

REPORT ON THE AUDIT AND INVENTORY OF CASES IN THE REGIONAL TRIAL COURT, BRANCH 11, BALAYAN, BATANGAS.

A.M. No. 93-11-1311-RTC. July 26, 1994

Ponente: REGALADO, J.

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REGALADO, J.:

This administrative matter stemmed from a directive of Deputy Court Administrator Reynaldo L. Suarez of this Court, dated September 27, 1993, instructing four members of his staff to conduct an audit and inspection of the records and docket book of Branch 11 of the Regional Trial Court of Balayan, Batangas due to persistent reports of delay in the disposition of cases pending therein.

Pursuant thereto, the members of the team all proceeded to Balayan, Batangas and looked for Judge Ernesto H. Gorospe, the presiding judge of said branch of the aforestated court. However, they were informed that Judge Gorospe would be arriving a little late as he was coming all the way from his house in Tarlac where he celebrated his birthday the previous day. Towards noon, the team was informed that the judge would not be able to report since, according to his wife who called up, he supposedly "got sick."

The team then decided to examine the docket book, but was not able to do so since the person allegedly in charge thereof, the court interpreter, was also absent on that day and, apparently, no one among the other personnel of the court knew where it was kept. The draft of the court's third quarter report of cases was of no help either, since the absence of the docket book made it difficult for the team to inquire into the correctness of the statements appearing in said draft.

The report thereafter submitted by the team contained the following findings: (1) Branch 11 had a total caseload of 157 cases as of the audit date, 89 of which were criminal cases and 68 were civil cases; (2) 13 criminal cases and 16 civil cases had remained unacted upon for a long time; (3) 6 cases, 3 of which were criminal cases and the other 3 were civil cases, had already been submitted for decision, but the records thereof were not available for inspection since the same were likewise supposedly in the custody of the absent court interpreter; (4) 6 cases, 2 of them criminal, and the other 4, civil, could not be included in the audit due to the same difficulty in locating their records, despite diligent efforts to do so; (5) 5 cases, 3 of them criminal, and 2, civil, had already been submitted for decision but had not been decided as of the audit date; and (6) an examination of the court calendar covering the period from January to September, 1993, disclosed that court hearings were not conducted daily.[1]

Incidentally, the search for the aforementioned missing records was further hampered by the lack of electric power in the Hall of Justice on that day, allegedly due to the refusal of the Provincial Government of Batangas to pay for its electric bills. The records do not show the reason therefor and how long that situation had obtained in said branch of the trial court.

In a resolution by the Court En Banc dated November 25, 1993, Judge Gorospe was given twenty days from receipt thereof within which to explain (1) his failure to act on the cases aforementioned in spite of the lapse of a long period of time, (b) the delay in the disposition of the cases already submitted for decision, and (3) the

irregularity of the trial dates scheduled for the hearing of the cases assigned to him.

By way of compliance with the aforesaid resolution, said judge filed his explanation, dated January 21, 1993, wherein he manifested that "he was able to update his cases and (had) acted on the cited cases and he has decided all cases for decision, and to maintain regular trial dates." He does not, however, explain the respective status of the cases enumerated in the audit report after he "update(d)" and "acted" on them.

He likewise attributed the delay in the disposition of the cases pending in his sala to several circumstances, viz.:

1. In January, 1993, he was confined in the U.S.T. Hospital for ten days due to pneumonia and moderately advanced tuberculosis. Upon his discharge therefrom, he was advised to have a complete rest for three months.
2. At the time of his discharge, however, Judge Inocencio Makalinao, the presiding judge of Branch 10 of the same court, retired, and Presiding Judge Justo Sultan of Branch 9 was still on detail at the Regional Trial Court of Biñan, Laguna. This prompted him to forego his vacation and report to work. He was then designated acting presiding judge, first, of Branch 9 and, later, of Branch 10. As Executive Judge of the Regional Trial Court of Balayan, Batangas, he had to attend to the needs of three regional trial courts and four municipal trial courts under his administrative supervision. These additional responsibilities which entail multifarious duties, aside from his own health problems, caused him to suspend action on the cited cases.
3. It was only when Judge Franchito Diamante was appointed presiding judge of Branch 10 that he was able to act on all his pending cases and conduct daily hearings.

