

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC, BRANCHES 2 AND 31.

A.M. NO. 04-1-56-RTC. February 17, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

“The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially.”[1]

This administrative matter stemmed from the Report dated January 15, 2004 on the judicial audit and physical inventory of cases[2] conducted by the Audit Team of the Court Management Office in the Regional Trial Court, Branches 2 and 31, Tagum City, both presided by Judge Erasto D. Salcedo, who retired compulsorily on November 25, 2003.

The Report shows that Judge Salcedo failed to decide the following cases within the mandatory ninety-day period: (a) Branch 31 – Criminal Cases Nos. 12334 and 13506 and Civil Cases Nos. 2308, 2353, 3568, 3584, SCA-402 and SCA-412; (b) Branch 2 – Criminal Cases Nos. 4254, 8393, 10475, 11324, 12049, 12314, 12791, 12099, 13100 and 13429 and Civil Cases Nos. 3341, 3367, 3552, 3566.

Judge Salcedo also failed to resolve the pending motions/incidents in the following cases: (a) Branch 31 – Criminal Cases Nos. 12080 and 12279; (b) Branch 2 – Civil Cases Nos. 3449, SCA-400, DAR-24-97 and DAR 73-01

The Office of the Court Administrator (OCA), through Deputy Court Administrator (DCA) Christopher O. Lock, sent a memorandum to Judge Salcedo directing him to explain in writing why he failed to dispose of the cases and to resolve the pending motions/incidents within the mandatory period.

Meantime, in his Memorandum[3] for Chief Justice Hilario G. Davide, Jr. dated January 28, 2004, DCA Lock recommended that the amount of P100,000.00 be withheld from the retirement benefits of Judge Salcedo. This amount will serve as an undertaking to whatever sanction this Court may impose upon him.

In his two (2) separate letters[4] dated February 17, 2004 addressed to DCA Lock, Judge Salcedo explained that he had resolved the cases and motions involved before he retired on November 25, 2003. In fact, he has the highest number of cases (70 cases) decided/resolved in the last quarter of 2003. Attached to his letters are the decisions and orders he penned and the tabulation[5] of the status of the cases and the reasons for the delay.

In sum, Judge Salcedo’s reasons for his failure to dispose of the cases on time are: (a) the numerous cases filed with his salas; (b) he was presiding over two court branches; and (c) the parties have yet to submit their memoranda or comments.

On March 1, 2004, this Court issued a Resolution[6] directing that the amount of P50,000.00 be withheld from the retirement benefits of Judge Salcedo instead of P100,000.00 originally recommended by DCA Lock.

On April 2, 2004, Court Administrator Presbitero J. Velasco, Jr. submitted a Memorandum/Report[7] to Chief Justice Hilario G. Davide, Jr. containing the following evaluation and recommendation:

“The Constitution mandates judges to decide cases within ninety (90) days from date of submission. Failure of a judge to comply with his mandate constitutes gross inefficiency and warrants administrative sanction on the defaulting judge.

Judges are expected to keep their own listing or schedule of cases submitted for decision so they could decide them promptly and without delay. Having such list, Judge Salcedo could have foreseen the possibility that he could not decide the cases subject of the audit report within the reglementary period. This Court held in Administrative Matter No. MTJ-99-1232, Rosario D. Adriano vs. Judge Francisco D. Villanueva, that a judge ‘cannot escape responsibility just because he had a heavy caseload. Nothing prevented him from seeking additional time to dispose of the case. Within the reglementary period, he could have filed a request for an extension of time, but he did not do so. He must therefore face the consequences of his inefficiency and inaction.’

In the present case, although Judge Salcedo requested for extension of time to decide the cases, the reglementary period to decide had already lapsed when he asked for extension of time. The cases are already beyond the period to decide.

Under Rule 140 of the Rules of Court, the failure of Judge Salcedo to decide the cases and resolve the pending motions constitutes a less serious charge. The offense is sanctioned with suspension without pay for not less than one (1) month but not more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00. However, since Judge Salcedo was able to decide the aforesaid cases before he retired, it can be a mitigating factor in his liability.

ACCORDINGLY, it is respectfully recommended that retired Presiding Judge Erasto D. Salcedo, formerly of the Regional Trial Court, Branch 31, Tagum City, be FINED in the amount of TEN THOUSAND PESOS (P10,000.00) for his failure to decide within the mandatory period the following five (5) cases in Branch 31, to wit: Criminal Cases Nos. 123334 and 13506, and Civil Cases Nos. 3568, 3584 and SCA-402, and the following fourteen (14) cases in Branch 2, to wit: Criminal Cases Nos. 4254, 8393, 10475, 11324, 12049, 12314, 12791, 13099, 13100 and 13429, and Civil Cases Nos. 3341, 3367, 3552 and 3566, and for his failure to resolve within the reglementary period the pending motions/incidents in the following two (2) cases in Branch 31, to wit: Criminal Cases Nos. 12080 and 12279, and the pending motions/incidents in the following four (4) cases in Branch 2, to wit: Civil Cases Nos. 3449, SCA-400, DAR 24-97 and DAR 73-01. The said amount shall be deducted from the retirement benefits of Judge Salcedo.”

We affirm the findings and recommendation of Court Administrator Velasco.

