

**RE: JUDICIAL AUDIT OF THE RTC, BR. 14, ZAMBOANGA CITY,
PRESIDED OVER BY THE HON. ERNESTO R. GUTIERREZ, FORMERLY
THE PRESIDING JUDGE THEREOF**

A.M. NO. RTJ-05-1950 (FORMERLY A.M. NO. 05-4-242-RTC). February 13, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

The administrative case at bar arose from the judicial audit of the Regional Trial Court (RTC) of Zamboanga City, Branch 14, presided by respondent Judge Ernesto R. Gutierrez.

The Court Management Office of the Office of the Court Administrator (OCA) of this Court conducted a judicial audit and physical inventory of cases in Branch 14 of the RTC of Zamboanga City, in view of respondent Judge's compulsory retirement on 24 November 2004.

The audit team submitted its report dated 21 January 2004 to Deputy Court Administrator (DCA) Christopher O. Lock with the following recommendations:[1]

I. The HON. Ernesto R. Gutierrez, Presiding Judge, RTC, Br.14, Zamboanga City, be DIRECTED to

- EXPLAIN within fifteen (15) days why you shall not be administratively dealt with for your failure (1) to decide the following case[s], which are already beyond the reglementary period to decide, to wit: Criminal Cases (sic) Nos. 9991, 9978, 13750, 14345, 15863; and Civil Cases (sic) Nos. 3910, 4579, 4739, 4883, 4891, 4907, 5010, 5054, (SCA) 255 and (SCA) 315; (2) to resolve the following cases with incidents or motions which have not been resolved in due time, to wit: Civil Cases (sic) Nos. 2080, 4245, 4347, 4383, 4548, 4617, 4898, 4988, 4989, 5069, and 5171; (3) to act on the following cases: (3.a) which have not been further acted upon (NFA) for a long time already, to wit: Criminal Cases (sic) Nos. 9907, 10603; and Civil Cases 3297, 3815, 4076, 4085, 4139, 4162, 4364, 4370, 4412, 4499, 4570, 4664, 4672, 4722, 4747, 4750, 4755, 4823, 4968, 5003, 5012, 5051, 5075, 5077, 5149, 5152, 5164, 5166, 5193, 5234, 5237, SCA 161, (SCA) 254, (SCA) 259, (SCA) 261, (SCA) 262, (SCA) 263, (SCA) 264, (SCA) 279, (SCA) 280, (SCA) 283, (SCA) 316, (SCA) 331, SCA 338, SCA 339, SCA 374, SCA 386, SCA 393, SCA 416, SCA 422, SCA 423, SCA 462 (305); (3.b) which have not been further set (NFS) for a long time, to wit: Criminal Cases (sic) Nos. 13259, 13260, 13792, 14092, 14093, 14375, 15053; and Civil Cases (sic) Nos. 1226 (5057), 3677, 3911, 3985, 4221, 4415, 4480, 4489, 4827, 4924, 4955, 5011, 5126, (SCA) 72, (SCA) 253, (SCA) 257, (SCA) 265, SCA 281, (SCA) 282, SCA 310; (3.c) which have not been acted upon yet (NATY) since its filing, to wit: Criminal Case No. 18719; (3.d) as well as the following cases with motions pending action (MPA) by the court for a long time, to wit: Civil Cases (sic) Nos. 4473 and 5147, SCA 286, SCA 287, and SCA 313.

- DECIDE/RESOLVE cases submitted for decision and those with incidents or motions for resolution which have not yet been decided nor resolved; x x x.

x x x x

III.. SUBMIT compliance hereof as well as copies of the decisions/resolutions/orders, etc. in the aforecited

cases to this Court, through the Court Management Office, Office of the Court Administrator, within fifteen (15) days from rendition/promulgation/issuance or action taken thereof (sic).

In its Memorandum issued on the same date, the OCA adopted in toto the recommendation of the audit team.[2]

In compliance with the above-mentioned directive, respondent Judge submitted his letter-explanation[3] dated 12 March 2004. Judge Gutierrez acknowledged that he received the Memorandum dated 21 January 2004 but only on 27 February 2004. He informed the Court that the cases which he was asked to act on had been considerably reduced as of date (i.e., as of 12 March 2004, date of Letter).

