

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LEONCIO M. JANOLO, JR., OFFICER-IN-CHARGE ESPERANZA
F. GELLEZ, CIVIL CLERK-IN-CHARGE MARCO A. BOCO AND
CRIMINAL CLERK- ...**

A.M. No. RTJ-06-1994 (FORMERLY A.M. NO. 06-240-RTC). September 28, 2007

Ponente: AZCUNA, J.

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AZCUNA, J.:

This case stemmed from the judicial audit conducted on April 22 to 23, 2003 at the Regional Trial Court of Pasig City, Branch 264, presided by Judge Leoncio M. Janolo, Jr. The judicial audit team found that out of 348 cases, 15 of the 17 cases that had been submitted for decision were already beyond the reglementary period to decide, while 23 of the 25 cases submitted for resolution were also past the reglementary period to resolve. The judicial audit team also observed that 98 cases remained unacted upon for a considerable length of time from the last order or incident.

As a result of the audit, then Deputy Court Administrator Christopher O. Lock issued a Memorandum dated August 7, 2003 directing Judge Janolo and his court personnel to take appropriate action on all the pending cases requiring immediate action.

On October 10, 2003, the Office of the Deputy Court Administrator received a letter dated October 6, 2003 from Judge Janolo and his staff containing the reasons for their inaction on the subject cases. They also informed the court of the action taken in compliance with the directives of the Deputy Court Administrator.

In the said letter, Judge Janolo stated that his failure to act on the subject cases were due to the following reasons:

- The former system used in the handling of records in the Branch was admittedly not as effective as we wanted it to be. We are correcting this and currently the Branch is implementing a more workable and systemized scheme.
- The absence without leave of stenographer Ms. Ma. Erna B. Casas beginning March 16, 2002 with whom communication by any of the Staff is no longer feasible. As of this writing, stenographers of the Branch are trying to decipher and transcribe the notes left by Ms. Casas.
- The transition resulting from the promotion of former Branch Clerk of Court, Atty. Gerardo P. Barot to the Department of Justice as Prosecutor of Rizal on April 15, 2002 and in his place, the appointment of the Branch Court Legal Researcher, Ms. Esperanza G. Gellez as Officer-in-Charge until she went on leave on July 16, 2003. Ms. Brigida Estela Maris T. Antonio-delos Santos was detailed to the Branch as Court Legal Researcher II (detailed)/OIC effective July 29, 2003.
- Health problems encountered by undersigned presiding judge during the early part of the year which he has gratefully surpassed.

Judge Janolo expressed regrets for the delay in the disposition of cases in his court and assured the Deputy Court

Administrator that he would reduce, if not completely resolve, all pending incidents before the end of 2003.

As regards the directive addressed to Officer-in-Charge Esperanza F. Gellez, the Court was informed that she went on official leave effective July 16, 2003. The designated Officer-in-Charge, Ms. Brigida Estela Maris A. Delos Santos, stated in the letter dated October 6, 2003 that a new and different record management system had been introduced to the branch. She reported that they were already maintaining a logbook which reflected the daily attendance of court personnel and that they were strictly observing regular working hours. Further, Marco A. Boco and Filbert A. Magtibay, the clerks in charge of civil cases and criminal cases, respectively, were in the process of updating the docket books assigned to them.

Ms. Delos Santos attributed to oversight the non-inclusion of the cases enumerated in paragraph 3-a of the Deputy Court Administrator's Memorandum dated August 7, 2003 in the list of cases submitted for decision in the Monthly Report of Cases for the month of March 2003, a lapse of the Clerks-in-Charge Boco and Magtibay who prepared the report, and a lapse of Ms. Gellez who simply relied on what was reported to her. Ms. Delos Santos further averred that Criminal Cases Nos. 103643-44 were mistakenly listed and reported as Criminal Cases Nos. 106885-89 in the Semestral Docket Inventory for July-December 2002.

Judge Janolo and his staff jointly requested understanding of the state of affairs in their sala, and assured the Deputy Court Administrator that every measure legally available was being undertaken to ensure that the backlog of cases would soon be eliminated.

