

RE: JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT (RTC), BRANCH 14, DAVAO CITY, PRESIDED OVER BY JUDGE WILLIAM M. LAYAGUE.

A.M. RTJ-07-2039 (formerly A.M. No. 05-1-37- RTC). April 18, 2008

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

On October 4 to 15, 2004, a judicial audit was conducted by the judicial audit team of the Office of the Court Administrator (OCA) in the Regional Trial Court (RTC), Branch 14, Davao City, then presided over by Judge William M. Layague. The audit unearthed numerous undecided/unresolved cases, prompting the filing of an Administrative Case, A.M. No. 05-1-37- RTC, against respondent Judge William M. Layague.

Previous to this administrative case, several administrative complaints were already filed against respondent Judge William M. Layague, two (2) of which were: (a) A.M. OCA IPI No. 04-2055-RTJ, entitled *Paul L. Cansino v. Judge William M. Layague*, RTC, Branch 14, Davao City, charging the latter with inefficiency and delay in the disposition of cases in connection with the two (2) separate criminal informations, docketed as Criminal Case Nos. 45,973-2000 and 45,974-2000, for Malversation and Illegal Exaction, respectively; and (b) A.M. No. 05-2177-RTJ, entitled *Development Bank of the Philippines v. Judge William M. Layague*, RTC, Branch 14, Davao City, also charging herein respondent judge with inefficiency and grave misconduct relative to Civil Case No. 29,386-02, for specific performance, damages, etc. with urgent prayer for the issuance of a restraining order and writ of prohibition. These three (3) cases were later on consolidated. However, in our Resolution dated June 20, 2006,[1] the Court ordered the said two (2) administrative complaints closed and terminated considering that the incidents therein were already resolved by respondent Judge.

After the audit team had submitted its report, the OCA issued a Memorandum Report[2] addressed to the then Chief Justice Hilario G. Davide, Jr., informing the Court that since the last audit in 1996 of RTC, Branch 14 of Davao City, respondent Judge Layague had accumulated a total of 83 cases (inclusive of one inherited case) submitted for decision already beyond the reglementary period to decide. These did not include the 230 cases submitted for resolution which were already beyond the reglementary period to resolve, 93 cases with no further action, 19 cases with no further settings and 9 cases with no action taken yet since the filing thereof.

The Report revealed that respondent judge incurred several absences from 1996 to 2004 as a result of his poor health, as shown by the latter's medical certificates, which adversely affected his work efficiency. Quoted hereunder is the account of the audit team regarding respondent judge's various illnesses:[3]

Also, Judge Layague is suffering from various illnesses which admittedly has slowed down his work.

Information as well as the records show that, since the early 70's, Judge Layague has already been saddled with various illnesses which he attributes to his slow disposal and resolution of cases. In 1974, he had his gall bladder surgically removed. In 1976, he developed duodenal ulcer for which he underwent treatment for three months. In January 1995, he was diagnosed with emphysema and since then he had been suffering from

numbness in the lower extremities and acute erosive and atrophic gastritis. In 1998, he was hospitalized for vertigo (Menier's Syndrome). He also suffers from Goiter (Thyroid Nodule); including Benign Prostatic Hypertrophy, Hypercholesterolemia, acute gastritis with Gastro Esophageal Reflux Disease, Systemic Viral Illness and Musculoskeletal Pain. In addition, and just lately, it appears from the Certification, dated 4 August 2004 of one Dr. June Anadith Eborde-Buenaventura, a dentist, that Judge Layague is afflicted with 'periodontal problem' which necessitated the extraction of all of his teeth from 7-19 July 2004. In addition to what was not stated above, he (Judge Layague) also informed the Judicial Audit Team that he also had TB.

Accordingly, the OCA recommended the appointment of an assisting judge to hear, try and decide the cases in said sala at least twice a week until respondent judge has decided/resolved all cases submitted for decision/resolution which have not been decided/resolved or until further orders from this Court.

Acting on the said Memorandum Report and the Recommendation of the Court Administrator, this Court issued an en banc Resolution dated January 25, 2005,[4] stating, thus:

(a) DIRECT Hon. William M. Layague, Presiding Judge, RTC, Br. 14, Davao City

- to EXPLAIN in writing, within the period mentioned in par. (A), subpar. 3, in connection with par. (D) below, why no administrative sanction should be taken against him for: (a) failure to decide the following cases which are already beyond the reglementary period to decide, to wit: Criminal Cases Nos. 30,811; 34,403; 36,954; 37,841; 38,573; 38,790; 39,088; 39,337; 39,338; 39,339; 39,340; 39,341; 40,094; 41,092; 41,643; 42,138; 42,139; 42,140; 42,651; 42,695; 43,003; 44,929; 44,930; 44,931; 44,932; 45,238; 45,239; 45,240; 46,750; 47,828; 48,976; 50,739; 51,747; 51,748; 51,749; 51,750; 97,370; 97,371; 97,372; 97,373; 52,369; and Civil Cases Nos. 049; 12,271; 19,835; 20,097; 21,329; 22,687; 23,263; 23,323; 24,480; 24,502; 24,610; 24,930; 25,104; 25,110; 25,206; 25,232; 25,411; 25,542; 25,663; 25,912; 26,457; 27,050; 27,097; 27,112; 27,511; 28,073; 28,172; 28,481; 28,549; 28,577; 28,695; 28,842; 28,958; 29,033; 29,093; 29,224; 29,240; 29,512; 29,551; 29,648; 30,087; 30,340; 54,140; (b) failure to resolve the following cases which have not been resolved with (sic) the reglementary period, to wit: Criminal Cases Nos. 5186; 24,854; 24,855; 26,888; 27,011; 31,181; 31,436; 31,437; 34,403; 34,534; 35,917; 36,953; 37,089; 37,090; 37,100; 37,347; 37,348; 37,349; 37,350; 37,351; 37,352; 37,353; 37,354; 38,542; 38,875; 38,876; 38,877; 38,878; 39,688; 39,812; 39,986; 40,084; 40,391; 40,953; 41,460; 41,538; 41,539; 41,619; 41,657; 41,658; 42,197; 42,198; 42,336; 42,337; 42,338; 42,339; 42,340; 42,341; 42,619; 42,705; 42,816; 42,817; 42,818; 43,756; 43,822; 44,139; 44,466; 44,749; 44,807; 44,952; 44, 955 (sic); 44,953; 44,954; 44,955; 44,956; 44,957; 44,958; 44,959; 44,960; 44,961; 44,962; 45,122; 45,973; 45,974; 46,034; 46,155; 46,192; 46,193; 46,194; 46,195; 46,196; 46,197; 46,198; 46,199; 46,200; 46,201; 46,202; 46,361; 46,362; 46,363; 46,364; 46,365; 46,366; 46,367; 46,368; 46,369; 46,370; 46,371; 46,372; 46,373; 46,374; 46,375; 46,376; 46,377; 46,378; 46,379; 46,380; 46,381; 47,028; 47,362; 47,661; 48,217; 48,608; 48,627; 48,719; 48,771; 48,772; 49,079; 49,080; 49,081; 49,082; 49,083; 49,084; 49,085; 49,086; 49,087; 49,088; 49,089; 49,090; 49,091; 49,092; 49,093; 49,094; 49,095; 49,096; 49,097; 49,098; 49,099; 49,100; 49,101; 49,102; 49,103; 49,104; 49,105; 49,106; 49,107; 50,143; 51,165; 52,011; 52,779; 53,565; 53,657; 53,713; 53,714; 53,715; 54,037; 54,038; 54,054; and Civil Cases Nos. 024; 2933; 17,670; 22,603; 22,993; 23,224; 23,471; 23,675; 24,328; 24,541; 24,714; 24,875; 24,969; 25,165; 25,513; 25,589; 25,694; 25,732; 26,254; 26,304; 26,322; 26,356; 26,552; 26,694; 26,775; 26,873; 26,899; 27,298; 27,271; 27,304; 27,309; 27,335; 27,340; 27,355; 27,408; 27,424; 27,526; 27,652; 27,670; 27,820; 27,838; 27,845; 27,981; 28,003; 28,037; 28,127; 28,192; 28,335; 28,401; 28,501; 28,572; 28,822; 28,871; 29,085; 29,162; 29,253; 29,302; 29,353; 29,383; 29,386; 29,552; 29,732; 29,801; 30,028; 30,253; SP 4319; SP 5640; SP 28,099; LRC 044; and (c) failure to take appropriate action on the following cases, to wit: Criminal Cases Nos. 30,303; 33,438; 33,439; 33,440; 33,441; 33,657; 33,658; 33,659; 38,558; 40,119; 39,706; 40,888; 41,953; 43,894; 44,078; 44,531; 44,595; 45,162; 45,163; 45,179; 45,209; 45,694; 45,954; 46,488; 46,489; 46,490; 46,495; 46,728; 46,860; 47,180; 48,585; 48,892; 48,906; 49,165; 49,757; 49,836; 50,626; 50,794; 51,973; 52,105; 52,334; 52,406; 52,749; 52,832; 52,857; 52,996; 53,079; 53,476; 53,477; 53,478; 53,479; 53,480; 53,481; 53,482; 53,483; 53,484; 53,485; 53,486; 53,487; 53,549; and Civil Cases Nos. 018; 2884;

5926; 7404; 10,790; 15,852; 15,853; 15,854; 15,855; 15,856; 16,269; 19,246; 20,973; 22,266; 22,291, 22,397; 23,059; 23,467; 23,776; 24,072; 24,178; 24,634; 24,866; 24,879; 24,889; 24,892; 24,897; 25,089; 25,132; 25,159; 25,222; 25,274; 25,358; 25,377; 25,409; 25,430; 25,558; 25,570; 25,574; 25,624; 25,698; 25,797; 25,866; 25,871; 25,952; 26,100; 26,244; 26,320; 26,556; 26,704; 26,786; 26,920; 26,996; 27,027; 27,038; 27,115; 27,214; 27,243; 27,429; 27,449; 27,460; 27,476; 27,499; 27,534; 27,551; 27,552; 27,553; 27,666; 27,709; 27,715; 27,776; 27,798; 27,801; 27,847; 27,895; 27,911; 27,982; 27,984; 28,082; 28,162; 28,224; 28,343; 28,364; 28,383; 28,460; 28,469; 28,565; 28,567; 28,623; 28,674; 28,702; 28,768; 28,773; 28,818; 28,901; 28,930; 28,935; 28,962; 28,660; 29,012; 29,017; 29,076; 29,079; 29,111; 29,150; 29,152; 29,190; 29,191; 29,250; 29,285; 29,392; 29,402; 29,435; 29,538; 29,598; 29,629; 29,684; 29,746; 29,787; 29,792; 29,812; 29,821; 29,850; 29,910; 29,925; 30,007; 30,052; 30,101; 30,255; SCA 17,308; SP 3451; SP 4284; SP 7159, which have not been further acted (NFA) upon for a considerable length of time since the last action taken thereon; as well as the following cases, to wit: Criminal Cases Nos. 42,665; 50,261; 52,630; and Civil Cases Nos. 24,342; 24,343; 24,344; 24,529; 25,110; 26,635; 26,729; 26,806; 26,890; 27,375; 28,060; 28,089; 28,463; 28,481; 28,892; SP 22,052, which have not been further set (NFS) for a considerable length of time since the last settings made thereon.

