RE: CASES SUBMITTED FOR DECISION BEFORE JUDGE DAMASO A. HERRERA, REGIONAL TRIAL COURT, BRANCH 24, BIÑAN, LAGUNA.

A.M. No. RTJ-05-1924 (Formerly A.M. No. 04-10-568-RTC). October 13, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Judge Damaso A. Herrera, the former Presiding Judge of Branch 24 of the Regional Trial Court in Biñan, Laguna, filed an application for optional retirement effective April 5, 2004. The Court approved his application through the resolution issued on July 5, 2004 in Administrative Matter No. 11570-Ret.

Then Court Administrator Presbitero J. Velasco, Jr., now a Member of the Court, initiated an administrative matter for agenda dated October 1, 2004 to report on the cases submitted for decision before newly-retired Judge Herrera, citing 55 of such cases mentioned in the March 2004 monthly report of Judge Herrera's branch, some of which were already beyond the reglementary period to decide, [1] to wit:

CIVIL CASE NO.

DUE DATES

B-1304

07-24-84

B-4958

10-22-97

B-5632

Appealed

B-4010

10-07-02

B-5926

01-10-02

B-3827

12-04-02

B-5075

06-22-02

B-5801

09-07-02

B-6087

06-24-04

B-6448

06-15-04

B-6449

06-15-04

B-6450

06-15-04

B-6465

06-11-04

B-6115

12-13-02

B-5215

02-05-01

B-5761

02-05-03

B-2738

02-08-03

B-5056

03-19-03

B-6139

05-06-03

B-5489

06-21-03

B-3082

09-20-03

B-3181

10-18-03

B-6287

09-06-03

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B-5411

10-25-03

B-6334

10-28-03

B-5316

11-29-03

B-2974

12-05-03

B-6377

12-26-03

B-2035

12-30-03

B-5763

01-15-04

B-6041

01-30-04

B-5651

02-02-04

B-5321

02-17-04

B-6032

03-04-04

B-6381

03-04-04

B-2648

04-04-04

B-2939

04-13-04

B-5893

04-29-04

B-6244

06-20-03

B-6432

03-24-04

B-2957

05-23-04

B-2425

05-09-04

B-4565

05-26-04

B-6505

06-29-04

CRIMINAL CASE NO.

DUE DATES

7051-B

02-04-02

6074-B

05-11-03

11114-B

05-23-03

9812-B

09-08-03

7006-B

11-29-03

4337-B

06-27-02

10355-B

01-15-04

8777-B

02-03-04

7658-B

03-27-04

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11941-B

04-14-04

10195-B

05-17-04

The report further indicated that the cases submitted for decision as reported in the December 2003 monthly report totaling 26 increased to 55 in the March 2004 monthly report due to the addition of 29 cases; that Judge Herrera failed to request the extension of his time to decide the cases; that Branch 24 did not submit the monthly reports of cases within the period required under Administrative Circular No. 4-2004; and that most of the cases submitted for decision had not been reflected in the submitted reports.

Acting on the recommendation of the Court Administrator,[2] the Court resolved to:

> (a) DIRECT Judge Damaso A. Herrera to explain within ten (10) days from notice his failure to decide the subject cases;
>
> (b) DIRECT Judge Damaso A. Herrera and Acting Clerk of Court Julian R. Orfiano, Jr. to EXPLAIN within ten (10) days from notice their failure to submit their monthly reports of cases on time and why the actual number of cases submitted for decision are not reflected in said reports and why they should not be held administratively liable for the delay incurred in the submission of the monthly reports of cases.[3]

In his explanation dated January 21, 2005,[4] Acting Clerk of Court Orfiano, Jr. stated that he was serving as both OIC/Acting Branch Clerk of Court and Legal Researcher; that he did not submit the monthly reports of cases on time because of: (a) the heavy case load that already totaled 1076 cases as of January 2003; and (b) the late submission by the criminal and civil docket clerks of the required data for the preparation of the monthly reports despite his constant reminders to them.

