REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 8, CEBU CITY,

A.M. NO. 05-2-101-RTC. April 26, 2005

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Every person shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.[1] Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the court's business promptly and to act, one way or the other, on cases pending before him within the period prescribed therefor. Inability to decide a case within the required period is not excusable and constitutes gross inefficiency.[2]

On May 31 to June 1, 2004, a judicial audit was conducted in the Regional Trial Court of Cebu City, Branch 8, in connection with the impending compulsory retirement of Judge Antonio T. Echavez on August 14, 2004. As of audit date, the branch had a total caseload of 365 cases, broken down as follows:

CASE STATUS/ STAGE OF PROCEEDINGS CIVIL CASES CRIMINAL CASES TOTAL

Submitted for Decision

10 3 13

Decided with Motion for Reconsideration

4 - 4

With Pending Incidents for Resolution

9 4 13

With Court Order for Compliance

18 7 25

On Trial/Pre Trial

72 84 156

With Suspended Proceedings

4 1 5

Unacted Upon for a Considerable Length of Time

49 57 106

For Arraignment

- 25 25

For Ex-parte Hearing

5 - 5

For Mediation

4 - 4

For Issuance of Writ

1 - 1

With Summons

7 - 7

For Unloading/Re-raffle

1 - 1

TOTAL 184 181 365[3]

Of the 13 cases submitted for decision, 7 have not yet been decided despite the lapse of the 90-day reglementary period, to wit: Civil Cases Nos. 16957, 20822, 26802, 27132, 29353, 29830 and Criminal Case No. 53593.

There were also 13 cases with pending incidents for resolution, 5 of which have not yet been resolved despite the lapse of the 90-day reglementary period, to wit: Civil Cases Nos. 19941, 27308, Criminal Cases Nos. 46731, 64938 and 66673.

In addition, 106 cases were not acted upon despite lapse of considerable length of time. Judge Echavez also failed to enforce the confiscation of bail bonds posted for the temporary liberty of the accused in Criminal Cases Nos. 53593 and 62356, despite the orders of confiscation having attained finality. It was also observed that Judge Echavez demonstrated undue leniency in granting postponements and in enforcing the orders in Criminal Cases Nos. 61500, 50314, 62526-A and 63410.

The audit team also discovered that the Branch Clerk of Court, Atty. Ma. Teresa Lagahino-Dadula, has not yet prepared and submitted the Monthly Report of Cases for the months of January to April 2004 in violation of Administrative Circular No. 4-2004.[4] She also did not strictly follow the prescribed form of the semestral docket inventory provided for under Administrative Circular No. 10-94, dated June 20, 1994,[5] as amended by Administrative Circular No. 2-2001, dated January 2, 2001.[6] While Branch 8 regularly holds a Judicial Service Team (JST) meeting every last Friday of the month in compliance with OCA Circular No. 12-2002, dated June 3, 2002, it does not prepare the Court Performance Inventory at the end of every quarter, as required under the same circular.

In view of the report[7] dated June 22, 2004 submitted by the judicial audit team, Deputy Court Administrator Zenaida N. Elepaño, in a memorandum[8] dated June 23, 2004, directed Judge Echavez to: (a) explain his failure to decide 7 cases already submitted for decision within the reglementary period and to decide and resolve the 13 cases already submitted for decision; (b) explain his failure to resolve the pending incidents in 5 cases within the reglementary period and to decide and resolve the pending incidents in the 13 cases; (c) explain his failure to take further action on 106 cases despite the lapse of considerable length of time and to take appropriate action thereon; (d) immediately cause the execution or enforcement of the orders of confiscation of bail bonds in Criminal Cases

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Nos. 53593 and 62356.

DCA Elepaño also ordered Atty. Lagahino-Dadula, to: (a) explain her failure to submit the Monthly Report of Cases for the months of January to April 2004 and to submit said reports; (b) strictly adhere to the prescribed form under Administrative Circular No. 10-94, dated June 20, 1994, as amended by Administrative Circular No. 2-2001, dated January 2, 2001, in the preparation of the Semestral Docket Inventory; and (c) prepare and submit regularly the Court Performance Inventory as required under OCA Circular No. 12-2002, dated June 3, 2002.

In his letter-compliance[9] dated July 15, 2004, Judge Exchavez explained that he had no intention of delaying the decision or resolution of any case or pending incident. He attributed his failure to decide the cases and resolve pending incidents as specified in the June 23, 2004 memorandum of DCA Elepaño to the extensions of time he accorded to the parties to file their respective memoranda or comments. He thought that because of the extensions he gave to the parties, the period of time within which to decide the case or to resolve an incident was likewise extended. He claimed that while he had been consistent in carrying out the policies adopted and implemented in the judiciary, the heavy volume of work and other equally pressing matters relative to the cases, including the daily hearings, prevented him from completely updating all records. He also blamed the lack of public prosecutors and attorneys for the delay in the disposition of cases. He claimed that in some civil cases, the summonses were not served for failure of the plaintiffs to pay the process server's fee.