He explained that the delay in acting in the cases mentioned in the Report was caused by the additional judicial assignments given him by the Court, viz:

- Of September 1, 1998, to hear and decide election protest cases (sic) nos. 19-5, 21-5, 23-5 and 24-5, in RTC Branch 5, Bongao, Tawi-Tawi;
- Of December 1, 1998, to hear and decide Civil Case No. 74-3, in RTC, Branch 3, Jolo, Sulu;
- Of April 13, 1999, to hear and decide Criminal Case No. 671-5 in RTC Branch 5, Bongao, Tawi-Tawi;
- Of June 29, 1999, to hear and decide Criminal Case No. 793-5 in RTC Branch 5, Bongao, Tawi-Tawi;
- Of June 27, 2001, to hear and decide Criminal Case No. 2608-413 in RTC Branch 1, Isabela, Basilan Province;
- Adm. Order No. 111-99 dated October 15, 1999, designating me as Acting Presiding Judge of RTC Branches 3 and 4, Jolo and Parang, Sulu. I was relieved of this assignment on August 20, 2001 or after about two (2) years, and;
- En Banc Resolution of January 21, 2002 designating me as Assisting Judge to try and decide cases in RTC Branch 17, Zamboanga City for one year. I was relieved of this assignment as of February 20, 2002.

As he was already relieved of his above assignments, he assured the Office that he will decide all cases submitted for decision before his compulsory retirement on 24 November 2004. He requested that he be given the opportunity to clear all his pending cases.

Regarding the letter-explanation, OCA Lock directed Judge Gutierrez to (a) SUBMIT copies of the decisions in the enumerated cases as proof of compliance with my directive within 10 days from notice; and (b) COMPLY fully with my directive in my subject Memorandum and submit copies of the decisions rendered, resolutions, orders, etc. issued to the Office through the Court Management Office, within 5 days from date of rendition, issuance, etc.

In his Letter[4] dated 24 January 2005, Judge Gutierrez submitted copies of his decisions/orders (deciding/dismissing) in the following cases, to wit: Criminal Case Nos. 9991, 9978 (29 September 2004) ; 13750 (17 May 2004); 14345 (30 September 2004); Civil Case Nos. 3910 (15 September 2004); 4579 (28 July 2004); 4739 (26 November 1998); 4883 (14 June 2004); 4891 (18 July 2004); 4907 (27 July 2004); 5010 (12 January 2004).

He further informed the OCA that in an Order dated 30 April 2004 in Civil Case No. 5054, the parties were directed to submit their respective Memoranda within 30 days from receipt of the complete transcript of stenographic notes, since counsel for the plaintiff no longer presented rebuttal evidence.

As to SCA Nos. 255 and 315, the said cases were submitted to Atty. Fe C. Maluto, Clerk of Court, OCC, Zamboanga City, for re-affle per letter of Atty. Lorena D. Jangas. In his Letter, dated 31 January 2005, Judge

Gutierrez submitted Certifications issued on 28 January 2005 by the OIC and Clerk of Court of RTC, Brs. 16 and 17 to the effect that SCA Nos. 315 (renumbered 217) and 255 were re-raffled to the said courts, reflecting therein the status of the cases as “pending trial.”

On 13 April 2005, the OCA submitted a report[5] to this Court with the following findings and evaluation:

There was no mention of Criminal Case No. 15863, which is one of the cases mentioned in par. 1 of the Memorandum, dated 21 January 2004. However, per Monthly Report of the court for November 2004, it appears that the said case is still awaiting completion of TSN. This is confirmed by Judge Gutierrez in his Letter, dated 31 January 2005, wherein he states that per his last Order, dated 21 August 2000 requiring the parties to submit their respective memoranda within thirty (30) days from receipt of the complete TSN, none was submitted by the parties due to incomplete TSN. Judge Gutierrez requests that he be excused for his failure to decide the said case, as the parties requested to submit their respective memoranda within thirty (30) days from receipt of the complete TSN, which the court granted. Unfortunately, the parties have not filed their memorandum for lack of TSN and for this reason, no decision was rendered in the case. Likewise, in the said Monthly Report, there are three (3) other cases which are submitted for decision which remained undecided upon the retirement of Judge Gutierrez and are already way beyond the reglementary period to decide. The same reason was proffered by Judge Gutierrez which is the lack of TSN.