For his part, Judge Herrera submitted his explanation dated February 2, 2005,[5] essentially praying for the Court's kind understanding and consideration. He alleged that prior to his retirement on April 4, 2004 he had decided four of the cases included in the list of undecided cases (i.e., Civil Case No. B-6287, Criminal Case No. 6074-B, Criminal Case No. 11114-B and Criminal Case No. 9812-B); and that he could not act on two other cases (i.e., Criminal Case No. 11941-B and Criminal Case No. 10195-B) whose due dates for decision fell on April 14, 2004 and May 17, 2004, respectively, because of the prohibition for him to act under Supreme Court Circular No. 16 dated December 2, 1986, to wit:

> 4. When the specified date of retirement is reached without the applicant receiving any notice of approval or denial of his application, he shall cease working and discharging his functions, unless directed otherwise.

Denying any intention not to decide the cases or to delay the submission of the reports, Judge Herrera cited his heavy workload, lack of sufficient time, health reasons, and the physical impossibility of complying with the requirements in his explanation. He mentioned that his court had inherited about 1,000 cases, many of which included voluminous records and some of which required the retaking of testimonies due to unavailability of the transcript of stenographic notes (TSNs). He claimed that his regular Branch Clerk of Court had been appointed an Assistant Provincial Prosecutor, leaving him to do his work without any assistance by a Branch Clerk of Court; and that the stenographers had lacked ample time to prepare the TSNs in view of his court having him and another judge assigned to assist him.

Judge Herrera contended that he had requested extensions of time to decide cases; that he had exerted earnest efforts to decide the cases; that his heavy workload and hectic court schedules had prevented him from deciding

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his cases within the prescribed period; that that his delay in the submission of monthly reports and the inaccuracy of the data reflected thereon were caused by his branch's heavy workload and by the fact that his Acting Branch Clerk of Court had also functioned as Legal Researcher.

In its memorandum dated April 21, 2005,[6] the Office of the Court Administrator (OCAd) reported on the administrative matter and recommended that: (a) the administrative matter be re-docketed as a regular administrative complaint against Judge Herrera for gross inefficiency; and (b) a fine of P11,000.00 be imposed upon him, to be deducted from his retirement benefits.

By his letter dated May 16, 2005,[7] Judge Herrera informed the Court that his application for early retirement had been approved effective April 4, 2004; and prayed for the release of his retirement benefits after withholding P40,000.00 from the total amount to which he was entitled pending the resolution of the instant administrative matter.

In a memorandum dated May 31, 2005,[8] the OCAd considered the letter of Judge Herrera as a motion for the early resolution of the administrative matter.

Thus, on June 20, 2005, the Court directed the re-docketing of the case as a regular administrative matter.[9]

In another letter dated June 8, 2009,[10] Judge Herrera prayed for the early resolution of the administrative matter, and reminded that he had been retired for already five years and was already entitled to receive his monthly pension and other benefits as a retired RTC Judge. He cited his lack of income due to his not having engaged in the private practice of law since his retirement due to poor health requiring his continuous medication.

It appears that on September 21, 2005, through a resolution issued in Administrative Matter No. 12086-Ret. entitled Re: Application for Optional Retirement under R.A. 910, as amended, of Judge Damaso A. Herrera, Regional Trial Court, Branch 24, Biñan, Laguna, the Court ordered the release of Judge Herrera's retirement benefits but withheld the amount of P40,000.00 subject to the outcome of this administrative matter.[11]

After considering the circumstances of the administrative matter concerning Judge Herrera, the Court adopts the recommendation of the OCAd embodied in its memorandum dated April 21, 2005.

Section 15(1), Article VIII, of the Constitution requires a trial judge to dispose of all cases or matters within three months from the time of their submission for decision. Conformably with the constitutional prescription, Rule 3.05, Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of their courts' business promptly and to decide cases within the required period. Unless every trial judge earnestly, painstakingly, and faithfully complies with this mandate of efficiency, the present clogged dockets in our judicial system cannot be cleared.[12]

In Report on the Judicial Audit Conducted in the RTC, Br. 22, Kabacan, North Cotabato,[13] the Court has impressed upon trial judges the need to decide cases promptly and expeditiously to accord with the time honored precept that justice delayed is justice denied, viz:

> Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Indeed, a judge must display that "interest in his office which stops not at the minimum of the day's labor fixed by law, and which ceases not at the expiration of official sessions, but which proceeds diligently on holidays and by artificial light and even into vacation periods. Only thus can he do his part in the great work of speeding up the administration of justice and of rehabilitating the judiciary in the estimation of the people.