For her part, Atty. Lagahino-Dadula explained that the delay in the submission of the Monthly Report of Cases for the months of January to April 2004 was never intentional and that it was due to equally important tasks in the office. At the same time, she requested for an extension of 60 days from July 10, 2004 to submit the required reports. On September 9, 2004, the 60-day extension requested by Atty. Lagahino-Dadula to submit the Monthly Report of Cases expired without her submitting the same.

In the meantime, Judge Echavez was compulsorily retired on August 14, 2004.

The Office of the Court Administrator, in its memorandum[10] dated February 2, 2005,[11] noted Judge Echavez's compliance with DCA Elepaño's directives. He submitted copies of decision, resolutions and orders in the cases specified in the June 23, 2004 memorandum, as well as the proof of the execution of the confiscation of the bail bonds in Criminal Cases Nos. 53593 and 62356. He also took action on the 106 dormant cases.

As regards Atty. Lagahino-Dadula, the OCA observed that she has been foot-dragging in her submission of the monthly reports. She not only failed to submit for the months of January-April 2004 but for the whole year of 2004 despite the extension given her. The OCA thus recommended:

> - this matter be treated as an administrative complaint against Judge Antonio T. Echavez and Atty. Ma. Teresa Lagahino-Dadula for gross inefficiency and for gross violation of Administrative Circular No. 4-2004 respectively;
>
> - Judge Echavez be FINED in the amount of ELEVEN Thousand Pesos (P11,000.00) to be deducted from his retirement benefits;
>
> - Atty. Ma. Teresa Lagahino-Dadula be DIRECTED to submit the Monthly Reports of Cases for 2004 immediately; and
>
> - the salary of Atty. Lagahino-Dadula be WITHHELD effective immediately until such time that she shall have submitted the Monthly Reports of Cases for 2004.[12]

We agree with the findings and recommendation of the OCA.

Time and again, we have emphasized that delay in the disposition of cases undermines the people's faith and

confidence in the judiciary. Thus, judges should dispose of the court's business promptly and decide cases within the required period. To uphold the integrity of their office, their work should at all times reflect the values of diligence and professional competence.[13]

It is for the foregoing reason that the Code of Judicial Conduct enshrined in its pages the duties of judges to administer justice impartially and without delay.[14] The New Code of Judicial Conduct for the Philippine Judiciary[15] which took effect on June 1, 2004 is no less emphatic when it mandated that:

> Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.[16]

We agree with the OCA that the failure of Judge Echavez to decide cases submitted for decision within the reglementary period constitutes gross inefficiency that warrants the imposition of an administrative sanction. As found by the OCA, 6 of the 13 cases submitted for decision to Judge Echavez were decided beyond the reglementary period.[17]

The gross inefficiency which characterized the actuations of Judge Echavez with respect to the cases pending in his sala, is best highlighted by his decision in Civil Case No. 16957 entitled Luis B. Rosaroso, et al. v. Lucila R. Soria, et al., which was decided on July 30, 2004,[18] or 1 year, 4 months and 28 days after it was submitted for decision on March 2, 2003. In Report on the Spot Judicial Audit Conducted in the Metropolitan Trial Court, Branch 40, Quezon City,[19] we held that delay in the disposition of even one case constitutes gross inefficiency which the Court will not tolerate.

Delay reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly. We cannot countenance such undue delay by a judge, especially at a time when clogging of court dockets is still the bane of the judiciary, whose present leadership has launched an all out program to minimize, if not totally eradicate, docket congestion and undue delay in the disposition of case.[20]

We find no merit in Judge Echavez's defense that the heavy volume of work in his court prevented him from completely updating the records of all the pending cases. As magistrates sworn to observe the tenets of the Code of Judicial Conduct, Judge Echavez is bound by Canon 3, Rule 3.09 which requires that:

> A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

Verily, a judge must manage his court with a view to the prompt and convenient disposition of its business.[21] The Court, in its pursuit of speedy dispensation of justice, is not unmindful of circumstances that may delay the disposition of the cases assigned to judges. It remains sympathetic to seasonably filed requests for extensions of time to decide cases.[22]

It is not uncommon for this Court, upon proper application and in meritorious cases, especially when difficult questions of law or complex issues are involved, to grant judges of lower courts additional time to decide beyond the 90-day period. All that a judge really needs to do, in cases of great difficulty, is to request for an extension of time over which the Court has, almost invariably, been sympathetic.[23] In this case, we note that Judge Echavez did not request for an extension.

