

RE: LETTER OF MR. OCTAVIO KALALO.

A.M. No. 93-7-1158-RTC. March 24, 1994

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-93-7-1158/>

PADILLA, J.:

On 1 June 1993, Mr. Octavio A. Kalalo wrote a letter addressed to His Excellency, Vice President Joseph Estrada bringing to his attention certain acts of Judge Arturo A. Romero, presiding judge of Branch 120, Caloocan City, in connection with Civil Case No. C-13094 entitled "Leonie A. Mable vs. Asia Soiltest, Inc. and Octavio A. Kalalo", alleging therein among others as follows:

"In his order dated March 6, 1990, Judge Romero gave the parties thirty (30) days within which to submit their memoranda, after which the case is deemed submitted for decision. x x x. the Clerk of Court by registered mail, posted at Iloilo City, on April 10, 1990.

My counsel has not received copy of the memoranda of the plaintiff.

Up to the present, or more than three (3) years after the case was submitted for decision, the case has not been decided by Judge Romero. The case should have been decided within ninety (90) days after the case was deemed (sic) for decision on April 5, 1990. In fact, the monthly certificate of service submitted by judges to the Supreme Court include certification that the judge has no case that is pending for decision within ninety (90) days of the date of certification. Thus, Judge Romero must have submitted such false certificates.

x x x x x x x x

It is thus requested that necessary disciplinary action be meted Judge Romero for this unreasonable long delay which has caused me prolonged anxiety and inconveniences. Judges of his breed have no place in the judiciary and should, if possible, be dismissed outright for this and for having probably certified falsely for at least 36 times, that there is no case for decision pending in his sala by (sic) more than ninety (90) days."[1]

The aforesaid letter was referred to this Court through the Office of the Court Administrator on 17 June 1993.

Acting upon the said letter, the Court required Judge Romero to explain within seventy two (72) hours the reason for his undue delay in deciding the aforesaid civil case.

In his explanation, Judge Romero states among others that:

"To begin with, the case has been decided on August 18, 1993, two days after receiving a telephone call about the case in question from the Office of the Honorable Court Administrator, and that a notice of appeal was filed by defendant Octavio Kalalo on September 7, 1993.

For the record, the herein respondent has been with the judiciary since November 8, 1986 or a period of six (6) years and ten (10) months, but, unfortunately, for the first time, the respondent has inadvertently overlooked to decide the case on time, under trying circumstances hereunder respectfully averred, to wit:

In the main, the herein respondent has been sickly since mid 1990 for various ailments, such as heart ailment, hypertension, with severe arthritis on the right shoulder, after x-ray finding by the FEU Hospital, and

gallbladder infection, although, notwithstanding the said physical constraints, respondent presided over court sessions, excluding some official absences against forfeitable leave, sick leave and vacation leave beginning April 7, 1990, about twenty (20) days leave of absences; 1991, nineteen (19) days leave of absences; 1992, twelve (12) days leave of absences.

x x x x x x x x

Furthermore, upon inquiry from Atty. Alberto L. Tria, then Branch Clerk of Court, now resigned since July 12, 1993, regarding the surrounding circumstances about the delay in question, he gave the information that the transcripts of steno-graphic notes of the case were submitted and completed in June 1993. Thus, Atty. Trias' letter reads:

'In reply to your letter inquiring as to when the Transcript of Stenographic Notes were submitted by the stenographers in Civil Case No. C-13094 entitled "LEONIE MABLE – versus – ASIA SOILTEST, INC., et al.," please be informed that said Transcript of Stenographic Notes were submitted by the stenographers concerned on the first week of June 1993, if my memory serves me right.' (Annex 'D')

Of no little significance is the fact that there are pending 500 average monthly cases in 1989 to 1992 due to increased filed cases raffled to most of the branches of this Court, and with the current brownouts, the difficulties encountered by the Court and the staff could not be over-emphasized.

That at the time the memorandum for the defendants was filed on April 20, 1990 (not April 7, 1990), the then Acting Branch Clerk of Court, Mrs. Romana San Juan, had resigned and the new Branch Clerk of Court, Atty. Albert L. Tria, assumed office on April 26, 1990.

Thereafter, the record of the case in question could not be located among the thousands of records placed in the various old filing cabinets.

All things considered, respondent respectfully submits that respondent's failing health contri-buted mainly to the failure to oversee effectively the unclogging of the docket and avoiding the delay in question."[2]

Thereafter, the Court referred the matter to the Office of the Court Administrator for evaluation, report and recom-mendation.

On 4 November 1993, the Office of the Court Adminis-trator submitted its Report and Recommendation, the pertinent portion of which reads as follows:

"The undersigned finds the explanation of Judge Arturo Romero not entirely satisfactory. The explanation for the delay in the resolution of the case cannot merit unqualified acceptance, consi-dering the circumstances prevailing and the reasons he proffered. First, it took him more than three (3) years before a decision was rendered. Secondly, his defense that his health has deteriorated and the transcription of the stenographic notes were completed only on June 1993 can not absolve his long inaction. The demands of speedy Justice admi-nistration cannot tolerate such inaction of Judge Romero for three (3) years for it will defeat the very spirit of a speedy dispensation of justice. His failing health cannot be considered as an excuse as the records do not show that he had gone on an extended leave. If Judge Romero's health has really impaired his efficiency, he would have had a clear basis to request for extension of time within which to decide the subject case. This he did not do. A delay in the transcription of stenographic notes by a stenographic reporter who is under his supervision and control can not be considered a valid reason for the delay in rendering judgment in a case. Precisely, judges are directed to take down notes of salient portions of the hearing and proceed in the preparation of decisions without waiting for the transcript of stenographic notes. With or without the transcribed stenographic notes, the 90-day period for deciding cases should be adhered to. (Balagot vs. Opinion, Administrative Matter No. MTJ-90-439, 20 March 1991, Per Curiam).

Premises considered, the undersigned respect-fully recommends that appropriate sanction be imposed on

Judge Arturo Romero, RTC, Branch 120, Caloocan City for unreasonable delay in the disposition of Civil Case No. 13094 (Leonie A. Mable vs. Asia Soiltest, Inc. and Octavio Kalalo)."[3]

We agree with the Report and Recommendation of the Office of the Court Administrator.

It is the duty of a judge to take note of the cases submitted for his decision and see to it that the same are decided within the ninety-day period fixed by law (Adriano vs. Judge Eustaquio P. Sto. Domingo, Adm. Matter No. RTJ-90-583, 4 October 1991, 202 SCRA 446), and failure to decide a case within the required period constitutes gross inefficiency (Longbonn vs. Hon. Emilio L. Polig, Adm. No. R-704-RTJ, 14 June 1990, 186 SCRA 557, citing Ubarra vs. Tecson, 134 SCRA 4 [1985]; De Leon vs. Castro, 104 SCRA 241 [1981]; and In re: Judge Jose F. Madara, 104 SCRA 245 [1981]).

WHEREFORE, Judge Arturo A. Romero is found guilty of GROSS INEFFICIENCY and is reprimanded and ordered to pay a fine of FIVE THOUSAND (P5,000.00) PESOS with a warning that a more drastic disciplinary action will be taken against him for the commission of a similar irregularity.

SO ORDERED.

Narvasa, C.J., Cruz, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

Feliciano, J., on leave.

[1] Rollo, pp. 4-5

[2] Rollo, pp. 16-18

[3] Rollo, p. 28

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.