

OFFICE OF THE COURT ADMINISTRATOR, Petitioner, vs. JUDGE ERNESTO A. REYES and Acting Clerk of Court RICARDO R. ADOLFO, both of the Regional Trial Court, Branch 111, Pasay City, ...

A.M. No. RTJ-05-1892 (formerly A.M. No. 04-9-494-RTC). January 24, 2008

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

AFTER his application for optional retirement was approved by the Court in a Resolution dated August 2, 2004, respondent Judge Ernesto A. Reyes of the Regional Trial Court (RTC), Branch 111, Pasay City, applied with the Office of the Court Administrator (OCA) for a Certificate of Clearance.

A verification from the Statistical Reports Division, Court Management Office, OCA, however, showed that, per Monthly Report of Cases as of April 2004 and Docket Inventory of Cases as of February 2004, there were thirty-six (36) cases submitted for decision before respondent Judge, twenty-three (23) of which were beyond the reglementary period to decide. The verification further revealed that RTC, Branch 111, Pasay City, was not submitting regularly its Monthly Report of Cases and Docket Inventory of Cases.

On May 25, 2004, the OCA sent a Memorandum to respondent Ricardo R. Adolfo, Acting Clerk of Court, RTC, Branch 111, Pasay City, directing him to (1) explain the delay in the submission of the Monthly Report of Cases from October 2004 to April 2004 and the Docket Inventory of Cases for the 2nd Semester of 2003, and (2) submit the same to the OCA, through the Court Management Office, within ten (10) days from notice.

In his Compliance dated June 17, 2004, respondent Clerk of Court stated, among others, that he was unable to closely monitor the preparation of the monthly reports and inventory because he was requested by respondent Judge to prepare draft decisions and resolutions to lessen the court's backlog in preparation for the latter's retirement. He also averred that his recurring poor health due to diabetes accentuated by hypertension contributed to the delay in the submission of the monthly reports and inventory.

A perusal of the Monthly Report of Cases submitted by respondent Clerk of Court for the period October 2003 to November 2003, however, showed that the actual number of cases submitted for decision was not faithfully reflected in the report, to wit:

Month

Number of Cases

Remarks

October 2003

Two (2) cases

Already beyond the period

November 2003

Two (2) cases
Already beyond the period

December 2003
One (1) case
Already beyond the period

January 2004
One (1) case
Already beyond the period

February 2004
Five (5) cases
Four (4) cases beyond

One (1) case within

March 2004
Thirty-six (36) cases
Twenty-three (23) cases Beyond

It was also found out that, on March 18, 2004, respondent Clerk of Court issued a certification that “no pending case submitted for decision has remained unresolved by the Hon. Ernesto A. Reyes.”

In a letter dated September 7, 2004, respondent Judge admitted that he had left behind undecided cases which were already submitted for decision. But, according to him, the undecided cases were an off-shoot of his candidacy for the mayoral position in Cardona, Rizal. He also asserted that the cases were inadvertently overlooked due to the awesome caseload he had, not to mention the criminal cases (with detention prisoners) assigned to him. He further requested that, if feasible under the circumstances, he be allowed to resolve the undecided cases within an appropriate period of time.

On September 14, 2004, the OCA, in its report, found respondent Judge liable for undue delay in rendering judgment on twenty-three (23) cases prior to his optional retirement. It also recommended that:

(a)

the letter dated September 7, 2004 of Judge Ernesto A. Reyes (ret.) be NOTED;

(b)

this matter be docketed as a regular Administrative Matter against Judge Ernesto A. Reyes for failure to decide the twenty-three (23) cases submitted for decision within the reglementary period;

(c)

Judge Ernesto A. Reyes (ret.) be FINED in the amount of twenty thousand pesos (P20,000.00); and

(d)

Officer-In-Charge, Mr. Ricardo R. Adolfo, RTC, Branch 111, Pasay City, be DIRECTED to EXPLAIN why no administrative charge shall be filed against him for not faithfully reflecting in the Monthly Report of Cases for the last quarter of the year 2003 the list of cases submitted for decision before Judge Ernesto A. Reyes and for having issued a Certification dated 18 March 2004 to the effect that no pending case submitted for decision has remained unresolved by Judge Reyes.

In a Resolution dated December 13, 2004, the Court resolved to re-docket the case as a regular administrative matter against respondent Judge for failure to decide the twenty-three (23) cases within the reglementary period, and to withhold the amount of P20,000.00 from his retirement benefits to answer for any penalty that may be imposed against him. In the same resolution, the Court also directed respondent Clerk of Court to explain why no administrative charge should be filed against him for not faithfully reflecting in the Monthly Report of Cases for the last quarter of the year 2003 the list of cases submitted for decision before respondent Judge, and for having issued a Certification dated March 18, 2004 to the effect that no pending case submitted for decision had remained unresolved by respondent Judge.

