RE: FINDINGS ON THE JUDICIAL AUDIT CONDUCTED AT THE 7TH MUNICIPAL CIRCUIT TRIAL COURT, LILOAN-COMPOSTELA, LILOAN, CEBU.

A.M. No. 12-8-59-MCTC. April 12, 2016

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

The instant administrative case arose from the judicial audit and physical inventory of court records conducted in the 7[th] Municipal Circuit Trial Court of Liloan-Compostela, Liloan, Cebu (MCTC), presided by Judge Jasper Jesse G. Dacanay (Judge Dacanay).

The Facts

Following a judicial audit of the MCTC presided by Judge Dacanay, which was conducted on July 17 and 18, 2012, the judicial audit team of the Office of the Court Administrator (OCA) issued its Findings on the Judicial Audit Conducted at the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu[1] and Report on the Judicial Audit Conducted in the 7[th] Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu[2] both dated August 1, 2012, revealing that the MCTC had a caseload of 663 cases (415 criminal cases and 248 civil cases) with 103 cases submitted for decision and 93 cases with pending incidents submitted for resolution.[3] 99 out of the 103 cases submitted for decision were all beyond the 90-day reglementary period to decide;[4] and 91 out of the 93 cases with pending incidents were also beyond the required period to act upon.[5] The judicial audit team also disclosed that there were also a number of cases where no initial action had been taken since their filing, while there were others which failed to progress after a considerable length of time.[6] In view of the foregoing, the judicial audit team recommended that: (a) Judge Dacanay be directed to cease and desist from conducting hearings and to devote his time in deciding and resolving the matters pending before his court, instructed to furnish the Court with copies of the decisions related thereto, and pending full compliance thereof, his salaries, allowances, and other benefits be ordered withheld; (b) Judge Dacanay be directed to explain in writing why no administrative sanction should be taken against him for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents which were all beyond the reglementary period to decide and act upon; (c) Judge Jocelyn G. Uy Po be designated as acting presiding judge of the MCTC; and (d) MCTC Clerk of Court II Henry P. Cañete, Jr. (MCTC Clerk of Court Cafiete, Jr.) be directed, among others, to submit a monthly report of cases for the MCTC.[7] In a Resolution[8] dated November 12, 2012, the Court adopted the recommendations of the judicial audit team.

In his letter-explanation dated January 23, 2013,[9] Judge Dacanay claimed that his failure to decide and resolve cases on time was not brought about by his laziness, willful neglect of duty or complacency, but was due to the heavy workload in his court which is a circuit court composed of two (2) municipalities with the highest number of cases received every month. He explained that he spends most of his time hearing cases in court and issuing orders[10] and, thus, lacks time to write decisions. Such delay is further compounded by insufficient staff and

cases that lacked stenographic notes.[11] In addition, he likewise claimed that he was suffering from cardiovascular disease, hypertension, impaired glucose tolerance, and chronic back pains; and, in the year 2008, he suffered a stroke while he was attending to his court duties. In this light, Judge Dacanay revealed his plans of retiring early and requested for the release of the withheld salary which he needs to sustain his daily maintenance medicines and travelling expenses.[12]

In its Memorandum,[13] the OCA denied Judge Dacanay's request for the release of his withheld salaries, finding his reasons to be flimsy and irrelevant. Considering that a majority of the cases docketed in Judge Dacanay's sala were submitted for decision and resolution even before the year 2008, when he claimed to have suffered a stroke, the OCA concluded that his heavy workload was due to his inefficiency and judicial indolence. In this regard, the OCA noted that from the time the judicial audit was conducted in July 2012 and up to the time he submitted his letter--explanation in January 2013, Judge Dacanay has not submitted a single decision or resolution to show at least partial compliance and proof of his good faith, and neither did he request for any extension of time for the disposition of his cases. Consequently, the OCA directed Judge Dacanay to fully comply with the Court's Resolution dated November 12, 2012 by deciding and resolving the pending cases and resolutions in his sala within a non-extendible period of one (1) month from notice and, afterwhich, an evaluation shall be made on his administrative liability.[14]

In connection with a subsequent Resolution[15] dated July 10, 2013 of the Court, MCTC Clerk of Court Cañete, Jr. submitted various letters of Compliance dated August 30, 2013,[16] February 3, 2014,[17] and May 23, 2014,[18] updating the OCA of the status of cases pending before the MCTC, with copies of the decisions, resolutions, and orders related thereto.