- to INFORM the Court, through the Office of DCA C.O. Lock, whether the following cases were decided within the reglementary period, to wit: Criminal Cases Nos. 36,047; 42,164; 43,689; 43,858; 43,859; 47,600; 47,601; 51,742; Civil Cases Nos. 238; 268; 278; 24,434; 30,002 and SP 7293; and, in case he has not yet so decided, for him to do so; and

- to IMMEDIATELY CEASE from hearing cases in his sala and confine himself to the following tasks, to wit: to DECIDE and RESOLVE, as the case may be, the cases mentioned under par. (A), subpar. 1 (a) and (b); and 2 WITHIN NINETY (90) DAYS from notice.

- to SUBMIT himself for a medical examination to determine whether or not he is still capable of performing the functions of his office. In this connection, a Medical team from the Supreme Court Medical Services be AUTHORIZED to conduct the medical examination of Judge Layague for the purpose.

(b) DESIGNATE Hon. Paul T. Arcangel, Presiding Judge, RTC, Br. 12, Davao City, as Assisting Judge of RTC, Br. 14, Davao City, to hear and decide the cases thereat at least twice a week until Judge Layague has fully complied with the directive to him in connection with the aforesated recent judicial audit conducted in his sala or until further orders from the Court;

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(e) DIRECT Judge Arcangel to take appropriate action on the cases mentioned in par. (A), subpar. 1 (c) as well as the following cases, to wit: Criminal Case No. 53,702 and Civil Case No. 22,956, in accordance with Administrative Circular No. 7-A-92 dated 21 June 1993, within ninety (90) days from notice; as well as to INFORM the Court, through the Office of DCA Christopher O. Lock, of the status of Civil Case No. 28,621.

(f) DIRECT Judge Layague and Judge Arcangel to SUBMIT their compliance hereof, as well as the copies of the resolutions/orders, etc. in the aforesated cases to this Court, through the Office of DCA Lock, Office of the Court Administrator, this Court, on or before the lapse of the ninety-day period mentioned in par. (A), subpar. 3 or par. (B), as the case may be.

On April 26, 2005, the Court amended its January 25, 2005 en banc Resolution by designating Judge Marivic Trabajo Daray, RTC, Branch 18, Digos City, as the Assisting Judge of RTC, Branch 14, Davao City, in addition to her duties in her own court, in lieu of Judge Paul T. Arcangel because of the latter's subsequent application for optional retirement.[5]

In his Partial Compliance and Request for Extension[6] (with attachments) dated August 25, 2005 addressed to Deputy Court Administrator Christopher O. Lock, respondent stated that in compliance with our en banc

Resolution of January 25, 2005, he rendered decisions in Criminal Cases Nos. 28,822 and 23,323-94[7] and issued orders in the following cases:

Criminal Cases Nos. 5186; 24,854-92 and 24,855-92; 26,888-92; 27,011-92; 31,181-93; 35,917-95; 36,953-96; 37,089-96 and 37-090-96; 37,100-96; 37,347-96, 37,348-96 to 37,354-96; 38,542-97; 39,688-97 and 39,812-97; 39,986-97; 40,084-97; 41,619-98; 41,657-98 and 41,658-98; 42,197-98 and 42,198-98; 42,619-99; 42,705-99; 42,816-99; 44,139-99; 44,466-99; 44,749-2000; 44,807-00; 44,953-00 to 44,955-00; 44,956-00 to 44,962-00; 45,122-00; 46,034-00; 46,155-00; 47,362-01; 48,217-01; 48,608-01; 48,719-01; 49,079-01; 49,080-01 and 49,081-01; 49,082-01; 49,083-01 to 49,088-01; 49,089-01; 49,090-01 to 49,094-01; 49,095-01; 49,096-01 to 49,101-01; 49,102-01; 49,103-01; 49,104-01 to 49,105-01; 49,106-01 to 49,107-01; 50,143-02; 52,011-03; 52,779-03; 53,565-03; 53,713-04 to 53,715-04; 54,037-04 and 54,038-04.

Civil Cases Nos. 23,323-94; 23,675-95; 26,304-98; 26,356-98; 26,552-98; 28,822-01; 28,871-01; 29,253-02; 29,383-02 and 30,253-04.

Special Proceedings No. 4319-96 and 5640-2000.

Respondent attributes his failure to fully comply with the Court's en banc Resolution of January 25, 2005 to his failing health as evidenced by the medical certificates attached to said letter. He asked for an extension of three (3) months reckoned from August 29, 2005 within which to comply with the said resolution.

To determine whether respondent judge had complied with the Court's directives, a follow-up judicial audit was conducted in the same court from June 27, 2005 to July 6, 2005. The OCA's Judicial Audit Team[8] submitted its report[9] dated September 1, 2005, containing among others, the following findings:

Information gathered during the follow-up audit showed the following information, to wit:

- DATA ON THE CASES WHICH JUDGE LAYAGUE WERE ABLE TO DECIDE/RESOLVE, ETC.:

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a. SFD CASES:[10]

Judge Layague was able to decide only 12 cases (10 criminal and 2 civil cases), representing only about 11% of the 102 cases (84 cases [41] criminal cases and 43 civil cases) plus (14 cases [8 Criminal Cases and 6 Civil Cases]), which he was directed to decide in the Resolution, dated 25 January 2005 of the Supreme Court (En Banc). His average output, thus, from the time he received the subject Resolution on 23 February 2005 until we audited him (from 27 June to 6 July 2005) or a period of approximately 4 months, is 3 decisions a month, which output is very disappointing. (Emphasis supplied) Considering the remaining time left, i.e. less than a year, his (Judge Layague) retirement being August 2006 next year, he should now average at least 8 disposed cases a month up to the date he retires, assuming the court grants him extension of time up to that time. This is besides the SFR Cases which he was directed to resolve as well as newly discovered additional cases submitted for decision, among others, as a result of the follow-up conducted. Specifically, the following are 10 of the [49] criminal cases which Judge Layague was able to decide, to wit (with date when the cases were promulgated/decided indicated in parenthesis): Criminal Case Nos. 36,047 (1 December 2004); 41,092 (25 January 2005); 51,747, 51,748, 51,749, 51,750, 97,370, 97,371, 97,372 and 97,373 (25 January 2005). Regarding the 2 out of the [49] civil cases, which he (Judge Layague) was directed to decide, these are: Civil Case Nos. 28,841 (7 February 2005); 30,087 (25 April 2005).

Regarding the others, there are 18 cases (3 criminal cases and 15 civil cases), which although still undecided are with draft decisions already. The remainder, about 42 (23 criminal cases and 19 civil cases) are without even any drafts. Unaccounted are 16 cases (3 criminal cases and 13 civil cases SFD).

b. SFR CASES:[11]

Of these 226 SFR Cases (156 criminal cases and [69] civil cases) which he (Judge Layague) was directed to resolve in the subject Resolution of the Court, he was able to resolve only about 11 cases (4 criminal cases and 7 civil cases), representing only about 4% of the total cases which he was directed to resolve. His average output during the 4 month period (from the time he received the Resolution of the Court until we audited him anew) is about 2 cases a month, which is very disappointing. (Underscoring supplied) Considering that he (Judge Layague) has a huge number of SFR cases to resolve; and considering, further, that he has less than a year to go before he retire in August 2006, next year, he has to resolve approximately at least 28 cases a month or more, if he wants to resolve all the SFR cases before he retires, if he still have the will and determination to finish it, which we can just hope he still has. The following are the 4 of the 156 criminal cases SFR he was able to resolve, to wit: Criminal Case Nos. 5,186, 48,217, 53,565 and 52,011. On the other hand, these are the 7 of the [69] civil cases SFR he was able to resolve, to wit: Civil Case Nos. 28,335; 29,253 (30 January 2005); 28,401 (23 February 2005); 26,356 (NOTE: Case already decided but with an incident SFR); 30,253 (21 April 2005); 25,694 (2 November 2004); 27,981 (6 December 2004).

Regarding the others, there is a lone unresolved criminal case with a final draft ready for signing. Likewise, the other lone unresolved criminal case is with an unfinal draft decision already. The rest of the unresolved criminal cases, about 131 criminal cases, are still without even any drafts. Relative to the civil cases, there are 4 civil cases, which although still unresolved were with draft decisions already. The rest are unresolved civil cases, about 51 civil cases, are still without even any drafts. Unaccounted are 27 cases SFR (19 criminal cases and 8 civil cases).

- UNACCOUNTED CASES:

The following are the cases, subject of the Resolution, dated 25 January 2005 of the Court in A.M. No. 05-1-37, which were not shown to the audit team:

- SIXTEEN (16) SFD CASES: Criminal Case Nos. 42,164; 51,742; 51,750 and Civil Case Nos. 238; 268; 278; 23,323; 24,434; 24,480; 25,150, 25,542; 28,073; 28,549; 30,002; 54,140 and SP 7293.

- FOURTEEN (14) SFR CASES: Criminal Case Nos. 34,403; 34,534; 43,756; 45,973; 45,974; 53,657; 54,054 and Civil Case Nos. 26,873, 26,899; 27,526; 27,652; 27,838; 29,302 and 30,028.

- NO UPDATED MONTHLY REPORTS, DOCKET INVENTORY AND DOCKET BOOKS:

The Docket Inventory of RTC, Br 14, Davao City is a year behind. Its last Semestral Docket Inventory was for July to December 2003.

On the other hand, with respect to the Monthly Reports, based on records provided by the court, its last Monthly Report was for 'December 2004.' NOTE: When the court was audited in 2004, its last Monthly Report was for July 2004.

During the October 2004 Audit of the court, the above problem has already been duly noted and relayed to Judge Layague and concerned employees who were admonished to do something about it. After almost a year, it seemed that nothing happened, as there are still no updated Monthly Report/Semestral Docket Inventory in the court and the Docket Books are still not yet updated.