Judges must resolve matters pending before them promptly and expeditiously within ninety (90) days as mandated by Section 15 (1), Article VIII of the 1987 Constitution. Failure to decide within the time limit is not excusable and constitutes gross inefficiency and neglect of duty.[8] Supreme Court Circular No. 13 dated July 1, 1987 directs judges to observe unscrupulously the periods prescribed by the Constitution in the adjudication and resolution of all cases or matters submitted to their courts.[9] Section 11.1 and Section 6 of SC-Administrative Circular No. 1, Series of 1988, likewise requires strict compliance with the mandated periods and enjoins all presiding judges to act promptly on all matters pending before their courts.[10]

We are not unmindful of the burden of heavy caseloads heaped on the shoulders of every trial judge. But such cannot excuse him from doing his mandated duty to resolve cases with diligence and dispatch. Judges burdened with heavy caseloads should request the Court for an extension of the reglementary period within which to decide their cases if they think they cannot comply with their judicial duty.[11] A heavy caseload may excuse a judge’s failure to decide cases within the reglementary period but not his failure to request an extension of time within

which to decide the case on time.[12]

While it can be gathered from Judge Salcedo's report that he requested extension of time within which to decide the said cases, however, records show that he made the requests after the mandatory period to decide the cases had expired. This falls short of the high sense of duty and responsibility expected of a judge in the discharge of his obligation to promptly administer justice.

That Judge Salcedo presided over two (2) court branches is not an excuse for his failure to promptly decide or dispose of the cases.[13] For a judge should at all times remain in full control of the proceedings in his sala. Court management is ultimately his responsibility.[14] Canon 3, Rule 3.09[15] of the Code of Judicial Conduct requires judges to manage their dockets in such a manner that the work of their courts is accomplished with reasonable dispatch.[16] As court manager, he is expected to keep his own record of cases and to note therein their status so that he may act on them accordingly and promptly.[17]

Incidents such as the non-filing of memoranda and non-compliance by the parties with order to file comment are not adequate justification for failing to render a decision within the prescribed period.[18] A judge is not supposed to study a case only after all the pertinent pleadings have been filed – it is a mark of diligence and devotion to duty that a judge studies a case long before the deadline set for the promulgation of his decision has arrived.[19]

Judge Salcedo's failure to render decisions and orders within the mandated period constitutes a violation of Canon 3, Rule 3.05 of the same Code,[20] subjecting him to administrative sanction. Section 9, Rule 140 of the Revised Rules of Court classifies undue delay in rendering a decision or order as a less serious charge punishable under Section 11 (B) of the same Rule, thus:

“B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- 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.”

His undisputed claim of having decided numerous cases and the fact that he had disposed of the subject cases before his retirement serve to mitigate his liability.[21] Hence, a fine of P10,100.00, is deemed proper.

WHEREFORE, Judge Erasto D. Salcedo is found administratively liable for undue delay in rendering decisions or orders and is hereby FINED in the sum of TEN THOUSAND ONE HUNDRED PESOS (P10,100.00) to be deducted from his retirement benefits.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Sianghio, Jr. vs. Reyes, A.M. No. RTJ-01-1645, August 28, 2001, 363 SCRA 716.

[2] Rollo at 4

[3] Id., at 1

[4] Id., at 23 and 99

[5] Id., at 24-25 and 100

[6] Id., at 18

[7] Id., at 20

[8] Visbal vs. Ramos, A.M. No. MTJ-00-1306, March 20, 2001, 354 SCRA 631; Guillas vs. Muñoz, A.M. No. RTJ-00-1571, August 28, 2001, 363 SCRA 701; Bajet vs. Bacilig, A.M. No. RTJ-00-1598, July 30, 2002, 385 SCRA 343.

[9] Golangco vs. Vilanueva, A.M. No. RTJ-01-1649, July 11, 2002, 384 SCRA 305.

[10] Cañada, Jr. vs. Montecillo, A.M. No. RTJ-01-1664, November 22, 2001, 370 SCRA 150.

[11] Basa Air Base Savings & Loan Association, Inc. vs. Pimentel, Jr., A.M. No. RTJ-01-1648, August 22, 2002, 387 SCRA 542.

[12] Maquiran vs. Lopez, A.M. No. RTJ-00-1606, June 20, 2001, 359 SCRA 40.

[13] Gallego vs. Doronilla, A.M. No. MTJ-00-1278, June 26, 2000, 334 SCRA 339; Re: Report on the Judicial Audit Conducted in the RTC-Br. 26, Manila, Presided by Judge Guillermo L. Loja, A.M. No. 01-2-47-RTC, August 9, 2001, 362 SCRA 382.

[14] Report on the Judicial Audit Conducted in the MCTC-Dapa, Surigao Del Norte, A.M. No. 03-10-250-MCTC, September 30, 2004, citing Mosquera vs. Legaspi, 335 SCRA 326 (2000) and Office of the Court Administrator vs. Salva, 336 SCRA 133 (2000).

[15] 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.

[16] Sianghio, Jr. vs. Reyes, *supra*.

[17] Report on the Judicial Audit Conducted in the RTC-Br. 37, Lingayen, Pangasinan, A.M. No. 99-11-470-RTC, July 24, 2000, 336 SCRA 344.

[18] Re: Report on the Judicial Audit Conducted in the RTC-Br. 220, Quezon City, A.M. No. 00-4-166-RTC, June 29, 2001, 360 SCRA 242.

[19] People vs. Rivera, G.R. No. 139180, July 31, 2001, 362 SCRA 153.

[20] Rule 3.05 – A judge shall dispose of the court's business promptly and decide cases within the required periods; Arap vs. Mustafa, A.M. No. SCC-01-7, March 12, 2002, 379 SCRA 1.

[21] Gonzalez-Decano vs. Siapno, 353 SCRA 269.

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