Regarding the other cases, it does not appear that Judge Gutierrez has submitted compliance with respect to these cases, in violation of my Memorandum, dated 16 July 2004, which directed him (Judge Gutierrez) to:

“(b) COMPLY fully with my directive in my subject Memorandum and submit copies of the decisions rendered, resolutions, orders, etc. issued to the Office through the Court Management Office, within five (5) days from date of rendition, issuance, etc.” (Underscoring supplied)

The aforesaid directive directed him, to wit:

(2) to resolve the following cases with incidents or motions which have not been, resolved in due time, to wit: Civil Cases (sic) Nos. 2080, 4245, 4347, 4383, 4548, 4617, 4898, 4988, 4989, 5069, and 5171; (3) to act on the following cases: (3.a) which have not been further acted upon (NFA) for a long time already, to wit: Criminal Cases Nos. 9907, 10603; and Civil Cases Nos. 3297, 3815, 4076, 4085, 4139, 4162, 4370, 4412, 4499, 4570, 4664, 4672, 4722, 4747, 4750, 4755, 4823, 4969, 5003, 5012, 5051, 5075, 5077, 5149, 5152, 5164, 5166, 5193, 5234, 5237, SCA 161, (SCA) 254, (SCA) 259, (SCA) 261, (SCA) 262, (SCA) 263, (SCA) 264, 279, (SCA) 280, (SCA) 283, (SCA) 316, SCA 331, SCA 338, SCA 339, SCA 374, (SCA) 386, (SCA) 393, SCA 416, SCA 422, SCA 423, SCA 462 (305); (3.b) which have not been further set (NFS) for a long time, to wit: Criminal Cases Nos. 13259, 13260, 13792, 14092, 1403, 14375, 15053; and Civil Cases Nos. 1226 (5057), 3677, 3911, 3985, 4221, 4415, 4480, 4489, 4827, 4924, 4955, 5011, 5126, (SCA) 72, (SCA) 253, (SCA) 257, (SCA) 265, SCA 281, (SCA) 282, SCA 310; (3.c) which have not been acted upon yet (NATY) since its filing, to wit: Criminal Case No. 18719; (3.d) as well as the following cases with motions pending action (MPA) by the court with motions pending action (MPA) by the court for a long time, to wit: Civil Cases Nos. 4473 and 5147, SCA 286, SCA 287, and SCA 313.”

The failure of Judge Gutierrez to comply with the other portions of the Memorandum, may be construed as a show of “indifference” or “defiance,” on his part. Time and again, the Supreme Court has ruled that:

“It is hardly necessary to remind respondent that judges should respect the orders and decisions of higher tribunals, much more the Highest Tribunal of the land from which all other courts should take their bearings. A resolution of the Supreme Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively. If at all, this omission not only betrays a recalcitrant flaw in respondent’s character; it also underscores his disrespect of the Court’s lawful orders and directives which is only too deserving of reproof.”

which by analogy, may be made applicable in this case.

Judge Gutierrez invokes his additional court assignments for the delay and failure to decide the cases already submitted for decision, which are already beyond the period to decide, which he, eventually, albeit belatedly disposed of lately, submitting proof thereof to the Court. We find the explanation not satisfactory. The reason espoused by Judge Gutierrez, just like in other similar cases, may not completely exonerate him. As repeatedly held by this Court, heavy caseload or the assignment of additional functions do not make a judge less liable for delay. (A.M. No. RTJ-04-1869, OCA vs. Judge Leticia Q. Ulibarri citing Gonzales-Decano vs. Siapno 353 SCRA 269, 278). If he could not decide the cases within the reglementary period, he could have asked for extension of time to decide them. The Court is cognizant of the caseload of the judges and sympathetic to their request for extension of time. But he did not do so. Although his inaction was not deliberate, the same may mitigate whatever liability he may have incurred because of his inaction. Besides, this is his first offense, which is also a mitigating circumstance. Further, “respondent Judge’s disposition of numerous cases in previous years, however, serves to mitigate his liability.”

Undisputedly, Judge Gutierrez failed to decide 2 cases, i.e. Criminal Case No. 15863 and Civil Case No. 5054, and in aggravation thereof, he failed to act on numerous other cases other than those submitted for decision for a considerable period of time. The reason of Judge Gutierrez that the parties failed to submit memorandum is not well taken. Administrative Circular No. 28 dated July 3, 1989 provides that a case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda, in case the Court allows its filing, the cases shall be considered for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding a case.

“(F)ailure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.” In a case, involving about 29 cases submitted for decision which were not decided on time coupled with inaction regarding some other cases, i.e. cases with motions or incidents pending resolution a long time ago and several cases which did not proceed for a considerable period of time, the Court meted a fine of P10,000.00. In another case, the respondent judge was meted a penalty of P50,000.00 for gross inefficiency for failure to decide 49 cases within the required period. He likewise failed to resolve pending incidents: 12 motions, 16 for pre-trial conference, 8 criminal cases with settings for arraignment, 3 cases with court compliance, 8 cases with proceedings held in abeyance, 11 cases with pending warrants of arrest, 5 cases with summons. There were also 21 which were not acted upon or without further setting despite the lapse of considerable length of time. In “Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo; Judge Inocentes D. Deocampo, Presiding Judge, A.M. No. 97-9-97-MCTC, October 16, 1997, failure of respondent judge to decide 28 cases is aggravated by his blatant inaction on pending incidents and motions in cases not submitted for decision, i.e. 4 cases had no further proceedings for a long time, the concerned judge was meted a fine of P10,000.00.