- INVENTORY CONDUCTED BY JUDGE DARAY UNCOVERED THE FOLLOWING:

(1) UNAUDITED CASES SUBMITTED FOR DECISION/RESOLUTION:

Judge Marivic T. Daray, Assisting Judge, RTC, Br. 14, Davao City informed the Judicial Audit team that when she conducted an inventory of her own of the cases in the court assigned to her, she found out that there were cases submitted for decision (SFD), which upon verification of the records by the Audit Team were not shown during the 2004 audit of the court, the reason why these cases were not audited, hence, not included in the Resolution, dated 25 January 2005 in A.M. No. 05-1-37-RTC. These cases are as follows: Criminal Case No.

55,263; Civil Case Nos. 21,701 [decided already]; 35,995; 27,733; 30,523, 30,633, SCA 21,274.

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These cases were not included in the Report of the Team which last conducted an audit of the court, hence, not included in the subject Resolution, dated 25 January 2005 of the Court.

(2) CASES AUDITED DURING THE LAST AUDIT WHICH WERE NOT SFD/SFR DURING THAT TIME, BUT HAVE MOVED, AND AFTER THE AUDIT ALREADY SFD/SFR:

These cases are the following: Criminal Case Nos. 53,476, 53,477, 53,478, 53,479, 53,480, 53,481, 53, 482, 53,483, 53,484, 53,485, 53,486, 53,487 and 54,397; and Civil Case Nos. 22,405; 27,385.

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(3) CASES INADVERTENTLY OMITTED IN THE REPORT:

These cases are as follows: to wit: Civil Case No. 26,480; 29,610; 30,230 and 29,330.

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(4) CASES NOT ACCURATELY RECORDED DURING THE LAST AUDIT:

These cases are the following, to wit: Civil Case Nos. 29,499, 30,118; and 30,094.

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(5) MISMANAGEMENT OF THE COURT:

In 2004, the Audit Team has no knowledge, nor were they forewarned of how disorganized the court (RTC, Br. 14, Davao City) was, such that the same needs more time and attention than the other courts (with retiring judges) which was first audited that time. The Team, has to maximize the use of the short time left for them to audit the court. One of the many measures adopted was to concentrate more on the 'movement of cases,' especially those with 2003 settings and below, not so much those cases with 2004 settings, except SFD/SFR Cases, inasmuch as the audit was conducted in 2004, and cases with 2004 settings were to be considered still to have moved on time.

When the court was audited, tell-tale signs or indicia that the same has been mismanaged were already evident. (1) There was no proper safekeeping of expedientes of court cases, especially the active ones. They were found anywhere, i.e. on desk tops or on the floor, etc. (2) The Audit Team which audited the court in 2004 were not shown all the records of active cases. That is why there were still unaudited cases not included in the Report of the Team; (3) The pleadings, etc. inside the expedientes were not hand-stitched but were just kept together by fasteners with some loose pleadings, orders, etc. not yet held by fasteners; (4) The arrangements of the pleadings, orders, etc. in some, if not most of the expedientes, are not in chronological order, the reason why the team, who were troubled with time, failed to record accurately the correct 'last action taken;' In some, the latest orders were not yet attached to the expedientes, not even paper-clipped on front of the folder of the same (expedientes), the reason why the 'last action taken' were not up to date; (5) The Audit Team cannot reconcile the cases they audited vis-à-vis the records of the court because the court's last Semestral Docket Inventory was a year behind and neither were the Docket Books of help inasmuch as the entries were not updated; (6) Unaccounted Cases: There were cases, subject of the Resolution, dated 25 January 2005 of the Court in A.M. No. 05-1-37, which were not shown to the Audit Team, to wit: sixteen (16) SFD cases; and twenty-seven (27) SFR cases. (7) No updated Monthly Reports, Docket Inventory and Docket Books. The Docket Inventory of RTC, Br 14, Davao City was a year behind. Its last Semestral Docket Inventory was for July to December 2003. On the other hand, with respect to the Monthly Reports, based on records provided by the court, its last Monthly Report was for 'December 2004.' Note may be taken that when the court was last audited in 2004, its

last Monthly Report was for July 2004. The Docket Books were not properly maintained and updated. The above problems were duly noted and relayed, accordingly, to the Judge, as well as the employees concerned, who were orally admonished to correct the problem. Almost a year after, It seemed that nothing happened, as the court's Monthly Reports, Semestral Docket Inventory and Docket Books are not yet up to date.

On the basis of the foregoing findings of the OCA, and acting on the latter's recommendation, the Court issued an en banc Resolution[12] dated September 20, 2005, thus:

(a) DIRECT Judge William M. Layague and Branch Clerk of Court Ray Usón Velasco, both of RTC, Branch 14, Davao City, to

(i) EXPLAIN, within thirty (30) days from notice hereof, why (1) the following cases, which were audited in 2004 and subject of the Resolution dated 25 January 2005 and which apparently were not among the cases decided/resolved by Judge Layague, were not shown to the Audit Team so that the same may be checked for compliance with the Resolution of 25 January 2005, to wit: sixteen (16) SFD (submitted for decision) cases: Criminal Case Nos. 42,164; 51,742; 51,750 and Civil Case Nos. 238; 268; 278; 23,323; 24,434; 24,480; 25,150; 25,542; 28,073; 28,549; 30,002; 54,140 and SP 7293; and twenty-seven (27) SFR (submitted for resolution) cases: Criminal Case Nos. 26,888; 31,181; 34,403; 34,534; 37,348; 37,349; 37,350; 37,351; 37,352; 37,353; 41,658; 42,197; 43,756; 44,955; 45,973; 45,974; 48,608; 53,657; 54,054; and Civil Case Nos. 26,873; 26,899; 27,526; 27,652; 27,838; 28,822; 29,302; and 30,028; (2) the court's Monthly Report, the last one accomplished being for December 2004, and Semestral Docket Inventory, the last one accomplished being a year ago, i.e. July to December 2003, were not updated; and (3) there is no proper and orderly safekeeping and upkeeping of expedientes of court cases, in that, expedientes were found anywhere in the court, i.e. from desk tops to the floor, etc.; almost all were not properly hand-stitched; a number thereof have pleadings improperly and not chronologically arranged, etc.;

(ii) TAKE APPROPRIATE ACTION, within thirty (30) days from notice hereof, to update the court's Monthly Reports and Semestral Docket Inventory Reports; otherwise, the following provisions of Rule 1, par. 8 of Administrative Circular No. 4-2004 dated 4 February 2004 and Part C of Administrative Circular No. 10-94 dated 29 June 1994 shall be applied to them:

8. Failure to submit the Form, as well as the documents required in the preceding paragraph, shall warrant the withholding of the salaries of the judge/s and clerks of court xxx, without prejudice to whatever administrative sanction the Supreme Court may impose on them or criminal action which may be filed against them. The same sanction shall apply to those submitting reports with incomplete or inaccurate entries or attachments. (Emphasis supplied)

...

C. Penalties

Willful non-compliance with the circular shall constitute serious misconduct and shall warrant imposition of the appropriate penalties. The Office of the Court Administrator shall report to the Court non-compliance with the circular within thirty (30) days from the expiration of the period for compliance.

(iii) SUBMIT all pending monthly reports of cases and semestral docket inventory of cases to the Court Management Office, thru the Office of DCA Christopher O. Lock, within the same period of thirty (30) days from notice hereof; and

(iv) DEVISE immediately a more effective and efficient system not only in the accomplishment of the Monthly Report and Semestral Docket Inventory but also in the proper filing, updating, up keeping and safekeeping of expedientes of court cases with a STERN WARNING that their failure to comply with the foregoing directives shall be dealt with more severely in the future;

(b) REMIND Branch Clerk of Court Velasco of the provisions of Circular No. 11 dated 16 September 1986, re:

maintenance and updating of Docket Books, which states:

Quoted hereunder, for your information and guidance, is the pertinent portion of the resolution of this Court (First Division) in Administrative Matter No. R-459-P, entitled *The Court Administrator, etc. vs. Numeriano Galang, etc., et al.*, promulgated on 15 September 1986, to wit:

The Court takes this opportunity to remind all Clerks of Court and personnel concerned in lower courts to make the proper entries, without skipping any page, in the general docket book, docket books for civil and criminal cases, judgment and entries book, and execution books as contemplated in Sections 8, 9 and 10, Rule 136 of the Rules of Court, to the end that 'by reference to a single page the history of the case may be seen' and so that the actual number of pending cases reflected in the monthly reports as submitted to this Court tally with the actual physical count of cases in their respective Salas.

The Office of the Court Administrator shall see to it that all Salas of lower courts, upon proper requests and requisition, are regularly furnished with the necessary docket books so that the respective personnel thereof may be in a position to effectively comply with Rule 136 of the Rules of Court.

Strict Compliance is hereby enjoined.

(c) REQUIRE Branch Clerk of Court Velasco to EXPLAIN, within thirty (30) days from notice hereof, his failure to maintain and update the court's Docket Books for criminal and civil cases;

(d) ADVISE Branch Clerk of Court Velasco to devise a systematic and orderly method of updating the entries in the Docket Books, with a STERN WARNING that a same or similar infraction in the future will be dealt with more severely;

(e) REQUIRE Branch Clerk of Court Velasco to SUBMIT to the Court, thru the Office of DCA Christopher O. Lock, a report of compliance with the foregoing directives within thirty (30) days from notice hereof;

(f) DIRECT Judge Layague to (i) DECIDE the following unaudited SFD cases, to wit: Criminal Case No. 55,263 and Civil Case Nos. 35,995; 27,733; 30,523; 30,633 and SCA 21,274; (ii) DECIDE the following cases audited in October 2004 which were not yet submitted for decision at that time but had moved and now submitted for decision, to wit: Criminal Case Nos. 53,476; 53,477; 53,478; 53,479; 53,480; 53,481; 53,482; 53,483; 53,484; 53,485; 53,486; 53,487 and Civil Case No. 22,405; (iii) RESOLVE the following SFR cases, to wit: Criminal Case No. 54,397 and Civil Case No. 27,385; (iv) DECIDE the following SFD cases inadvertently omitted in the Report of the Team which conducted the 2004 audit of the court, hence, not included in the 25 January 2005 Resolution, to wit: Civil Case Nos. 29,330 and 30,230; (v) RESOLVE the following SFR cases inadvertently omitted in the Report of the Team which conducted the 2004 audit, hence, not included in the 25 January 2005, to wit: Civil Case Nos. 26,480 and 29,610; (vi) DECIDE the following SFD cases inaccurately recorded during the October 2004 audit, to wit: Civil Case Nos. 30,094 and 30,118; and (vii) RESOLVE the incident in the following SFR case inaccurately recorded during the October 2004 audit, to wit: Civil Case No. 29,499, all within ninety (90) days from notice hereof; and

(g) GRANT the request of Judge Layague for an extension of three (3) months from 29 August 2005 within which to fully comply with the Resolution of 25 January 2005, with a STERN WARNING that the same shall be the last and should he fail to do so, he shall accordingly be dealt with and with severity.