Judge Herrera was guilty of undue delay in the disposition of the cases pending him his court. Prior to his early

retirement, he had not decided 49 cases already due for decision, which total did not include the four cases that Judge Herrera claimed to have by then decided and the two that had supposedly become due for decision already within the period of prohibition for him to act in view of his application for early retirement.

Judge Herrera's failure to decide his cases with dispatch constituted gross inefficiency and warranted the imposition of administrative sanctions upon him.[14] As the Court has pointed out in Re: Judicial Audit of the RTC, Br. 14, Zamboanga City, Presided over by Hon. Ernesto R. Gutierrez:[15]

> We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards. Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.

Judge Herrera's plea of heavy workload, lack of sufficient time, poor health, and physical impossibility could not excuse him. Such circumstances were not justifications for the delay or non-performance, given that he could have easily requested the Court for the extension of his time to resolve the cases. Our awareness of the heavy caseload of the trial courts has often moved us to allow reasonable extensions of the time for trial judges to decide their cases. But we have to remind Judge Herrera and other trial judges that no judge can choose to prolong, on his own, the period for deciding cases beyond the period authorized by the law. Without an order of extension granted by the Court, a failure to decide even a single case within the required period rightly constitutes gross inefficiency that merits administrative sanction.[16]

Judge Herrera should have sought additional time by simply filing a request for extension if, to him, rendering a decision or resolve a matter beyond the reglementary period became unavoidable. That he did not so seek additional time reflected his indifference to the prescription to decide within the time limits of the law. Thus, we choose not to consider seriously his excuses as exempting him from the due observance of the time limits of the law or as exonerating him from administrative liability. The excuses, assuming they were true, could only be treated as mitigating circumstances vis-à-vis the properly imposable penalty.[17] In this regard, the fact that the more than 1,000 inherited cases added to Judge Herrera's workload can be treated as a mitigating circumstance.

Under Section 9(1), in relation to Section 11 (B), of Rule 140 of the Rules of Court, as amended, undue delay in rendering a decision is a less serious charge that merits the penalty of either (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine more than P10,000.00 but not exceeding P20,000.00.

Anent the penalty, the OCAd recommended a fine of P11,000.00. We approve of the recommendation, for his offense is equivalent to gross inefficiency, but we take into account the mitigating circumstance earlier mentioned.

Acting Branch Clerk of Court Orfiano, Jr.'s explanation of the late submission of the monthly reports is accepted, but he is reminded to comply faithfully with the period prescribed for the submission of the reports. He is warned that the same infraction will be dealt with more severely.

WHEREFORE, retired Judge Damaso A. Herrera is ordered to pay a fine of P11,000.00 to be deducted from the amount of P40,000.00 withheld from his retirement benefit. The Court directs the immediate payment of the balance to him, unless lawful grounds warrant the continued retention of the balance in relation to other cases involving him.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Villarama, and Sereno, JJ., concur.

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[1] Rollo, pp. 1-3.

[2] Id., pp. 19-20.

[3] Id., pp. 17-18.

[4] Id., pp. 21-25.

[5] Id., pp. 56-60.

[6] Id., pp. 68-70.

[7] Id., p. 74.

[8] Id., p. 72.

[9] Id., p. 71.

[10] Id., p. 80.

[11] Id., p. 81.

[12] In Re: Cases Left Undecided by Retired Judge Benjamin A. Bongolan of the RTC Br. 2, Bangued, Abra, A.M. No. 98-12-394-RTC, October 20, 2005, 473 SCRA 428.

[13] A.M. No. 02-8-441-RTC, March 3, 2004, 424 SCRA 206.

[14] In Re: Report on the Judicial and Financial Audit Conducted in the Municipal Trial Court in Cities, Koronadal City, A.M. No. 02-9233-MTCC, April 27, 2005, 457 SCRA 356.

[15] A.M. No. RTJ-05-1950, February 13, 2006, 482 SCRA 310.

[16] Saceda v. Gestopa, Jr., A.M. No. MTJ-00-1303, December 13, 2001, 372 SCRA 193, 197.

[17] Re: Report of Deputy Court Administrator Bernardo T. Ponferada, Re Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, A.M. No. 00-4-09-SC, February 23, 2005, 452 SCRA 125, 132.

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