A judge’s failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the right of the litigants to speedy disposition of cases.

Under Sec. 9 (1), Rule 140 of the Revised Rules of Court, as amended, undue delay in rendering a decision in a case is a less serious charge that merits, under Section 11 (B) thereof, either “(s)uspension from office without salary and other benefits for not less than one (1) nor more than three (3) months;” or a “fine more than P10,000.00 but not exceeding P20,000.00. After considering the aggravating circumstance, i.e. indifference or defiance to the Memorandum, dated 16 July 2004 directing him to fully comply with the Memorandum, dated 23 January 2004, which he (Judge Gutierrez) failed to do vis-à-vis a number mitigating circumstances in the case, i.e.

disposition of almost all cases submitted for decision which are already beyond the period to decide as directed before his retirement, additional court assignments and this being Judge Gutierrez's first offense, a FINE of P11,000.00 be imposed upon him for undue delay in rendering decisions, resolve numerous incidents or motions and to act on a number of cases beyond what is reasonable time from the last action taken.

Accordingly, the OCA recommended that:

In view of the foregoing, it is most respectfully submitted that: (1) the case be docketed as a regular administrative matter against Judge Ernesto R. Gutierrez, Presiding Judge, RTC, Br. 14, Zamboanga City; and (2) a fine in the amount of P11,000.00 be imposed upon him to be deducted from the proceeds of his retirement pay.

On 21 July 2005, respondent Judge requested[6] early resolution of the case.

On 31 August 2005, the Court resolved[7] to redocket the case as a regular administrative matter and noted the letter dated 21 July 2005 of respondent Judge.

On 05 October 2005, the Court resolved[8] to note the memorandum dated 13 April 2005 of the OCA.

We agree in the findings of the OCA.

The Supreme Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.[9]

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.[10] Section 15 (1), Article VIII of the Constitution mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, 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." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient.[11] Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canons 6 and 7 of the Canons of Judicial Ethics exhorts judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

6. PROMPTNESS

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

7. 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.

Parenthetically, Administrative Circular No. 1 dated 28 January 1988, requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15 of the Constitution and to act promptly on all motions and interlocutory matters pending before their courts.

We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.[12]

Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[13]

In the case at bar, respondent Judge failed 1) to decide Criminal Case No. 15863 and Civil Case No. 5054; 2) to resolve the following cases which have pending incidents or motions, to wit: Civil Case Nos. 2080, 4245, 4347, 4383, 4548, 4617, 4898, 4988, 4989, 5069, and 5171; (3) to act on the following cases: (3.a) which have not been further acted upon (NFA) for a long time already, to wit: Criminal Case Nos. 9907, 10603; and Civil Case 3297, 3815, 4076, 4085, 4139, 4162, 4364, 4370, 4412, 4499, 4570, 4664, 4672, 4722, 4747, 4750, 4755, 4823, 4968, 5003, 5012, 5051, 5075, 5077, 5149, 5152, 5164, 5166, 5193, 5234, 5237, SCA 161, (SCA) 254, (SCA) 259, (SCA) 261, (SCA) 262, (SCA) 263, (SCA) 264, (SCA) 279, (SCA) 280, (SCA) 283, (SCA) 316, (SCA) 331, SCA 338, SCA 339, SCA 374, SCA 386, SCA 393, SCA 416, SCA 422, SCA 423, SCA 462 (305); (3.b) which have not been further set (NFS) for a long time, to wit: Criminal Case Nos. 13259, 13260, 13792, 14092, 14093, 14375, 15053; and Civil Case Nos. 1226 (5057), 3677, 3911, 3985, 4221, 4415, 4480, 4489, 4827, 4924, 4955, 5011, 5126, (SCA) 72, (SCA) 253, (SCA) 257, (SCA) 265, SCA 281, (SCA) 282, SCA 310; (3.c) which have not been acted upon yet (NATY) since its filing, to wit: Criminal Case No. 18719; (3.d) as well as the following cases with motions pending action (MPA) by the court for a long time, to wit: Civil Case Nos. 4473 and 5147, SCA 286, SCA 287, and SCA 313.

Respondent Judge has not only miserably failed in his duties to dispose of cases promptly and expeditiously but also remained resolute in not complying with the directives of not just one but several resolutions issued by this Court.

