

RE: CASES SUBMITTED FOR DECISION BEFORE HON. MELITON G. EMUSLAN, FORMER JUDGE, REGIONAL TRIAL COURT, BRANCH 47, URDANETA CITY, PANGASINAN.

A.M. No. RTJ-10-2226 (Formerly A.M. No. 10-1-24-RTC). March 22, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Judge Meliton G. Emuslan, Regional Trial Court (RTC) Judge, Branch 47, Urdaneta, Pangasinan, applied for Compulsory Retirement Benefits under Republic Act No. 910, as amended, effective October 23, 2009. In the process of completing his Certificate of Clearance, however, his Branch Clerk of Court, Atty. Concepcion A. Macabitas, issued a certification that Judge Emuslan had forty-three (43) cases already submitted for decision that had remained undecided beyond the reglementary period. The judge did not indicate any reason for not acting on the forty-three (43) cases, except in Criminal Case No. U-9757, entitled "People v. Amor Pader," for Illegal Possession of Prohibited Drugs, wherein he attributed the delay to lack of transcript of stenographic notes.

Because of this, the Office of the Court Administrator (OCA), in a Memorandum dated January 11, 2010, withheld the Payment of Judge Emuslan's retirement/gratuity benefits.

In its report, the OCA found respondent liable for gross inefficiency, and recommended that he be fined P50,000.00, to be deducted from his retirement/gratuity benefits.

Under the circumstances, we find the OCA's recommendation in order.

Section 15, Article VIII of the 1987 Constitution mandates lower courts to decide or resolve cases or matters for decision or final resolution within three (3) months from date of submission. Failure to decide cases within the 90-day reglementary period may warrant imposition of administrative sanctions on the erring judge.

Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and to decide cases within the required period. Thus, all cases or matters must be decided or resolved by all lower courts within a period of three (3) months from submission.

Furthermore, the Court, in Administrative Circular No. 3-99 dated January 15, 1999, requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases, because failure to comply therewith violates the constitutional right of the parties to speedy disposition of their cases.

Likewise, Administrative Circular No. 28, dated July 3, 1989, expressly provides that:

(3) x x x Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case x x x.

Under Section 9(1), Rule 140, Revised Rules of Court, undue delay in rendering a decision constitutes a less serious charge punishable under Section 11(b) of the same Rule by either suspension from office without salary and other benefits for not less than one (1) month but not 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).

Because Judge Emuslan could not proffer any valid excuse, his failure to decide the 43 cases translates to gross inefficiency in the performance of his duties. He should be held administratively liable.

The Court, in its Resolution dated November 19, 2008 in A.M. No. RTJ-08-2155 (The Office of the Court Administrator v. Judge Rosario B. Torrecampo, Regional Trial Court, Branch 33, Pili, Camarines Sur), imposed a fine of Fifty Thousand Pesos (P50,000.00) on Judge Torrecampo for gross inefficiency due to her failure to decide seventeen (17) cases and pending incidents before she retired on April 1, 2008. All cases and incidents had been submitted for decision or resolution, and the reglementary period to decide or resolve the cases or incidents had already lapsed on the date of her retirement.

In A.M. No. 09-4-175-RTC (Re: Cases Submitted for Decision Before Hon. Bayani Isamu Y. Ilano, Former Judge, Regional Trial Court, Branch 71, Antipolo City), the Court imposed a fine of Fifty Thousand Pesos (P50,000.00) on Judge Ilano for his failure to decide within the reglementary period thirty-four (34) cases submitted for decision prior to his date of retirement.

Again, in A.M. No. 09-11-477-RTC (Re: Cases Submitted for Decision Before Hon. Guillermo R. Andaya, Former Judge, Regional Trial Court, Branch 53, Lucena City), the Court imposed a fine of Fifty Thousand Pesos (P50,000.00) on Judge Andaya for his failure to decide forty-five (45) cases submitted for decision within the reglementary period.

Members of the judiciary have the sworn duty to administer justice without undue delay. Thus, failure to decide cases within the periods fixed by law warrants the imposition of administrative sanctions. Considering the number of cases left undecided and the lack of any plausible explanation for such delay, the imposition of a fine of FIFTY THOUSAND PESOS (P50,000.00) for the 43 cases that Judge Emuslan failed to decide at the time of his retirement is proper. The said amount should be deducted from his retirement/gratuity benefits.

WHEREFORE, the Court finds Judge Meliton G. Emuslan, Regional Trial Court, Branch 47, Urdaneta City, Pangasinan, GUILTY of Gross Inefficiency for failure to decide the forty-three (43) cases submitted for decision within the reglementary period, and hereby imposes a fine of P50,000.00, the amount to be deducted from his retirement/gratuity benefits.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Perez, and Mendoza, JJ., concur.

Velasco, Jr., J., no part due to relationship to a party.

Villarama, Jr., J., on official leave.

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