In its resolution of February 8, 1994, the Court referred this administrative matter to the Office of the Court Administrator for evaluation, report and recommendation; and said office, through Deputy Court Administrator Reynaldo L. Suarez, submitted its report dated April 20, 1994, with the corresponding evaluative findings and recommendations.

Prefatorily, we note that the records of this administrative matter, coupled with the admissions of Judge Gorospe, establish the fact that he had indeed been remiss in his duties as a presiding judge. Even assuming the veracity of his explanations, an objective evaluation thereof conduces to a holding that all of them can only mitigate but cannot totally absolve him from liability.

Canon 3, Rule 3.08 of the Code of Judicial Conduct provides that "(a) judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel." Judge Gorospe has not offered a sufficiently plausible explanation for the apparent mismanagement of his court. That inefficiency is exemplified by the missing records of some of the cases pending in his sala and the non-availability of the docket book when required for inspection owing merely to the absence of the court interpreter who was the custodian thereof. If that was in truth the cause for non-production of said documents when required by competent authority on a working day, and no other member of the staff could do anything about the problem except to feign ignorance as to the whereabouts thereof, then it speaks very poorly of the administration and management of said branch. We have held that to achieve a close personal supervision over the records of the court, it is necessary that a physical inventory thereof be regularly made for it is only by this procedure that the judge can keep himself abreast of the status of the pending cases and be informed that everything is in order in his court.[2]

Corollarily, the good judge even failed to observe the very explicit mandate in Canon 3, Rule 3.05 of the said Code which requires him to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, three months from the filing of the last pleading, brief or memorandum.[3] This requirement of the fundamental law is designed to prevent delay in the administration of justice, for obviously

justice delayed is justice denied, and delay in the disposition of cases erodes the faith and confidence of our people in the judiciary,[4] lowers its standards, and brings it into disrepute.[5]

Judge Gorospe not only failed to religiously comply with the aforesaid mandatory provision but also disregarded Section 15(3), Article VIII of the Constitution which requires that "(u)pon the expiration of the corresponding period, a certification to this effect signed by the x x x presiding judge shall forthwith be issued and a copy thereof attached to the record of the case or matter, and served upon the parties. The certification shall state why a decision or resolution has not been rendered or issued within said period."

These various infractions of the aforementioned mandatory provisions could have been avoided had he notified this Court of his supposed predicament which he has now belatedly narrated, and asked for an extension of time within which to decide the cases which had long been overdue. Thereby, the Court could have duly availed of its power of administrative supervision to promptly institute remedial measures. The mysterious silence of Judge Gorospe, although he could not have been unaware of the injustice that his inaction was causing to the litigants in his court, casts a cloud of dubiety over the justifications advanced in his Explanation.

Obviously, it slipped His Honor's mind, or he chose to ignore the fact, that he should be the embodiment of competence, integrity, and independence[6] and that the "public trust" character of his office imposes upon him the highest degree of responsibility and efficiency.[7] At any rate, we are inclined in this instance to grant some degree of mitigation to his liability for such serious nonfeasances and neglect of duty.

ACCORDINGLY, Judge Ernesto H. Gorospe is hereby ORDERED to pay a fine of P5,000.00, with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely. Let a copy of this resolution be attached to his personal records.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Puno, and Mendoza, JJ., concur.

[1] Memorandum to the Chief Justice, dated September 30, 1993, 1-7.

[2] Juan vs. Arias, A.M. No. P-310, August 23, 1976, 72 SCRA 404.

[3] Section 15(1)(2), Article VIII.

[4] Bendesula vs. Laya, A.M. No. 144-CFI, July 18, 1974, 58 SCRA 16.

[5] In re Impeachment of Hon. Tomas Flordeliza, 44 Phil. 608 (1923).

[6] Canon 1, Rule 1.01, Code of Judicial Conduct.

[7] Bentulan vs. Dumatol, A.M. No. RTJ-93-999, June 15, 1994.

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