In compliance with the above directive, Atty. Ray Uson Velasco, Clerk of Court, Branch 14, Davao City, filed his explanation by letter^[13] dated October 12, 2005, and stated that about seven (7) cases^[14] mentioned in the said Resolution do not belong to the docket of RTC, Br. 14, Davao City but to other branches of the court as per certification^[15] of the Office of the Clerk of Court. These are: Civil Cases Nos. 24,480; 25,150; 25,542; 26,899;

28,549;[16] 30,028; and 54,140. Atty. Velasco also apologized for his administrative lapses and human frailties and asked that he be given more time to comply with the inventory and monthly reports.

Respondent Judge Layague, in his Consolidated Compliance[17] dated October 6, 2005, clarified that, regarding the complaint of Paul L. Cansino in A.M. OCA IPI No. 04-2055-RTJ respecting Criminal Case No. 45,973-2000 and Criminal Case No. 45,974-2000, the motion to quash the information and/or to dismiss filed in those cases were jointly resolved in a resolution dated February 24, 2005. Respondent judge explained that the delay in the resolution of said motion was attributable to the fact that the prosecution moved to hold in abeyance the resolution of the same on account of the motion for further certification filed by Ombudsman Desierto in G.R. No. 105965-70 (*George Uy v. Sandiganbayan, Ombudsman and Roger C. Berbano, Sr., Special Prosecutor*), which fact has been explained in the resolution thereof.

In A.M. No. 05-2177-RTJ, entitled *Development Bank of the Philippines v. Judge William M. Layague*, respondent Judge Layague, in his letter[18] dated March 10, 2005, stated that he had already resolved the pending motion to dismiss in the aforementioned case, attaching therewith a copy of the said order dated February 23, 2005. Respondent Judge also requested that he be allowed to incorporate his comments on this instant administrative complaint with those in A.M. No. 05-1-37-RTJ.

In our Resolutions dated July 11, 2005[19] and December 14, 2005,[20] we ordered the consolidation of A.M. OCA IPI NO. 04-2055-RTJ and A.M. No. 05-2177-RTJ with A.M. No. 05-1-37-RTC, considering that the cases involved in the said first two administrative cases were among those mentioned in the third case, A.M. No. 05-1-37-RTC.

On December 1, 2005, respondent judge submitted his Second Partial Compliance and Last Request for Extension[21] (with attachments). He requested a final extension of two (2) months reckoned from November 29, 2005 within which to fully comply with the Court en banc Resolution of January 25, 2005. Again, he advanced his recurring illnesses as his excuse for not complying with the said order. Hereinbelow is the list of respondent judge's decisions, orders and resolutions, as stated in the Second Partial Compliance:

Criminal Cases Nos. 31,436-93 and 31,437-93; 34,403-94; 36,954-96; 37,841-96; 38,875-97; 38,876-97; 38,877-97; 38,878-97; 42,138-98, 42,139-98 & 42,140-98; 42,336-99 to 42,341-99; 42,665-99; 43,003-99; 43,756-99; 43,822-99; 44,952-2000; 46,192-2000 to 46,202-2000; 46,361-2000 to 46,381-2000; 47,028-2001; 47,661-2001; 48,627-2001; 50,261-2002; 51,165-2002; 52,369-2003 and 53,657-2004.

Civil Cases Nos. 024-99; 044-2000; 238-2004; 268-2004; 278-2004; 7293-2003; 12,271; 17,670-85; 22,052-93; 22,603-94; 22,687-94; 22,993-94; 23,471-95; 24,529-96; 24,969-97; 25,104-97; 25,513-97; 26,254-98; 26,322-98; 26,635-98; 26,694-98; 26,729-98; 26,775-98; 27,304-99; 27,309-99; 27,526-99; 27,820-00; 27,845-00; 28,003-2000; 28,060-2000; 28,127-2000; 28,172-2000; 28,549-2001; 28,572-2002; 28,577-2001; 28,842-2001; 28,958-2002; 29,033-2002; 29,162-2000; 29,224-2002; 29,353-2002; 29,552-2003; 30,002-2003 and 30,340-2004.

Of the cases left for appropriate action by the respondent judge, he was able to act on the following cases as per report[22] by the follow-up judicial audit team:

(a) DECIDED CASES: Criminal Case Nos. 34,403; 36,954; 37,841; 42,138, 42,139 and 42,140; 43,003; 52,369; 31,436 and 31,437; 43,756; 43,822; 44,952; and 47,028; including Civil Case Nos. 12,271; 22,687; 25,104; 28,172; 28,549; 28,577; Civil Case No. 28,842; 28,958; 29,033; 29,224; 30,340; 26,322; 26,694; 27,304; 27,845; 28,003; 28,572; 29,162; 26,635; 28,060; 238; 268; 278; 30,002; SP 7293; 22,603; 25,513; and

(b) CASES WHERE UNRESOLVED INCIDENTS RESOLVED BUT CASE STILL ACTIVE: Criminal Case Nos. 38,875; 38,876; 38,877; 38,878; 42,336; 42,337; 42,338; 42,339; 42,340; 42,341; 45,973; Criminal Case

No. 45,973, together with another case, to wit: Criminal Case No. 45,974 have already been resolved in the negative by Judge Layague in an Order, dated 24 February 2005); Criminal Case No. 45,974 (It appears that the unresolved incident(s) in this case, i.e. a motion to quash and/or to dismiss this case (Criminal Case No. 45,974), together with another case, to wit: Criminal Case No. 45,973, have already been resolved in the negative by Judge Layague in an Order, dated 24 February 2005.); Criminal Case Nos. 46,192; 46,193; 46,194; 46,195; 46,196; 46,197; 46,198; 46,199; 46,200; 46,201; 46,202; 46,361; 46,362; 46,363; 46,364; 46,365; 46,366; 46,367; 46,368; 46,369; 46,370; 46,371; 46,372; 46,373; 46,374; 46,375; 46,376; 46,377; 46,378; 46,379; 46,380; 46,381; 47,362; and 47,661; 51,165; 52,011; 52,779; 53,565; and 53,657; 50,261; 42,665; 48,627; including Civil Case Nos. 024; 17,670; 22,603; 22,993; Civil Case No. 23,471; 24,969; 26,254; 26,775; 27,309; 27,526; 27,820; 28,127; 29,353; 29,552; LRC 044; 24,529; 26,729; SP 22,052; 17,670; 22,993; 23,471; and 24,969.

On April 7, 2006, respondent judge filed his Third Partial Compliance and Last Request for Extension[23] (with attachments) dated April 3, 2006. Here, respondent judge ratiocinated his recurring illnesses for not complying with our en banc Resolutions of January 25, 2005 and September 20, 2005. He submitted the pertinent medical records in support of his explanation. He declared that he had complied with the report of cases and had prepared a decision in Criminal Case No. 44,234-99, in compliance with the letter dated November 23, 2005 from Deputy Court Administrator Christopher O. Lock directing him to decide the said case within thirty (30) days from receipt thereof. Lastly, he requested for a last extension, up to May 29, 2006 within which to comply with the directive stated in the two resolutions and asked for an audit of his cases after May 29, 2006 in view of his impending compulsory retirement on August 7, 2006. In said letter/Third Partial Compliance, respondent judge submitted a list of cases, together with the copies of his decisions and orders thereon:

Criminal Cases Nos. 38,789-97 and 38,790-97; 39,088-97; 39,337-97 to 39,341-97; 40,094-97; 40,391-98; 41,092-98; 41,460-98; 41,538-98 and 41,539-98; 41,643-98; 42,164-98; 42,695-99; 43,689-99; 44,929-2000; 44,930-2000; 44,931-2000; 44,932-2000; 45,238-2000 to 45,240-2000; 45,973-2000 and 45,974-2000; 47,600-2001; 47,601-2001; 47,828-2001; 48,771-2001 and 48,772-2001; 48,976-2001; 50,739-2002; 51,742-2003; 51,747-2003 to 51,750-2003.

Civil Cases Nos. 049-2000; 2933; 20,097-90; 21,329-92; 24,342-96; 24,343-96; 24,344-96; 24,541-96; 24,610-96; 24,875-96; 25,165-97; 25,206-97; 25,232-97; 25,589-97; 25,663-97; 25,694-97; 25,732-97; 26,806-98; 26,873-98; 27,335-99; 27,355-99; 27,408-99; 27,424-99; 27,511-99; 27,652-99; 28,037-2000; 28,073-2000; 28,401-2001; 28,481-2001; 28,501-2001; 28,892-2001; 29,093-2002; 29,240-2002; 29,386-2002; 29,551-2003; 29,732-2003; 29,801-2003; 30,087-2003.

Upon recommendation of the OCA, the Court issued Resolution[24] dated June 20, 2006, which we quote:

- (a) NOTE the Third Partial Compliance dated April 3, 2006 filed by Judge William M. Layague;
- (b) GRANT the request of Judge Layague for an extension until May 29, 2006 within which to fully comply with the resolutions of January 25, 2005 and September 20, 2005 issued in A.M. No. 05-1-37-RTC;
- (c) DENY the request of Judge Layague for an audit of his cases after May 29, 2006, as this administrative matter is the result of the judicial audit conducted sometime in 2004 in view of his forthcoming retirement;
- (d) DIRECT Judge Layague to
 - (i) DECIDE the following remaining undecided cases as required in the resolution of January 25, 2005 in A.M. No. 05-1-37-RTC, to wit: Criminal Cases Nos. 30,811; 34,403, 38,573; 42,651; 43,858; 43,859; 46,750; and Civil Cases Nos. 19,835; 23,263; 24,434; 24,502; 24,930; 25,110; 25,411; 25,912; 26,457; 27,050; 27,097; 27,112; 28,695; 29,512 and 29,648.
 - (ii) RESOLVE the unresolved incidents in the following cases as required in the resolution of January 25, 2005

in A.M. No. 05-1-37-RTC, to wit: Criminal Cases Nos. 34,534; 40,953; 54,054; and Civil Cases Nos. 23,224; 24,328; 24,714; 25,165; 27,298; 27,271; 27,340; 27,670; 27,838; 28,192; 28,501; 28,085; 29,302; 29,732 and SP 28,099; and

(iii) FULLY AND FAITHFULLY COMPLY with the resolution of September 20, 2005 in A.M. No. 05-1-37-RTC, the relevant portion of which is hereby quoted, to wit:

(f) DIRECT Judge Layague to (i) DECIDE the following unaudited SFD cases, to wit: Criminal Case No. 55,263 and Civil Case Nos. 35,995; 27,733; 30,523, 30,633 and SCA 21,274; (ii) DECIDE the following cases audited in October 2004 which were not yet submitted for decision at that time but had moved and now submitted for decision, to wit: Criminal Case Nos. 53,476, 53,477, 53,478, 53,479, 53,480, 53,481, 53,482, 53,483, 53,484, 53,485, 53,486, 53,487 and Civil Case Nos. 22,405; (iii) RESOLVE the following SFR cases, to wit: Criminal Case Nos. 54,397 and Civil Case Nos. 27,385; (iv) DECIDE the following SFD cases inadvertently omitted in the Report of the Team which conducted the 2004 audit of the court, hence, not included in the January 25, 2005 Resolution, to wit: Civil Case No. 29,330 and 30,230; (v) RESOLVE the following SFR cases inadvertently omitted in the Report of the Team which conducted the 2004 audit, hence, not included in the January 25, 2005, to wit: Civil Case Nos. 26,480 and 29,610; (vi) DECIDE the following SFD cases inaccurately recorded during the October 2004 audit, to wit: Civil Case Nos. 30,094 and 30,118; and (vii) RESOLVE the incident in the following SFR case inaccurately recorded during the October 2004 audit, to wit: Civil Case No. 29,499, all within ninety (90) days from notice hereof; and xxx'

(e) CONSIDER A.M. OCA IPI No. 04-2055-RTJ (Paul L. Cansino vs. Judge William M. Layague, RTC, Branch 14, Davao City) as CLOSED AND TERMINATED, considering that Judge Layague has already resolved the incidents therein. (Emphasis supplied).