The reasons cited by respondent Judge for failing to promptly act on and resolve the aforementioned cases are not acceptable.

Firstly, we reject respondent Judge explanation that his failure to decide Criminal case No. 15863 and Civil Case No. 5054 was due to the failure of the parties to submit their memoranda. The filing of the memoranda containing the summary of issues litigated and proved is not indispensable in the resolution of pending cases. It is respondent Judge's obligation as a trial judge to take down notes during the trial to assist in the prompt disposition of cases without awaiting and relying on the memoranda of the parties.[14]

Secondly, we likewise reject respondent Judge's contention that additional court assignments and heavy caseload prevented him from disposing the cases timely.

The additional court assignments or designations imposed upon respondent Judge does not make him less liable for the delay.[15] In *In Re: Administrative Matter No. MTJ-99-118*, [16] we held:

That respondent Judge had to attend to other courts will not save him from administrative sanction. In *Perez v. Andaya* [286 SCRA 40 (1998)], we held a similar contention unmeritorious, quoting the recommendation of the Investigating Justice with favor thus:

Respondent judge's argument that on September 29, 1993, he was designated acting presiding judge of (the) RTC, Branch 54, in Lucena City, and has been carrying (the) heavy case load of two salas, and lately designated to hear heinous crimes, should not be made as basis for excuses at this point in time when the judiciary is under siege upon which the judge should give complete and dedicated support of his primary and fundamental task to restore full confidence of our people in the courts.

Likewise in *Re: Report of Justice Felipe B. Kalalo*:

“x x x The additional assignment of Judge Angeles should not have deterred him from disposing off the twenty-two criminal cases pending before him. All he had to do was to request from this Court a reasonable extension of time to resolve the cases.”

Indeed, respondent Judge should have known that if his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask from this Court for a reasonable extension of time to dispose of the cases involved. The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.

We are aware of the heavy caseload of trial courts, hence, we allow reasonable extensions of time to decide cases. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.[17] To repeat, granting that it becomes unavoidable to render a decision or resolve a matter beyond the reglementary period, respondent Judge could have sought additional time by simply filing a request for extension. Respondent Judge, however, did not make use of this remedy. Thus, the heavy caseload, and failure to decide cases due to failure of parties to submit memoranda, can neither exempt him from due observance of the rules nor exonerate him from his administrative liability. They can only serve to mitigate the imposable penalty.[18]

Under Section 9(1), Rule 140 of the Revised Rules of Court as amended, undue delay in rendering a decision is classified as a less serious charge. Section 11(b) of the same Rule states that the penalty for such a 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 Ten Thousand Pesos (P10,000.00) but not exceeding Twenty Thousand Pesos (P20,000.00).

Considering that respondent Judge retired on 24 November 2004, he can no longer be suspended or dismissed. Instead, a fine of FIFTEEN THOUSAND (P15,000.00) PESOS which we deem reasonable, is imposed upon him.

WHEREFORE, respondent retired Judge Ernesto R. Gutierrez is found **LIABLE** for undue delay in rendering judgment which is equivalent to **GROSS INEFFICIENCY**. He is ordered to pay a **FINE** of P15,000.00 to be deducted from his retirement benefits.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 104-105.

[2] Id., pp. 108-109.

[3] Id., pp. 147-148.

[4] Id., p. 17.

[5] Id., pp. 1-6.

[6] Id., p. 156.

[7] Id., p. 164.

[8] Id., p. 165.

[9] Re: Report on the Judicial Audit and Physical Inventory of the Cases in RTC-Br. 138, Makati City, 312 Phil.

111, 118 (1996).

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

[11] Office of the Court Administrator v. Javellana, A. M. No. RTJ-02-1737, 09 September 2004, 438 SCRA 1, 14.

[12] Re: Report of Deputy Court Administrator Bernardo T. Ponferada Re Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, supra note 10, p. 133.

[13] Celino v. Judge Abrogar, 315 Phil. 305, 312 (1995).

[14] Office of the Court Administrator v. Judge Joven, 447 Phil. 86, 94 (2003).

[15] Gonzales-Decano v. Siapno, A.M. No. MTJ-00-1279, 01 March 2001, 353 SCRA 269, 278.

[16] 371 Phil. 131, 138-139 (1999).

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

[18] Re: Report of Deputy Court Administrator Bernardo T. Ponferada Re Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, supra note 13, p. 132; Re: Judge Liberato C. Cortes, A.M. No. 94-6-189-RTC, 7 March 1995, 242 SCRA 167, 169.

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