[4]

However, this Court is not unaware of the heavy caseload of judges. It is precisely for this reason that the Court has been sympathetic to requests for extensions of time within which to decide cases and resolve matters and incidents related thereto. Indeed, the Court allows a certain degree of latitude to judges and grants them a reasonable extension of time to decide and resolve cases upon proper application and on meritorious grounds.[5]

Thus, Judge Caballes cannot claim ill health as the primary reason for his failure to act promptly on the cases pending before his sala. As pointed out by the Court Administrator, "his illness should not be an excuse for his failure to render the corresponding decisions or resolutions within the prescribed period." Whenever a judge cannot decide a case promptly, all he has to do is ask the Court for a reasonable extension of time to resolve the case,[6] which the respondent failed to do.

Furthermore, Judge Caballes cannot simply take refuge behind the inefficiency or mismanagement of his court personnel.[7] Rules 3.08[8] and 3.09[9] of the Code of Judicial Conduct mandate that a judge should have the primary responsibility of maintaining the professional competence of his staff.[10] It must, likewise, be stressed that decision-making, among others, is the primordial and most important duty of every member of the bench.[11]

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or order is a less serious charge, punishable by either suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00.[12]

WHEREFORE, the Court finds Judge Felix S. Caballes guilty of gross inefficiency, and imposes upon him a FINE of Fifteen Thousand Pesos (P15,000.00). The Financial Management Office is DIRECTED to release the balance of the respondent's retirement benefits as soon as such fine has been deducted therefrom.

**SO ORDERED.**

Puno, (Chairman), Austria-Martinez, Tinga and Chico-Nazario, JJ., concur.

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[1] Now retired.

[2] *Edgardo D. Balsamo, etc. v. Judge Pedro L. Suan, et al.*, A.M. No. RTJ-01-1656, September 17, 2003.

[3] *Ambalong v. Lubguban*, 397 SCRA 7 (2003).

[4] *Saylo v. Rojo*, 330 SCRA 243 (2000).

[5] *Romero Teodosio, et al. v. Hon. Judge Arturo R. Carpio, etc.*, A.M. No. MTJ-02-1416, February 27, 2004.

[6] See note 3.

[7] *Re: Cases Left Undecided by Retired Judge Antonio E. Arbis*, RTC, Branch 48, Bacolod City, 395 SCRA 398 (2003).

[8] Rule 3.08. – A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

[9] Rule 3.09. – A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times, the observance of high standards of public service and fidelity.

[10] Report on the On-the-Spot Judicial Audit Conducted in the Municipal Circuit Trial Court, Teresa-Baras, Rizal, 389 SCRA 1 (2002).

[11] Re: Request of Judge Roberto S. Javellana, RTC, Br. 59, San Carlos City, etc., for Extension of Time to Decide Civil Cases Nos. X-98 & RTC 363, 404 SCRA 373 (2003).

[12] Section 11(B) of Rule 140, as amended by A.M. No. 01-8-10-SC, September 11, 2001.

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