Based on respondent judge's Third Partial Compliance and Last Request for Extension, the OCA made the following findings:[25]

2. A reading of his other compliance, i.e. `THIRD PARTIAL COMPLIANCE AND LAST REQUEST FOR EXTENSION(,)dated 3 April 2006 filed by Judge Layague in A. M. NO. 05-1-37-RTC submitted by him relative to the Resolution of the Court En Banc dated 25 January 2005 (but does not include that for 20 September 2005 as erroneously stated by him {Judge Layague} issued also in A.M. No. 05-1-37-RTC) show that he has already decided/acted on the following cases (with date of decision or other action indicated in the footnotes), to wit: Criminal Case Nos. 38,790; 39,088; 39,337, 39,338, 39,339, 39,340 and 39,341; 40,094; 40,391; 41,092; 41,460; 41,538 and 41,539; 41,643; 42,164 42,695 43,689; 44,929; 44,930; 44,931; and 44,932 45,238; 45,239; 45,240; 45,973 and 45,974; 47,600 and 47,601; 47,828; 48,771 and 48,772 48,976; 50,739; 51,742 (D: 23 January 2006); 51,747; 51,748; 51,749; and 51,750; including Civil Cases Nos. 049; SP No. 2933; 20,097; 21,329; 24,342; 24,343; and 24,344; 24,541; 24,610; 24,875; 25,265; 25,206; 25,232; 25,589; 25,663; 25,694; 25,732; 26,806; 26,873; 27,335; 27,355; 27,408; 27,424; 27,511; 27,652; 28,037; 28,073; 28,401; 28,481; 28,401 28,892; 29,093; 29,240; 29,386; 29,551; 29,801; and 30,087. [26]

B. CASES STILL UNDECIDED AND UNRESOLVED AFTER THE THIRD PARTIAL COMPLIANCE AND LAST REQUEST FOR EXTENSION(,) DATED 3 APRIL 2006 FILED BY JUDGE LAYAGUE:

(i) Regarding the 25 January 2005 Resolution of the Court in A.M. No. 05-1-37-RTC:

Considering the `LATEST COMPLIANCE FILED BY JUDGE LAYAGUE, I.E. `THIRD PARTIAL COMPLIANCE AND LAST REQUEST FOR EXTENSION(,) dated 3 April 2006, only the following cases, as stated in pars. 1 (a) and 2 of the 25 January 200(5) En Banc Resolution of the Court in A.M. No. 05-1-37-RTC, remained undecided, to wit: Criminal Case Nos. 30,811; 34,403; 38,573; 42,651; 43,858; 43,859; 46,750; and Civil Case Nos. 19,835; 23,263; 24,434; 24,502; 24,930; 25,110; 25,411; 25,912; 26,457; 27,050; 27,097; 27,112; 28,695; 29,512; 29,648; and 54,140. Regarding the unresolved cases, as stated in par. 1 (b) of the 25 January 2005 En Banc Resolution of the Court in A.M. No. 05-1-37-RTC, remained unresolved,

to wit: Criminal Case Nos. 34,534; 40,953; 54,054; and Civil Case Nos. 23,224; 24,328; 24,714; 25,165; 27,298; 27,271; 27,340; 27,670; 27,838; 28,192; 28,501; 29,085; 29,302; 29,732; and SP 28,099.

(ii) Regarding the 20 September 2005 Supreme Court En Banc Resolution issued in A.M. No. 05-1-37-RTC:

Before Judge Layague's recent Compliances has yet to fully comply with the above resolution of the Court. The following cases remained still undecided/unresolved, to wit: (1) Cases submitted for decision (SFD Cases): (a) Unaudited Cases: Criminal Case No. 55,263 and Civil Case Nos. 27,733; 30,523, 30,633 and SCA 21,274; (b) Audited Cases: Criminal Case Nos. 53, 476; 53,477; 53,478; 53,479; 53,480; 53,481; 53,482; 53,483; 53,484; 53,485; 53,486; 53,487; and Civil Case Nos. 22,405; (c) Cases inadvertently omitted in the 25 January 2005 Resolution, to wit: Civil Case No. 29,330; 30,230; (d) Inaccurately recorded cases, to wit: Civil Case No. 30,094; and 30,118. (2) Cases submitted for resolution (SFR Cases): (a) Criminal Case Nos. 54,397; and Civil Case Nos. 27,385; (b) SFR Cases inadvertently omitted in the Report of the Team which conducted the 2004 audit, hence, not included in the 25 January 2005, to wit: Civil Case Nos. 26,480; 29,610; and (vii) SFR Cases inaccurately recorded during the October 2004 audit, to wit: Civil Case Nos. 29,499. (Emphasis supplied)

On August 10, 2006, respondent judge filed his Full and Final Compliance and Full Compliance, both dated July 26, 2006, attaching thereto the list of the decisions and orders rendered by him, as well as copies of the same:

FULL AND FINAL COMPLIANCE:

Criminal Case Nos. 30,811-93; 36,047-95; 38,573-97; 40,953-98; 42,651-99; 43,858-99 and 43,859-99; 46,750-01; 52,630-03.

Civil Case Nos. 19,835-89; 22,956-94; 23,224-94; 23,263-94; 24,328-96; 24,434-96; 24,502-96; 24,714-96; 24,930-97; 25,110-95; 25,411-97; 25,912-97; 26,457-98; 26,890; 27,050-99; 27,097-99; 27,112-99; 27,271-99; 27,298-99; 27,340-99; 27,375-99; 27,670-99; 27,838-2000; 27,981-2000; 28,089-2001; 28,099-2000; 28,192-2000; 28,335-2000; 28,463-2001; 28,621-2001; 28,695-2001; 29,085-2002; 29,302-2002; 29,512-2003; 29,926-2003; 29,648-2003;

Crim. Case Nos. 34,534-1994; 53,702-2004; 54,054-2004; 54,140-2004 and Civil Cases Nos. 24,480-96; 25,542-97; 26,899-96; 30,028-03 and 25,150-97.[27]

FULL COMPLIANCE:

Criminal Case Nos. 26,888-92; 31,181-93; 34,403-94; 37,347-96, 37,348-96, 37,349-96, 37,350-96, 37,351-96, 37,352-96, 37,353-96 and 37,354-96; 41,657-98 and 41,658-98; 42,164-98; 42,197-98 and 42,198-98; 43,756-99; 44,953-00 to 44,955-00; 45,973-2000 and 45,974-2000; 48,608-01; 51,742-03; 51,747-03 to 51,750-03; 53,476-03 to 53,487-03; 53,657-04; 54,397-04; 55,263-04;

Other cases - 230-2004; 268-2004, 278-2004;

Special Proceedings - 7293-03;

Civil Case No. SCA-21,274-92; 22,405-92; 23,323-94; 24,434-96; 26,480-98; 26,873-98; 27,385-99; 27,526-99; 27,652-99; 27,733-99; 27,838-2000; 28,073-2000; 28,549-2001; 28,822-2001; 29,302-2002; 29,330-2002; 29,499-2003; 29,610-2003; 30,002-2003; 30,094-2003; 30,118-2003, 30,230-2004; 30,523-2004; 30,633-2004;

Crim Case Nos. 54,140-04; 35,995-1995; 54,054-2004; 34,534-1994 and Civil Case Nos. 24,480-96; 25,542-97; 30,028-03; 26,899-98; 25,150-97.[28]

With the submission of respondent judge's Full and Final Compliance, the OCA made the following evaluations/findings as per Memorandum Report:[29]

A consideration of the captioned 'FULL AND FINAL COMPLIANCE,' and the 'FULL COMPLIANCE,' both dated 26 July 2006, show that Judge Layague, has FULLY acted upon on all the remaining cases still undecided, unresolved and unacted upon, as directed by the Supreme Court in its above Resolution. The others, as will be shown below, were already acted upon by Judge Layague in his previous Compliances, to wit:

Re: par. (a), subpar. 1 (a) of the Resolution, dated 25 January 2005, these cases were already acted upon, to wit: Criminal Case Nos. 30,811; 34,403; 36,954; 37,841; 38,573; 38,790; 39,088; 39,337; 39,338; 39,339; 39,340; 39,341; 40,094; 41,092; 41,643; 42,138; 42,139; 42,140; 42,651; 42,695; 43,003; 44,929; 44,930; 44,931; 44,932; 45,238; 45,239; 45,240; 46,750; 47,828; 48,976; 50,739; 51,747; 51,748; 51,749; 51,750; 97,370; 97,371; 97,372; 97,373; 52,369; and Civil Case Nos. 049; 12,271; 19,835; 20,097; 21,329; 22,687; 23,263; 23,323; 24,480; 24,502; 24,610; 24,930; 25,104; 25,110; 25,206; 25,232; 25,411; 25,542; 25,663; 25,912; 26,457; 27,050; 27,097; 27,112; 27,511; 28,073; 28,172; 28,481; 28,549; 28,577; 28,695; 28,842; 28,958; 29,033; 29,093; 29,224; 29,240; 29,512; 29,551; 29,648; 30,087; 30,340; and 54,140.