In his Comment dated January 4, 2005, respondent Clerk of Court stated that he was instructed by respondent Judge not to reflect their overdue cases for decision in the monthly report. According to him, since respondent Judge was his boss, he was torn between two loyalties – “the man and my current duty as Acting Clerk of Court.”

Anent the certification he issued, respondent Clerk of Court claimed that respondent Judge had personally asked him to sign the already prepared Certification dated March 18, 2004, so that the processing of his retirement papers would move. He further stated that he acquiesced only to avoid “any rupture of that friendship and respect we have had especially in the parting hours of our working relationships.”

On February 16, 2005, the Court issued a resolution referring to the OCA the comment of respondent Clerk of Court.

In its Memorandum dated June 17, 2005, the OCA recommended that the administrative complaint be re-docketed as a regular administrative matter against respondent Clerk of Court and that a fine of P20,000.00 be imposed on him for dishonesty and gross misconduct.

On August 3, 2005, the Court issued a resolution resolving to (a) include respondent Clerk of Court as one of the respondents in Adm. Matter No. RTJ-05-1892, and (b) require respondents to manifest within ten (10) days from notice whether they were willing to submit the case for resolution on the basis of the pleadings filed.

Both respondents, however, failed to comply with the above resolution.

In a Resolution dated March 15, 2006, the Court resolved to (a) resend a copy of the August 3, 2005 Resolution to respondent Judge at his address at Barangay Patunhay, Cardona, Rizal, and (b) require respondent Clerk of Court to show cause within ten (10) days from notice why he should not be disciplinarily dealt with or held in contempt for his failure to comply with the August 3, 2005 Resolution.

On May 10, 2006, respondent Clerk of Court submitted his comment, apologizing for his failure to comply on time and praying that the administrative case against him be dismissed.

On June 28, 2006, the Court issued a Resolution resolving to (a) note the comment of respondent Clerk of Court, (b) admonish respondent Clerk of Court, his explanation being not fully satisfactory, and (c) await the manifestation of respondent Judge.

Respondent Judge failed once more to manifest if he was willing to submit the case for resolution based on the pleadings filed. Accordingly, on January 29, 2007, the Court issued a resolution resolving to require Judge Reyes to (a) show cause why he should not be disciplinarily dealt with or held in contempt for his failure to manifest if he is willing to submit the case for resolution based on the pleadings, and (b) comply with the August 3, 2005 Resolution.

On June 14, 2007, respondent Clerk of Court filed a manifestation stating, among others, that the unresolved cases of which respondent Judge was liable “was virtually resolved by Judge P. Macaraeg (ret.), Judge H.A. Villamor

(ret.) and Judge Wilhemia B. Jorge-Wagan (currently presiding) for only two (2) civil cases are now pending.” He also prayed that the case be resolved and that, in the interest of substantial justice, he be dropped from the case.

On July 30, 2007, the Court issued a resolution resolving to note the manifestation filed by respondent Clerk of Court and denied the prayer that he be dropped as respondent. The Court further resolved to deem respondent Judge to have submitted the case for resolution based on the pleadings filed.

Records clearly show that respondent Judge is administratively liable for undue delay in rendering judgment on the subject twenty-three (23) cases prior to his optional retirement. As he himself admitted in his letter dated September 7, 2004, he had left behind undecided cases which were already submitted for decision.

No less than the Constitution mandates that all cases or matters must be decided or resolved within twenty-four (24) months from date of submission to the Supreme Court, and, unless reduced by the Supreme Court, twelve (12) months for all lower collegiate courts, and three months for all other lower courts.[1] In implementing this constitutional mandate, Section 5, Canon 6 of the New Code of Judicial Conduct exhorts in the section on “Competence and Diligence” that judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

Decision-making, among others, is the primordial and most important duty of every member of the bench. Judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied.[2] Judges should therefore be prompt in the performance of their judicial duties for undue delays erode the people’s faith and confidence in our justice system and bring it into disrepute.[3]

In *Petallar v. Pullos*,[4] this Court held that:

The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.

The Court usually allows reasonable extensions of time to decide cases in view of the heavy caseload of the trial courts. If a judge is unable to comply with the 90-day reglementary period for deciding cases or matters, he can, for good reasons, ask for an extension and such request is generally granted.[5] But respondent Judge did not ask for an extension of time to decide and resolve the twenty-three (23) cases. Thus, having failed to decide the same within the required period, without any order of extension granted by this Court, respondent Judge is liable for undue delay in rendering judgment – which merits administrative sanction.[6]

Section 9 of Rule 140 of the Rules of Court reads as follows:

SEC. 9. Less Serious Charges. – Less serious charges include:

Undue delay in rendering a decision or order, or in transmitting the records of a case.