The OCA's Report and Recommendation

In a Memorandum[19] dated July 7, 2015, the OCA recommended, inter alia, that Judge Dacanay be found guilty of gross inefficiency and, accordingly, be meted a fine in the amount of P75,000.00 with a warning that a similar infraction would be dealt with more severely.[20]

While the OCA noted that Judge Dacanay had fully complied with the Court's Resolution dated November 12, 2012 directing him to resolve the pending cases and incidents in his sala, it nevertheless found him administratively liable for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents for resolution within the reglementary period provided for by law. The OCA concluded that such judicial indolence on the part of Judge Dacanay is considered gross inefficiency in the performance of duties, and as such, administrative sanctions should be imposed upon him.[21]

The Issue Before the Court

The sole issue presented for the Court's resolution is whether or not Judge Dacanay should be held administratively liable.

The Court's Ruling

After a careful perusal of the records, the Court agrees with the findings and recommendation of the OCA, and resolves to adopt the same in its entirety.

Article VIII, Section 15 (1) of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of ninety (90) days. The Code of Judicial Conduct under Rule 3.05 of Canon 3[22] likewise directs judges to administer justice without delay and dispose of the courts' business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent

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needless delays in the orderly and speedy disposition. of cases. Thus, the 90-day period is mandatory.[23] In Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy,former Judge, Municipal Trial Court, Cainta, Rizal,[24] the Court stressed the importance of deciding cases within the periods prescribed by law and, at the same time, reiterated that a judge's failure. to decide a case within the prescribed period constitutes gross inefficiency warranting the imposition of administrative sanctions, to wit:

> Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of their cases.
>
> The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.[25] (Emphasis and underscoring supplied)

The foregoing notwithstanding, the Court is not unmindful of the heavy dockets of the lower courts. Thus, upon their proper application for extension, especially in meritorious cases involving difficult questions of law or complex issues, the Court grants them additional time to decide beyond the reglementary period. In these situations, the judge would not be subjected to disciplinary action.[26]

In this case, Judge Dacanay clearly failed to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents in his sala within the prescribed reglementary period - with some of those cases/incidents taking more than ten (10) years to be decided or resolved. In an attempt to absolve himself from administrative liability, Judge Dacanay attributed such failure to heavy workload, and mentioned that in 2008, he suffered a stroke which limited his physical capability to decide cases or resolve incidents in his already docket-laden sala.[27] However, records show that most of the cases and incidents for decision or resolution in his sala were submitted long before he suffered a stroke in 2008. Moreover, records are bereft of any showing that he requested for extensions of the period within which he can decide or resolve the aforesaid cases and incidents, or that he proferred any credible explanation for the delay in their disposition. Hence, the OCA correctly found Judge Dacanay administratively liable.

It is settled that failure to decide or resolve cases within the reglementary period constitutes gross inefficiency.[28] It is a less serious charge and is punishable by either suspension from office without salaries and benefits for not less than one (1) month, but not more than three (3) months, or a fine of more than P10,000.00, but not exceeding P20,000.00.[29] It must be noted, however, that the fines imposed on each judge may vary, depending on the number of cases undecided or matters unresolved by said judge within the reglementary period, plus the presence of aggravating or mitigating circumstances, such as the damage suffered by the parties as a result of the delay, the health and age of the judge, and other analogous circumstances.[30]