Regarding par. (a), subpar. 1 (b) of the Resolution, dated 25 January 2005, the following cases were already acted upon, to wit: Criminal Case Nos. 5186; 24,854; 24,855; 26,888; 27,011; 31,181; 31,436; 31,437; 34,403; 34,534; 35,917; 36,953; 37,089; 37,090; 37,100; 37,347; 37,348; 37,349; 37,350; 37,351; 37,352; 37,353; 37,354; 38,542; 38,875; 38,876; 38,877; 38,878; 39,688; 39,812; 39,986; 40,084; 40,391; 40,953; 41,460; 41,538; 41,539; 41,619; 41,657; 41,658; 42,197; 42,198; 42,336; 42,337; 42,338; 42,339; 42,340; 42,341; 42,619; 42,705; 42,816; 42,817; 42,818; 43,756; 43,822; 44,139; 44,466; 44,749; 44,807; 44,952; 44,953; 44,954; 44,955; 44,956; 44,957; 44,958; 44,959; 44,960; 44,961; 44,962; 45,122; 45,973; 45,974; 46,034; 46,155; 46,192; 46,193; 46,194; 46,195; 46,196; 46,197; 46,198; 46,199; 46,200; 46,201; 46,202; 46,361; 46,362; 46,363; 46,364; 46,365; 46,366; 46,367; 46,368; 46,369; 46,370; 46,371; 46,372; 46,373; 46,374; 46,375; 46,376; 46,377; 46,378; 46,379; 46,380; 46,381; 47,028; 47,362; 47,661; 48,217; 48,608; 48,627; 48,719; 48,771; 48,772; 49,079; 49,080; 49,081; 49,082; 49,083; 49,084; 49,085; 49,086; 49,087; 49,088; 49,089; 49,090; 49,091; 49,092; 49,093; 49,094; 49,095; 49,096; 49,097; 49,098; 49,099; 49,100; 49,101; 49,102; 49,103; 49,104; 49,105; 49,106; 49,107; 50,143; 51,165; 52,011; 52,779; 53,565; 53,657; 53,713; 53,714; 53,715; 54,037; 54,038; 54,054; and Civil Case Nos. 024; (SP) 2933; 17,670; 22,603; 22,993; 23,224; 23,471; 23,675; 24,328; 24,541; 24,714; 24,875; 24,969; 25,165; 25,513; 25,589; 25,694; 25,732; 26,254; 26,304; 26,322; 26,356; 26,552; 26,694; 26,775; 26,873; 26,899; 27,298; 27,271; 27,304; 27,309; 27,335; 27,340; 27,355; 27,408; 27,424; 27,526; 27,652; 27,670; 27,820; 27,838; 27,845; 27,981; 28,003; 28,037; 28,127; 28,192; 28,335; 28,401; 28,501; 28,572; 28,822; 28,871; 29,085; 29,162; 29,253; 29,302; 29,353; 29,383; 29,386; 29,552; 29,732; 29,801; 30,028; 30,253; SP 4319; SP 5640; SP 28,099; and LRC 044.

Going back to the latest Compliances submitted by Judge Layague, a reading of the 'FULL AND FINAL COMPLIANCE,' dated 26 July 2006, show that the following cases, as stated in par. (d) (i) of the abovementioned Resolution of the Court was decided, dismissed, resolved or acted upon, to wit: Criminal Case No. 30,811; Criminal Case No. 38,573; Criminal Case No. 42,651; Criminal Case Nos. 43,858 and 43,859 (D: 24 May 2006); Criminal Case No. 46,750; and Civil Case No. 19,835; Civil Case No. 23,263; Civil Case No. 24,434; Civil Case No. 24,502; Civil Case No. 24,930; Civil Case No. 25,110; Civil Case No. 25,411; Civil Case No. 25,912; Civil Case No. 26,457; Civil Case No. 27,050; Civil Case No. 27,097; Civil Case No. 27,112; Civil Case No. 28,695; Civil Case No. 29,512; and Civil Case No. 29,648; Criminal Case No. 34,534; Criminal Case No. 40,953; Criminal Case No. 54,054; Civil Case No. 23,224; Civil Case No. 24,328; Civil Case No. 24,714; Civil Case No. 27,298; Civil Case No. 27,271; Civil Case No. 27,340; Civil Case No. 27,670; Civil Case No. 27,838; Civil Case No. 28,192; Civil Case No. 29,085; Civil Case No. 29,302; and SP 28,099.

Next, a consideration of the captioned 'FULL COMPLIANCE,' also dated 26 July 2006, show that, with respect to par. (d) (i) also of the above Resolution: the following case was already decided, to wit: Criminal Case No. 34,403. Regarding Civil Case Nos. 25,165; 28,501; and 29,732; per the 'THIRD PARTIAL COMPLIANCE AND LAST REQUEST FOR EXTENSION,' dated 3 April 2006 these cases, as indicated in

the footnotes were already decided. Inadvertently, this case was not reflected as decided already in this Office Memorandum, dated 3 May 2006 which was made the basis for the latest Supreme Court En Banc Resolution, dated 20 June 2006 in A.M. No. 05-1-37-RTC, etc., which directed Judge Layague to still act thereon.

Regarding Par (f) thereof, the following cases were acted upon as follows, to wit: (a) Decided/dismissed: Criminal Case No. 54,397; 55,263; Civil Case Nos. 22,405; 26,480; 27,385; 27,733; 30,118; 30,230; 29,330; 29,610; 30,094; 30,523; 30,633; SCA 21,274; and (b) As indicated in the footnotes, to wit: Criminal Case Nos. 53,476, 53,477, 53,478, 53,479, 53,480, 53,481, 53,482, 53,483, 53,484, 53,485, 53,486, 53,487) Civil Case Nos. 29,499 and 35,995.

Judge Layague has already retired last 7 August 2006.

As to Judge Marivic T. Daray and Atty. Ray Usón Velasco's compliance with the directives of this Court, here is the report and recommendation of the OCA:[30]

II.RE: HON. MARIVIC T. DARAY, Assisting RTC, Br. 14, Davao City:

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It would seem that Judge Daray's tenure as Assisting Judge in RTC, Br. 14, was automatically terminated by reason of the above resolution of the Court, i.e. in view of the full compliance by Judge Layague with the directive of the Court in its Resolution, dated 25 January 2005.

Recently, however, she was designated as Acting Presiding Judge of the court.

The following cases mentioned in par. (a), subpar. 1 (c) of the 25 January 2005 Resolution of the Supreme Court En Banc in A. M. NO. 05-1-37-RTC were already acted upon, with the action taken indicated in the footnotes, as per the Compliance, dated 8 November 2006 (with annexes) submitted by Judge M.T. Daray, i.e. forty-seven (47) Criminal Cases and sixty-six (66) Civil Cases (exclusive of the 28 civil cases subject of the Order, dated 26 October 2006 of Judge Daray, or a total of 94 Civil Cases), or a total of 141 Cases,[31] to wit: Criminal Cases Nos. 30,303; 38,558; 40,119; 39,706; 40,888; 41,953; 43,894; 44,078; 44,531; 44,595; 45,162; 45,163; 45,179; 45,209; 45,954; 46,488; 46,490; 46,495; 46,860; 47,180; 48,585; 49,757; 49,836; 50,626; 50,794; 51,973; 52,105; 52,334; 52,406; 52,749; 52,832; 52,857; 53,079; 53,476; 53,477; 53,478; 53,479; 53,480; 53,481; 53,482; 53,483; 53,484; 53,485; 53,486; 53,487; 53,549; and Civil Cases Nos. 018; 2884; (Misc. Case No.) 7404; 15,852; 15,853; 15,854; 15,855; 15,856; 19,246; 22,291; 23,059; 23,776; 24,178; 24,634; 24,897; 25,089; 25,377; 25,558; 25,570; 25,624; 25,797; 25,952; 26,100; 26,556; 27,038; 27,214; 27,243; 27,429; 27,460; 27,476; 27,666; 27,798; 27,801; 27,847; 27,911; 27,984; 28,082; 28,364; 28,469; 28,565; 28,567; 28,623; 28,702; 28,930; 28,962; 29,152; 29,190; 29,191; 29,435; 29,538; 29,598; 29,787; 29,821; 29,850; 29,910; 29,925; 30,101; 30,255; SCA 17,308; Criminal Cases Nos. 42,665; 50,261; 52,630; and Civil Cases Nos. 26,729; 26,806; 28,060; 28,089; 28,463; 28,892; and SP 22,052.

The following twenty-eight (28) Civil Cases, included in the 25 January 2005 Resolution of the Court in A. M. NO. 05-1-37-RTC, where either no summons were issued or served upon the parties or no return of summons were made by the Sheriff of RTC, Br. 14, Davao City, is the subject of the Order, dated 26 October 2006 of Judge Daray, where she directed the Branch Clerk of Court and the Sheriff to comply with the directive of either serving the unserved summons or making a return of summons within 15 days from notice, otherwise she will be constrained to bring the matter to the attention of the Court Administrator, to wit: Civil Cases Nos. 22,266; 24,072; 24,866; 24,879; 24,889; 24,892; 25,132; 25,409; 25,430; 25,574; 25,871; 26,244; 26,320; 26,996; 27,115; 27,551; 27,552; 27,553; 27,895; 27,895; 28,162; 28,460; 28,818; 28,935; 29,012; 29,402; 29,684; and 30,052.

The following cases mentioned in the same par. (a), subpar. 1 (c) of the 25 January 2005 Resolution of the Supreme Court En Banc in A. M. No. 05-1-37-RTC remained unacted, to wit: Criminal Cases Nos. 33,438; 33,439; 33,440; 33,441; 33,657; 33,658; 33,659; 45,179; 45,694; 46,489; 46,728; 48,892; 48,906; 49,165;

49,836; 52,996; and Civil Cases Nos. 5926; 10,790; 16,269; 20,973; 22,397; 23,467; 25,159; 25,222; 25,274; 25,358; 25,698; 25,866; 26,704; 26,786; 26,920; 27,027; 27,449; 27,499; 27,534; 27,709; 27,715; 27,776; 27,982; 28,224; 28,343; 28,383; 28,674; 28,768; 28,773; 28,901; 28,660; 29,017; 29,076; 29,079; 29,111; 29,150; 29,250; 29,285; 29,392; 29,629; 29,746; 29,792; 29,812; 30,007; SP 3451; SP 4284; SP 7159, 24,342; 24,343; 24,344; 24,529; 25,110; 26,635; 26,890; 27,375; 28,481.