Although Judge Echavez compulsorily retired from the service on August 14, 2004, his retirement did not render moot this administrative complaint. In Office of the Court Administrator v. Fernandez,[24] we held that:

> Cessation from office of respondent judge because of death or retirement does not warrant the dismissal of the administrative complaint filed against him while he was still in the service or render the said administrative

> case moot and academic. The jurisdiction that was this Court's at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case. Indeed, the retirement of a judge or any judicial officer from the service does not preclude the finding of any administrative liability to which he shall still be answerable.

Under Rule 140, as amended,[25] the undue delay in rendering a decision is classified as a less serious charge which carries with it the penalty of 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.[26] Thus, the OCA correctly recommended the penalty of fine in the amount of P11,000.00 for the gross inefficiency committed by Judge Echavez.

As regards Atty. Lagahino-Dadula, we agree with the OCA that her alleged heavy work load does not justify her failure to submit the Monthly Report of Cases for the year 2004. Clerks of Court are essential judicial officers who perform delicate administrative functions vital to the prompt and proper administration of justice. Their duty is, inter alia, to assist in the management of the calendar of the court and in all matters that do not involve the discretion or judgment properly belonging to the judge. They play a key role in the complement of the court, as their office is the hub of adjudicative and administrative orders, processes and concerns. As such they are required to be persons of competence, honesty and probity, they cannot be permitted to slacken on their jobs.[27] Her failure to promptly submit the Monthly Reports of Cases contributed to the delay in the disposition of cases.

WHEREFORE, we find Judge Antonio T. Echavez, former presiding judge of the Regional Trial Court of Cebu City, Branch 8, GUILTY of gross inefficiency for undue delay in rendering a decision and he is FINED in the amount of Eleven Thousand Pesos (P11,000.00), the same to be deducted from his retirement benefits.

Atty. Ma. Teresa Lagahino-Dadula, Branch Clerk of Court, Regional Trial Court of Cebu City, Branch 8, is DIRECTED to immediately submit the Monthly Reports of Cases for 2004. Pending the submission of the Monthly Reports of Cases for 2004, the salary of Atty. Ma. Teresa Lagahino-Dadula is ordered WITHHELD effective immediately.

SO ORDERED.

Davide, Jr., C.J., Quisumbing, Carpio, and Azcuna, JJ., concur.

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[1] Article III, Section 16 of the 1987 Philippine Constitution.

[2] Reyes-Garmsen v. Bello, Jr., A.M. No. RTJ-04-1877, 21 December 2004.

[3] Rollo, p. 10.

[4] Revised Form, Rules, Guidelines and Instructions in Accomplishing the Monthly Report of Cases.

[5] Docket Inventory and Monthly Posting of List of Submitted Cases.

[6] Rollo, p. 25.

[7] Id. at 10-40.

[8] Id. at 41-55.

[9] Id. at 83-85.

[10] Id. at 2-8.

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[11] Signed by Court Administrator Presbitero J. Velasco, Jr., Senior Deputy Court Administrator Zenaida N. Elepaño and Judicial Supervisor Rullyn S. Garcia.

[12] Rollo, pp. 7-8.

[13] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61, Baguio City, A.M. No. 02-9-568-RTC, 11 February 2004, 422 SCRA 408, 422.

[14] Canon 1, Rule 1.02.

[15] Promulgated on 27 April 2004.

[16] Canon 6, Section 5.

[17] Rollo, p. 5.

[18] Id. at 60-80.

[19] 387 Phil. 644, 656 (2000).

[20] Supra, note 2, citing Canon 3, Rule 3.05 of the Code of Judicial Conduct.

[21] Request of Peter Ristig for Assistance Regarding the Delay in the Proceedings of Criminal Case No. 95227-R entitled “People of the Philippines versus Henry Uy”, pending at MTCC, Branch 6, Cebu City, A.M. No. 02-5-107-MTCC, 9 December 2004.

[22] Re: Report on the Judicial Audit Conducted in the MTCC, Branch 5, Bacolod City, A.M. No. 04-3-63-MTCC, 23 November 2004.

[23] Request on the Judicial Audit Conducted in the Regional Trial Court, Branch 5, Iligan City, A.M. No. 02-10-628-RTC, 1 October 2004.

[24] A.M. No. MTJ-03-1511, 20 August 2004.

[25] It was amended by A.M. No. 01-8-10-SC effective October 1, 2001.

[26] Rule 140, Section 11, Paragraph B, Sub Paragraphs 1 and 2.

[27] Re: Report on the Judicial Audit Conducted at the Municipal Trial Courts in Cities, Branch 1, Surigao City, A.M. No. P-04-1835, 11 January 2005.

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