In OCA v. Leonida,[31] the erring judge was fined in the amount of P50,000.00 for his failure to decide an aggregate of 145 cases within the reglementary period.[32] Similarly, in OCA v. Alumbres,[33] the respondent judge was fined also in the amount of P50,000.00 for failing to decide a total of 154 cases on time.[34] On the other hand, in Pacquing v. Cobarde,[35] the delinquent judge was fined by the Court the amount of P100,000.00 for failing to decide a staggering 191 cases within the allowable period, noting that said judge was previously held administratively liable for the same offense. In view of the foregoing cases and the circumstances of this case, the Court agrees with the OCA that Judge Dacanay should be fined in the amount of P75,000.00 for his failure to

decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents in his sala within the 90-day mandatory reglementary period provided by law.

WHEREFORE, Judge Jasper Jesse G. Dacanay is found GUILTY of gross inefficiency in the performance of his duties and is hereby FINED in the amount of P75,000.00, with a STERN WARNING that the commission of the same or similar act shall be dealt with more severely. His salaries and allowances, after deducting the fine of P75,000.00, are ordered RELEASED for having fully complied with the directives of the Court contained in the Resolution dated November 12, 2012.

Moreover, Clerk of Court II Henry P. Cañete, Jr. is DIRECTED to COMPLY with the other directives of the Court in the same Resolution within a non-extendible period of fifteen (15) days from notice and SUBMIT proof thereof.

SO ORDERED.

Sereno, C. J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Leonen, Jardeleza, and Caguioa, JJ., concur.
Peralta, J., on official leave.

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[1] Rollo, pp. 1-24.

[2] Id. at 25-49.

[3] See id. at 1 and 25.

[4] See id. at 2 and 26.

[5] See id. 6 and 31.

[6] See id. at 13 and 37.

[7] See id. at 23-24 and 47-48.

[8] Id. at 62-65.

[9] Id. at 51-52.

[10] See id. at 51.

[11] See id. at 52.

[12] See id. at 51-52.

[13] Dated May 21,2013. Id. at 71-74.

[14] See id. at 72-74.

[15] Id. at 81-83.

[16] See id. at 84-220.

[17] See id. at 255-259.

[18] See id. at 260-436.

[19] Id. at 232-254.

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[20] See id. at 253-254.

[21] See id. at 252-254.

[22] Rule 3.05, Canon 3 of the Code of Judicial Conduct provides:

> Canon 3
> A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE ADJUDICATIVE RESPONSIBILITIES
>
> x x x x
>
> Rule 3.05. - A judge shall dispose of the court's business promptly and decide cases within the required periods.
>
> x x x x

[23] See Re: Cases Submitted for Decision Before Hon Teresita A. Andoy, former Judge; Municipal Trial Court, Cainta, Rizal, 634 Phil. 378, 381 (2010), citing Gachon v. Devera, Jr., 340 Phil. 647 (1997).

[24] Id.

[25] Id. at 381-382; citations omitted.

[26] See Bontuyan v. Villarin, 436 Phil. 560, 568-569 (2002).

[27] See Judge Dacanay's letter-explanation dated January 23, 2013; rollo, pp. 51-52.

[28] OCA v. Ismael, 624 Phil. 275, 278-279 (2010).

[29] Id. See also Section 9, in relation to Section II (B), of A.M. No. 01-8-10-SC, entitled "RE: PROPOSED AMENDMENT TO RULE 140 OF THE RULES OF COURT RE: DISCIPLINE OF JUSTICES AND JUDGES" (October 1, 2001).

[30] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 72 and 22, Narvacan, Ilocos Sur, 687 Phil. 19, 23 (2012).

[31] 654 Phil. 668 (2011).

[32] Id. at 679.

[33] 515 Phil. 348 (2006).

[34] See id. at 355-356 and 363.

[35] See Minute Resolution in A.M. No. RTJ-07-2042 dated September 30, 2014.

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