II. RE: (JUDGE LAYAGUE) AND ATTY. RAY USON VELASCO, BRANCH CLERK OF COURT, RTC, BR. 14, DAVAO CITY:

In his 'COMPLIANCE AND MOTION FOR EXTENSION(,)' dated 10 November 2005, which Judge Layague submitted in connection with the abovementioned Supreme Court En Banc Resolution, dated 20 September 2005 Judge Layague alleges that: (1) He specifically instructed Atty. Velasco to coordinate with the Audit Team and to furnish them all the court records that they wish to examine; (2) It took the Audit Team 2 days to conduct the audit for they proceeded to Tagum City to conduct the audit of another court, leaving with Atty. Velasco a list of cases the records of which they failed to find with instruction that they will come back to finish the audit as soon as the records will be made available. (3) That when the audit team returned from Tagum City, however, only Atty. Runez appeared to inform that they were leaving for Manila; (4) Regarding the failure to submit monthly reports and semestral docket inventory, in December 2004, he ordered his staff to conduct an inventory but what was completed was for year 2003, and as there appears a discrepancy in the number of cases raffled to Branch 14 and number of active cases he ordered another inventory in January 2004 to reconcile the discrepancy when the Audit Team arrived which explains why they observed that records were on table tops and some were on the floor; (5) In view of the discrepancy, no monthly reports could be prepared, and with the assumption of a new Assisting Judge (Judge Daray) she suggested that before the submission of Monthly Reports for the period from January up to her assumption in 1 June 2005, an actual inventory be conducted to find out the actual number of active cases of Branch 14 vis-à-vis the total number of cases assigned and raffled to Branch 14.

In his Letter, dated 12 October 2005, which Atty. Velasco submitted, in compliance with the (En Banc) Resolution, dated 20 September 2005 issued in A.M. No. No. 05-1-3-RTC, he states that: (1) 7 of the 21 civil cases mentioned therein are not found in the court's docket and upon verification by the 'Civil Case (I)n-Charge' (clerk in charge with civil cases), they were raffled and belong to either RTCs 8, 11 or 33. In a Certification, dated 12 October 2005 (Annex A of Letter) issued by Atty. Edipolo P. Sarabia, Jr., OIC Clerk of Court V, these 7 (not 8) civil cases are Civil Case Nos. 24,480; 25,150; 25,542; 30,028; 28,549; 54,140; 26,899; (2) He, together with clerks in charge with criminal and civil cases, will conduct a re-inventory of the records from 17 to 28 October 2005 so that the court will be able to submit an accurate monthly reports; (3) There was delay in the entries in the criminal docket because the position of criminal cases clerk had been vacant for a long period of time and there was difficulty in coping up with the entries; (4) As to the records placed in the staff room floor, they were filed neatly near the tables of the Supreme Court team for them to go over. All records were shown to them but I had no control over what records they chose to inventory. After the Supreme Court team returned from Tagum City, they informed me that the inventory is already finished. Nobody complained to me or to the Executive Judge that the inventory was not yet finished. (5) It is true that there are records at the courtroom. We already ran out of space for them that is why the records are filed orderly and neatly on the side of the courtroom. The records found on my table are those subject for my draft orders and draft decisions which had accumulated. (6) I was paralyzed on the right side of my body for more than a month. In fact, when I met the Supreme Court team on their second day, I still could not hold a pen. At present the records are now in their proper places. (7) He is sorry for the administrative lapses and human frailties. He asked that he be given more time to comply with the inventory and monthly reports.

In compliance, dated 12 October 2005 (to the Supreme Court En Banc Resolution, dated 20 September 2005 issued in A.M. No. 05-1-37-RTC) addressed to the Court Administrator (Justice Presbitero J. Velasco, Jr.) and Atty. Ma. Luisa D. Villarama, Clerk of Court, En Banc, Supreme Court, he (Atty. Velasco) states the

following, to wit: (i) About seven (7) cases mentioned in the said Resolution do not belong to the docket of RTC, Br. 14, Davao City but to other branches of the court. xxx

Re: inventory and monthly reports, a re-inventory of the records will be done from 17 to 28 October 2005 so that accurate monthly reports may be submitted; (ii) There was delay in the entries in the Criminal Docket Book because the item for Criminal Cases Clerk was vacated a long time ago and there was difficulty in coping up with the entries; (iii) As to the records placed in the staff room floor, they were filed neatly near the tables of the Supreme Court Team for them to go over. All records were shown to them but I have no control over what records they chose to inventory. After the Supreme Court team returned from Tagum, they informed me that the inventory was already finished. Nobody complained to me or to the Executive Judge that the inventory was not yet finished; (iv) It is true that there were records at the courtroom. We already ran out of space for them that was why the records were filed orderly and neatly on the side of the courtroom. The records found on my table were those subject of my draft orders and draft decisions which had accumulated. I was paralyzed on the right side of my body for more than a month. In fact, when I met the Supreme Court team on their second day, I still could not hold a pen. At present the records are now in their proper places; (v) He is very sorry for the administrative lapses and human frailties. He begs that time be given him to comply with the inventory and monthly reports.

In his 'COMPLIANCE AND MOTION FOR EXTENSION(,)' dated 11 November 2005, Atty. Velasco alleges that he adopts the Compliance and Motion for Extension filed by Judge Layague, Presiding Judge, RTC, Br. 14, Davao City. Moreover, he states that he will be applying for emergency leave for 2 weeks as there is a need for an immediate operation of his kidney in Manila. Further, He is attaching with the said Motion a certification/referral from a Urologist. Further, when the Audit Team was still in RTC, Br. 14 to audit the court, Atty. Velasco informed the Team Leader that only very recently then, he suffered a mild stroke. He states that for humanitarian considerations, he is asking that the deadline for the submission of the reports be extended for a period of 2 months from 10 November 2005 (which is more or less up to 2 January 2006). Initially, the said date has elapsed without any compliance having been submitted by Atty. Velasco.

However, based on the pleadings/communications previously filed, including the one recently made, i.e. Letter, dated 9 January 2006, with appended lacking monthly reports and semestral docket inventories, it appears that both Judge Layague and Atty. Velasco have complied with the following portions of the Supreme Court En Banc Resolution, dated 20 September 2005 in A. M. NO. 05-1-37-RTC, to wit:

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With respect, in particular, to the portion thereof directing the submission of the lacking monthly reports and semestral docket inventories, the same have been submitted, as shown by original copies thereof attached to the Letter, dated 9 January 2006, which was filed '(i)n compliance with Sub-par III, Par. (a) of the Resolution En Banc of the Supreme Court dated 20 September 2005 issued' in the above administrative matter.

Besides, during the judicial audit recently conducted, from 16 to 30 November 2006, in the RTC, Br. 14, Davao City, it has been observed that the Monthly Reports and the Semestral Docket Inventory are already up to date and the records are already well kept and each and every expediente are already well-arranged in chronological order, among others.

While respondent judge's claims to have fully complied with the Court's en banc Resolutions dated January 25, 2005 and September 20, 2005 in Administrative Order No. 05-1-37-RTC, the recent judicial audit conducted in the RTC, Branch 14, Davao City on November 16 to 30, 2006, revealed that he had left behind 41 cases (19 criminal cases and 22 civil cases), submitted for decision; and 12 cases (3 criminal cases and 9 civil cases) with incidents submitted for resolution, or a total of 53 cases, all of which were already beyond the reglementary period to resolve. It was also observed that these cases were not included in the said Resolutions.[32]

In view of the foregoing, the OCA recommended that:[33]

(a) Regarding the HON. WILLIAM M. LAYAGUE, formerly the Presiding Judge, RTC, Br. 14, Davao City, the report of the judicial audit team be treated as an administrative complaint and that the instant matter be re-docketed as a regular administrative matter against respondent judge. He be adjudged liable for gross inefficiency for undue delay in deciding and resolving an exceptionally huge number of cases. There being full compliance by him of the Resolutions of the Supreme Court En Banc, dated 25 January 2005 and 20 September 2005 in A.M. NO. 05-1-37-RTC (Re: Judicial Audit Conducted in the RTC, Br. 14, Davao City, Presided Over By Judge William M. Layague), plus his claimed illness, which serves to mitigate his liability hereunder, but aggravated by his previous penalties in other administrative cases, one of which is an exact replica of the present one, coupled with leaving behind still quite a huge number of undecided and unresolved cases, he be meted a FINE of EIGHTY THOUSAND (P80,000), the amount to be deducted from his retirement benefits;

(b) the HON. MARIVIC T. DARAY, Presiding Judge RTC, Br. 18, Digos City and Acting Presiding Judge, RTC, Br. 14, Davao City, be DIRECTED:

(1) to TAKE APPROPRIATE ACTION on the following remaining unacted cases, mentioned in par. (a), subpar. 1 (c) of the En Banc Resolution of the Court, dated 25 January 2005 in A.M. No. 05-1-37-RTC, to wit: Criminal Case Nos. 33,438; 33,439; 33,440; 33,441; 33,657; 33,658; 33,659; 45,179; 45,694; 46,489; 46,728; 48,892; 48,906; 49,165; 49,836; 52,996; and Civil Case Nos. 5926; 10,790; 16,269; 20,973; 22,397; 23,467; 25,159; 25,222; 25,274; 25,358; 25,698; 25,866; 26,704; 26,786; 26,920; 27,027; 27,449; 27,499; 27,534; 27,709; 27,715; 27,776; 27,982; 28,224; 28,343; 28,383; 28,674; 28,768; 28,773; 28,901; 28,660; 29,017; 29,076; 29,079; 29,111; 29,150; 29,250; 29,285; 29,392; 29,629; 29,746; 29,792; 29,812; 30,007; SP 3451; SP 4284; SP 7159, 24,342; 24,343; 24,344; 24,529; 25,110; 26,635; 26,890; 27,375; 28,481;

(2) to DECIDE the following cases, submitted for decision, which are already beyond the reglementary period to decide left behind by Judge W. M. Layague, former Presiding Judge, RTC, Br. 14, Davao City, who already retired without deciding them, to wit: Criminal Case Nos. 35,995; 45,225; 47,069; 54,223; 54,224; 54,225; 54,226; 54,227; 54,228; 54,229; 54,230; 54,976; 54,977; 54,978; 54,979; 55,980; 55,981; 55,982; 55,983; Civil Case Nos. SP 3595; SP 7106; 15,852; 15,853; 15,854; 15,855; 15,856; 20,871; 22,075; 25,274; 27,628; 27,711; 27,819; 27,984; 28,762; 28,773; 29,006; 29,746; 29,912; 30,127; 30,302; 30,779; (3) to RESOLVE the incident(s) in the following cases, which were already beyond the reglementary period to resolve, also left behind by Judge Layague, who already retired without resolving them, to wit: Criminal Case Nos. 34,537; 38,553; 38,554; and Civil Case Nos. 250; 24,342; 24,343; 24,344; 27,982; 29,064; 29,324; 29,654; 29,738.

c) Regarding ATTY. RAY USON VELASCO, Branch Clerk of Court, RTC, Br. 14, Davao City, in connection with the matter under consideration, insofar as he is concerned, the same be considered as CLOSED and TERMINATED, inasmuch as he has already complied with what he was required to do under the Resolution, dated 20 September 2005, in A. M. NO. 05-1-37-RTC.

