REQUEST OF JUDGE FATIMA GONZALES-ASDALA, RTC-BRANCH 87, QUEZON CITY FOR EXTENSION OF THE PERIOD TO DECIDE CIVIL CASE NO. Q-02-46950 & 14 OTHERS

A.M. NO. 05-10-618-RTC. July 11, 2006

Ponente: TINGA, J.

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TINGA, J.:

This treats of the letter[1] dated September 8, 2005 of Judge Fatima Gonzales-Asdala (Judge Asdala), requesting an extension of 90 days within which to decide 15 cases some of which have been pending in her sala since 2004. According to Judge Asdala, these pending cases were discovered after a physical inventory of cases pending with the court was conducted on August 15-31, 2005. She, however, disowns responsibility for the delay in the disposition of these cases and instead blames Victor Pedro A. Yaneza (Yaneza), Court Legal Researcher II of her sala, for not submitting to her the records of the cases for decision. She claims that her heavy caseload and lack of competent and efficient personnel prevented her from disposing of these cases within the 90-day period.

In a Resolution[2] dated December 12, 2005, the Court granted the 90-day extension prayed for to decide the cases, but directed Judge Asdala to explain why she should not be held administratively liable for delay in resolving them. The Court also ordered Yaneza to comment on Judge Asdala's allegations.

On January 17, 2006,[3] Judge Asdala forwarded to the Office of the Court Administrator (OCA) copies of her decision in 13 of the 15 cases and explained that the 2 other cases are scheduled for promulgation on January 23, 2006. She insists, however, that the delay in the disposition of these cases is due to the inefficiency of Yaneza and adds that she filed an administrative complaint for inefficiency and negligence against the latter. Further, she claims that she promptly asked the OCA for an extension of time to decide the cases as soon as she discovered that they were still pending. Her heavy work load and undermanned sala also allegedly contributed to the lapse.

For his part, Yaneza filed a Compliance/Comment[4] dated January 14, 2006, stating that he was designated by Judge Asdala as the OIC Branch Clerk of Court when the former clerk of court was appointed prosecutor in February 2004. He explains that the records of cases submitted for resolution are placed on a corner table near the entrance to Judge Asdala's chambers. Judge Asdala would then pick up the cases for resolution, draft the decisions and order the encoding thereof. Yaneza claims that he personally brought to the court a whiteboard where cases submitted for resolution are listed. This board is hanged in a conspicuous place so that Judge Asdala will be readily informed of the cases listed therein.

Yaneza adds that Judge Asdala takes the 90-day reglementary period to decide cases lightly, pointing out that in the subject cases, Judge Asdala requested an extension of time to decide only after the period had already elapsed.

The OCA recommends that Judge Asdala be fined in the amount of P15,000.00 for Undue Delay in Rendering Decisions.[5]

The public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt

disposition of cases and other matters pending before the courts. The Constitution, no less, fixes a reglementary period of 90 days within which judges must resolve motions or incidents pending before them. Their failure to so decide a case or resolve a motion within this reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanctions against the erring magistrate.[6]

In this case, Judge Asdala failed to decide within the prescribed period 15 cases, nine (9) of which have been submitted for decision since 2004. She attributes the delay in the resolution of these cases to the alleged inefficiency of her staff, particularly Yaneza who, she claims, did not submit to her the cases for decision or remind her that they have not yet been acted upon. She also uses her allegedly heavy work load and undermanned staff as reasons for her failure to timely resolve the cases.

Judge Asdala's proferred excuse is unpersuasive. Judges cannot be allowed to use their staff as shields to evade responsibility for mistakes and mishaps in the course of the performance of their duties. They should not depend on the clerk of court for the calendaring of cases, for court management is ultimately their responsibility.[7] A judge is expected to keep his own record of cases and to note therein the status of each case so that they may be acted upon accordingly and promptly. He must adopt a system of record management and organize his docket in order to bolster the prompt and effective dispatch of business.[8]

The fact that she requested an extension of time to decide the pending cases does not excuse her failure to decide them on time given that the request was filed when the reglementary period had already elapsed. The Court has consistently been sympathetic to requests for extensions of time to decide cases, mindful of the heavy caseload of judges. However, applications for extension must be filed before the expiration of the prescribed period.[9]

We therefore find that indeed, Judge Asdala is guilty of undue delay in rendering a decision or order, an offense classified as a less serious charge under Sec. 9, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC. This infraction is punishable, under Sec. 11B of the same rule, by 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.

We note that this is not Judge Asdala's first infraction. She had thrice been administratively sanctioned for various offenses, including partiality, grave abuse of discretion, and violation of R.A. 3019, abuse of authority and misconduct.[10] However, this is the first time Judge Asdala is being chastised for undue delay in the disposition of cases. Given that Judge Asdala was able to decide the pending cases within the extended period, the recommended penalty of fine in the amount of P15,000.00 should be reduced to P11,000.00.

WHEREFORE, this Court hereby imposes upon Judge Fatima Gonzales-Asdala a FINE of Eleven Thousand Pesos (P11,000.00) with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairman), Carpio, Carpio-Morales, and Velasco, Jr. JJ., concur.

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[1]Rollo, pp. 4-5.

[2]Id. at 8.

[3]Id. at 11-64.

[4]Id. at 68-69.

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[5]Id. at 147-150.

[6]Dumaua v. Ramirez, A.M. No. MTJ-04-1546, July 29, 2005, 465 SCRA 1, citing Gallego v. Acting Judge Doronila, A.M. No. MTJ-00-1278, 389 Phil. 677, 681-682 (2000) and Atty. Rivera v. Judge Lamorena, A.M. No. RTJ-97-1391, 345 Phil. 880, 883 (1997).

[7]Report on the Judicial Audit Conducted in the MCTC-Dapa, Surigao del Norte, A.M. No. 03-10-250-MCTC, September 30, 2004, 439 SCRA 487, citing Hilario v. Concepcion, 327 SCRA 96 and Office of the Court Administrator v. Salva, 336 SCRA 133 (2000).

[8]Id. citing Report on the Judicial Audit Conducted in the RTC-Branch 37, Lingayen, Pangasinan, 336 SCRA 344 (2000) and Report on the Judicial Audit Conducted in Quezon City RTC, Branches 87 and 98, 338 SCRA 141 (2000).

[9]Request of Judge Irma Zita V. Masamayor, RTC, Branch 52, Talibon, Bohol, for Extension of Time to Decide Civil Case No. 0020 and Criminal Case No. 98-384, 374 Phil. 556 (1999).

[10]The OCA reports that Judge Asdala was previously penalized in three (3) cases: (1) A.M. No. RTJ-99-1428 entitled Florentino Dumlao, Jr. v. Judge Fatima Gonzales-Asdala for Partiality with admonition; (2) A.M. No. RTJ-00-1546 entitled James Bowman, et al. v. Judge Fatima Gonzales-Asdala for Grave Abuse of Discretion with a fine of P2,000.00; and (3) A.M. RTJ-05-1916 entitled Melencio Manansala III v. Judge Fatima Gonzales-Asdala for Violation of R.A. 3019, Abuse of Authority and Misconduct with a fine of P40,000.00.

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