Section 11(B) of the same Rule provides the penalty as follows:

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) nor more than three (3) months; or

- A fine of more than P10,000.00 but not exceeding P20,000.00.

Respondent Judge has retired from the service. His retirement, however, will not absolve him from liability or

prevent this Court from imposing a sanction against him – a fine in the amount of P20,000.00.

With respect to respondent Clerk of Court, his acts of not faithfully reflecting in the Monthly Report of Cases for the last quarter of 2003 the list of cases submitted for decision before respondent Judge and issuing a false certification to the effect that no pending case submitted for decision had remained unresolved by respondent Judge, obviously fell short of the standard required of him as clerk of court. His acts constitute misconduct. As an officer of the court, respondent Clerk of Court should have conducted himself strictly in accordance with the highest standards of ethics.

Clerks of court are the chief administrative officers of their respective courts.[7] They must show competence, honesty and probity since they are charged with safeguarding the integrity of the court and its proceedings.[8]

In Re: Memorandum dated 27 Sept. 1999 of Ma. Corazon M. Molo, OIC, Office of the Administrative Services, Office of the Court Administrator,[9] We held that:

No position demands greater moral righteousness and uprightness from the occupant than the judicial office. Those connected with the dispensation of justice bear a heavy burden of responsibility. Clerks of court, in particular, must be individuals of competence, honesty and probity, charged as they are with safeguarding the integrity of the court and its proceedings. This Court has consistently held that persons involved in the administration of justice ought to live up to the strictest standards of honesty and integrity in the public service. The conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach.

Respondent Clerk of Court, as aptly observed by the OCA, cannot now escape administrative liability by blaming respondent Judge and stressing the latter's moral ascendancy over him. He acceded to respondent Judge's anomalous request with the thought that he could remedy the situation and that the same would not be found out.

We find it reasonable and appropriate to impose on respondent Clerk of Court a fine of P10,000.00, with a stern warning that a commission of the same or a similar offense will be dealt with more severely in the future.

WHEREFORE, respondent Judge Ernesto A. Reyes, former judge of the RTC of Pasay City, Branch 111, is found GUILTY of undue delay in rendering judgment and is hereby FINED in the amount of P20,000.00 to be deducted from his retirement pay and benefits. Respondent Ricardo R. Adolfo, Acting Clerk of Court, also of the RTC of Pasay City, Branch 111, is found GUILTY of misconduct. He is ordered to pay a FINE in the amount of P10,000.00, with a STERN WARNING that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Corona, and Nachura, JJ., concur.

* Vice Associate Justice Minita V. Chico-Nazario. Justice Nazario is on official leave per Special Order No. 484 dated January 11, 2008.

[1] See CONSTITUTION (1987), Art. VIII, Sec. 15(1).

[2] Re: Request of Judge Roberto S. Javellana, RTC, Br. 59, San Carlos City for Extension of Time to Decide Civil Case Nos. X-98 & RTC 363, A.M. No. 01-6-314-RTC, June 19, 2003, 404 SCRA 373, 376.

[3] Bascug v. Arinday, Jr., A.M. No. RTJ-00-1591, April 11, 2002, 380 SCRA 418, 422; Sanchez v. Eduardo, A.M. No. MTJ-00-1322, July 17, 2001, 361 SCRA 233, 239; Escabillas v. Martinez, Adm. Matter No. 127-MJ,

August 31, 1977, 78 SCRA 367, 371.

[4] A.M. No. MTJ-03-1484, January 15, 2004, 419 SCRA 434, 438.

[5] Office of the Court Administrator v. Madronio, Sr., A.M. No. MTJ-04-1571, February 14, 2005, 451 SCRA 206, 211; De Joya v. Diaz, A.M. No. MTJ-02-1450, September 23, 2003, 411 SCRA 408, 410-411.

[6] Office of the Court Administrator v. Aquino, A.M. No. 00-934-RTJ, June 22, 2000, 334 SCRA 179, 184.

[7] Office of the Court Administrator v. Fortaleza, A.M. No. P-01-1524, July 29, 2002, 385 SCRA 293, 303; Report on the Financial Audit Conducted on the Books of Accounts of OIC Melinda Deseo, MTC, General Trias Cavite, A.M. No. 99-11-157-MTC, August 7, 2000, 337 SCRA 347, 353.

[8] Cabanatan v. Molina, A.M. No. P-01-1520, November 21, 2001, 370 SCRA 16, 23; Tan v. Dael, A.M. No. P-00-1392, July 13, 2000, 335 SCRA 513, 520.

[9] A.M. No. SCC-00-6-P, October 16, 2003, 413 SCRA 520, 528.

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