Hence, in our Resolution dated March 6, 2007, the Memorandum Report of the OCA was re-docketed as a regular administrative matter against respondent judge for gross inefficiency; that is, for undue delay in deciding and resolving an exceptionally huge number of cases.

The Court shares the position taken by the OCA.

The Court has always impressed upon all members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied.[34] The Constitution itself, under Section 15, Article VIII, mandates that lower courts have three (3) months from the date of submission within which to decide the cases or matters pending before them. Rule 3.05, Canon 3 of the Code of Judicial Conduct directs judges to "dispose of the court's business promptly and decide cases within the required periods."

Finally, Canons 6 and 7 of the Canons of Judicial Ethics exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their court, to wit:

- PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

- PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

To ensure that the mandates on the prompt disposition of judicial business are complied with, this Court issued Administrative Circular No. 1 dated January 26, 1988 requiring all magistrates to act promptly on all motions and interlocutory matters pending before their courts. This was emphasized in Administrative Circular No. 3-99 dated January 15, 1999 which requires judges to scrupulously observe the periods prescribed by Section 15, Article VIII of the Constitution in the adjudication and resolution of all cases or matters submitted to their courts.

However, these rules are not rigid. An extension of the period may be granted by this Court upon request by the judge concerned on account of heavy case load, age, poor health or any other reasonable excuse.

Here, however, respondent judge clearly transgressed the applicable rules relating to the proper and speedy disposition and resolution of cases within the reglementary period provided by law. The records show that as of audit date (October 4 to 15, 2004), the following facts were established: (1) 83 cases were not decided within the reglementary period; (2) pending incidents in 230 other cases remained unresolved even beyond the prescribed period to resolve; and (3) no appropriate action was made on 221 others (193 cases with no further action, 19 cases with no further settings and 9 cases with no action taken yet since the filing thereof), despite the lapse of considerable time. Worse, after his retirement, it was found out that he had left behind 53 cases (not included in those cases stated in the court's resolution dated January 25, 2006 and September 20, 2006), all of which were beyond the reglementary period to decide/resolve. We have stated in *Cadauan v. Judge Alivia*:^[35]

Decision-making, among other duties, is the primordial duty of a member of the bench. The speedy disposition of cases in our courts is a primary aim of the judiciary so the ends of justice may not be compromised and the judiciary will be true to its commitment of providing all persons the right to a speedy, impartial and public trial and to a speedy disposition of cases.

While it may be true that the delays incurred by respondent judge can be attributed in part to his failing health, nonetheless, his illness should not be an excuse for his failure to render the corresponding decisions or resolutions within the prescribed period. It was incumbent upon him to inform this Court of his inability to seasonably decide the cases and he could have sought an extension of the reglementary period within which to decide his cases if he thought that he could not comply with his judicial duty. Poor health 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 cases on time. We note that respondent judge made no such request long before an audit was conducted in his sala. The fact that he was burdened with failing health, which adversely affected his work efficiency, serves only to mitigate the penalty, not to exonerate him.

Under Section 9(1), Rule 140 of the Revised Rules of Court, undue delay in rendering a decision is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty for such charge is 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 but not exceeding P20,000. In Report on the Judicial Audit Conducted in the RTC, Branches 29 and 59, Toledo City,[36] the Court observed the factors considered in the determination of the proper penalty for failure to decide a case on time:

We have always considered the failure of a judge to decide a case within ninety (90) days as gross inefficiency and imposed either fine or suspension from service without pay for such. The fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances- the damage suffered by the parties as a result of the delay, the health and age of the judge, etc. The fines imposed vary in each case, depending chiefly on the number of cases or matters undecided or unresolved, respectively, within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances -- the damage suffered by the parties as a result of the delay, the health and age of the judge, etc

Thus, in *Office of the Court Administrator v. Madronio*, we held:

In a number of cases, the fines were set at ten thousand pesos (P10,000), for the judge failed to decide one (1) case within the reglementary period, without offering an explanation for such delay; for one (1) motion left unresolved within the prescriptive period; and for eight (8) cases left unresolved beyond the extended period of time granted to the judge, taking into consideration that the judge was understaffed, burdened with heavy caseload, and hospitalized for more than a month. xxx In other cases, the fine was set at eleven thousand pesos (P11,000) for the judge failed to resolve a motion for reconsideration and other pending incidents relative thereto, alleging lack of manpower in his sala as an excuse; decided a case for forcible entry only after one year (1) and more than seven (7) months from the time it was submitted for resolution, considering that respondent judge was grieving due to the untimely demise of his daughter; xxx In another case, the judge was fined twelve thousand pesos (P12,000) for his failure to decide one (1) criminal case on time, without explaining the reason for the delay. Still in other cases, the maximum fine of twenty thousand pesos (P20,000) was imposed on the judges for delay in rendering decisions in nine (9) criminal cases and failing altogether to render decisions in eighteen (18) cases, taking note that the judge also promulgated his decisions in seventeen (17) cases even after he already retired; failure to decide forty-eight (48) cases on time and failing to resolve pending incidents in forty-nine (49) cases despite the lapse of considerable length of time; xxx There were other cases in which the Court did not strictly apply the Rules as when it only imposed a fine of one thousand pesos (P1,000) for a delay of nine (9) months in resolving complainant's Amended Formal Offer of Exhibits, after finding that there was no malice in the delay and that the delay was caused by the complainant himself. In two cases, we imposed a fine of five thousand pesos (P5,000) on a judge who was suffering from cancer, for failing to decide five (5) cases within the reglementary period and failing to decide pending incidents in nine (9) cases; xxx In other cases, the fines were variably set at more than the maximum amount when the undue delay was coupled with other offenses. In one case, the judge was fined twenty-five thousand pesos (P25,000) for undue delay in rendering a ruling and for making a grossly and patently erroneous decision. In another case, the judge was fined forty thousand pesos (P40,000) for deciding a case only after an undue delay of one (1) year and six (6) months and for simple misconduct and gross ignorance of the law, considering also that said undue delay was his second offense. Finally, the fine of forty thousand pesos (P40,000) was also imposed in a case for the judge's failure to resolve one (1) motion, considering that he was already previously penalized in two cases for violating the Code of Judicial Conduct and for Gross Ignorance of Procedural Law and Unreasonable Delay.[37]

We note that this is not the first time that an administrative case of the same nature has been filed against respondent judge. In 1996, in *Re: Report of the Judicial Audit and Physical Inventory of Cases Conducted in the Regional Trial Court of Davao City*,[38] the Court imposed a fine in the amount of P25,000.00 on respondent judge for his failure to decide/resolve, within the reglementary period, 147 cases submitted for decision/resolution. Again, in *De Vera v. Layague*,[39] respondent was fined in the amount of P10,000.00 for undue delay in deciding cases pending before his sala. Still, one (1) case is pending investigation with the OCA.

Under the circumstances, we agree with the OCA that respondent judge should be fined in the amount of eighty thousand pesos (P80,000.00).

Also, we would like to point out that in our en banc Resolution dated January 30, 2007, amending our earlier Resolution dated January 25, 2005, we designated Judge Loida S. Posadas-Kahulugan, Presiding Judge, RTC, Branch 21, Bansalan, Davao del Sur, and Judge Marivic T. Daray, Presiding Judge, RTC, Branch 14, Davao City, as Acting Presiding Judge and Assisting Judge, respectively of RTC, Branch 14, Davao City. We also directed Judge Daray to take appropriate actions on the remaining unacted cases mentioned in par. (a) subpar. 1(c) of the Court's en banc Resolution dated January 25, 2005. Likewise, we considered the administrative matter insofar as Atty. Ray Uson Velasco, Branch Clerk of Court, RTC, Branch 14, Davao City, is concerned, as closed and terminated, inasmuch as he already complied with the resolution of September 20, 2005.

ACCORDINGLY, retired JUDGE WILLIAM M. LAYAGUE is hereby found GUILTY of gross inefficiency for his undue delay in rendering decisions or orders and is hereby FINED in the amount of Eighty Thousand Pesos (P80,000.00), to be deducted from his retirement benefits, considering that he compulsorily retired from the service on August 7, 2006.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Brion, JJ., concur.

[1] Rollo, pp. 802-804.

[2] Id. at 1-11.

[3] Id. at 2-3.

[4] Id. at 93-98.

[5] Id. at 112.

[6] Id. at 336-443.

[7] Not among the cases stated in the Court's en banc Resolution of January 25, 2005.

[8] Composed of Atty. Artemio A. Runez III, as team leader and the following, as members: Mr. Roberto S. Banez, Mr. Don Benito U. Maristela, and Mr. Noel B. Buhion.

[9] Rollo, pp. 267-286.

[10] Cases submitted for decision.

[11] Cases submitted for resolution.

[12] Id. at 439-442.

[13] Id. at 456.

[14] Not 8, as erroneously stated.

[15] Rollo, p. 455.

[16] This case is included among those decided by Judge Layague as reported in the latter's Second Partial

Compliance and Last Request for Extension dated November 25, 2005.

[17] Rollo, pp. 458-459.

[18] A.M. No. 05-2177-RTJ, rollo, p. 24.

[19] A.M. No. 04-2055-RTJ, rollo, p. 80.

[20] A.M. No. 05-2177-RTJ, rollo, p. 31.

[21] Rollo, pp. 113-263.

[22] Id. at 800-801.

[23] Id. at 521-783.

[24] Id. at 784-786.

[25] Id. at 802-804.

[26] Id. at. 535-783.

[27] These cases were raffled to other branches of RTC, Davao City as per certification issued by Atty. Edipolo P. Sarabia, Jr., OIC, Clerk of Court V, Office of the Clerk of Court, RTC, Davao City.

[28] Ibid.

[29] Rollo, pp. 807-819.

[30] Id. at 834-844.

[31] Judge Daray's Letter, dated 8 November 2006 alleges that she was able to act on 148 cases already, which were part of the 212, which had allegedly been acted upon, subject to further proofs to be sent when copies of the Orders, etc. are located. A tight scrutiny of the Compliances which she submitted reveal that she acted only on 141 cases, not 148 as alleged by her.

[32] Rollo, pp. 821-822.

[33] Id. at 844-845.

[34] In Re: Report on the Judicial and Financial Audit Conducted in the Municipal Trial Court in Cities, Koronadal City, A.M. No. 02-9-233-MTCC, April 27, 2005, 457 SCRA 356.

[35] A.M. No. RTJ-00-1595, October 24, 2000, 344 SCRA 174.

[36] A.M. No. 97-9-278-RTC, 08 July 1998, 292 SCRA 8.

[37] A.M. No. MTJ-04-1571, February 14, 2005, 451 SCRA 206.

[38] A.M. No. 94-5-178-RTC, August 7, 1996, 260 SCRA 333.

[39] A.M. No. RTJ-93-989, September 26, 2000, 341 SCRA 67.

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