In the Resolution of April 25, 2006, the Court resolved, upon the recommendation of the Office of the Court Administrator, to:

- a) NOTE the letter dated October 6, 2003 of Judge Leoncio M. Manolo, Jr., Officer-in-Charge Brigida Estela Maris T. Antonio-delos Santos, Civil Clerk-in-Charge Marco Bo[c]o and Criminal Clerk-in-Charge Filbert A. Magtibay, all of the Regional Trial Court, Branch 264, Pasig City;
- b) RE-DOCKET the subject Final Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 264, Pasig City, as A.M. No. RTJ-06-1994 (Office of the Court Administrator v. Judge Leoncio M. Janolo, Jr., Officer-in-Charge Esperanza E. Gellez, Civil Clerk-in-Charge Marco Bo[c]o and Criminal Clerk-in-Charge Filbert A. Magtibay, all of the Regional Trial Court, Branch 264, Pasig City);
- c) REPRIMAND Officer-in-Charge Esperanza F. Gellez for inefficiency, having failed to proficiently perform her official duties and responsibilities, particularly in supervising and managing the court's dockets and in ensuring that the monthly reports contain accurate data, with a STERN WARNING that similar lapses in the future will be dealt with more severely;
- d) ADMONISH Mr. Marco A. Boco, Clerk-in-Charge of Civil Cases, and Mr. Filbert A. Magtibay, Clerk-in-Charge of Criminal Cases, for their failure to efficiently record, file and manage the cases assigned to them; and
- e) DIRECT the Office of the Court Administrator to conduct a post audit in the RTC, Branch 264, Pasig City, to determine whether the said court had already improved as alleged in the letter dated October 6, 2003 of Judge Janolo and his staff.

In a Memorandum dated March 30, 2006, the Office of the Court Administrator recommended that Judge Janolo be found administratively liable for undue delay in rendering a decision or order and be fined in the amount of P11,000, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely. In addition, Judge Janolo should be reminded to exercise utmost care and diligence in the submission of the monthly reports of cases, especially those submitted or deemed submitted for decision or resolution, and to ensure the accuracy of the reports.

It is undisputed that respondent Judge Janolo failed to decide numerous cases within the reglementary period, and also failed to request and justify an extension of time within which to decide them.

As Sec. 15 (1), Article VIII of the Constitution mandates: “All cases or matters filed after the effectivity of this Constitution must be decided or resolved within x x x three months for all other lower courts.”[1]

Sec. 5, Canon 6 of the New Code of Judicial Conduct in turn provides: “Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.”

Prompt disposition of the court’s business is attained through proper and efficient court management, and a judge is remiss in his duty and responsibility as court manager if he fails to adopt a system of record management.[2]

The non-submission of the transcript of stenographic notes by stenographers would not relieve judges of their duty to render a decision within the required period as judges are directed to take down notes of salient portions of the hearing and proceed in the preparation of decisions without waiting for the transcribed stenographic notes. Such incidents, including the non-filing of memoranda, non-compliance by parties with an order to file comment or reply to an opposition and the discovery of a pending incident only after physical inventory, are not adequate justifications for failing to render a decision or resolution within the prescribed period.[3]

Judge Janolo contended that he encountered health problems in the early part of the year 2003, but he failed to submit a medical certificate to support his claim. According to the Office of the Court Administrator, the cases submitted for decision/resolution and the cases which were unacted on for a considerable length of time show that the aforesaid cases had long been unacted upon even before Judge Janolo suffered the alleged health problems.

The Court has held that when circumstances arise that would render a judge incapable of deciding within the prescribed time a case submitted for decision or resolution, all that a judge has to do is to request and justify an extension of time within which to resolve it.[4] This, Judge Janolo failed to do.

For failure to resolve the cases submitted for decision or resolution within the reglementary period, respondent Judge is liable under Sec. 9 (1), Rule 140[5] of the Rules of Court for undue delay in rendering a decision or order, which is a less serious charge punishable with suspension from office without salary and other benefits for not less than one month nor more than three months or a fine of more than P10,000 but not exceeding P20,000.

The Court notes that in A.M. No. RTJ-00-1602[6] promulgated on December 5, 2000, Judge Janolo was found guilty of gross inefficiency for his failure to decide Civil Case No. 65268 within the reglementary period and was fined in the amount of P2,000 with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

The Court strongly reiterates that delay in the disposition of cases undermines the people’s faith and confidence in the judiciary; hence, judges are enjoined to decide cases with dispatch.

WHEREFORE, Judge Leoncio M. Janolo, Jr. is found administratively liable under Sec. 9 (1), Rule 140 of the Rules of Court for another undue delay in rendering a decision or order for which he is FINED in the amount of Eleven Thousand Pesos (P11,000), with a FINAL STERN WARNING that a repetition of the same or similar acts shall be most severely dealt with.

No costs.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Tinga, Chico-Nazario, Garcia, Nachura, and Reyes, JJ., concur.
Velasco, Jr., J., no part due to prior action in OCA.

[1] Emphasis supplied.

[2] Office of the Court Administrator v. Quilala, A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597.

[3] Re: Report on the Judicial Audit Conducted in the RTC-Br. 220, Quezon City, A.M. No. 00-4-166-RTC, June 29, 2001, 360 SCRA 242, 246.

[4] Ibid.

[5] Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan.

[6] Gil v. Janolo, Jr., December 5, 2000, 347 SCRA 6.

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