

QUERY OF JUDGE DANILO M. TENERIFE, MTC, PONTEVEDRA, NEGROS OCC. AS TO WHO SHOULD DECIDE THE CASES SUBMITTED FOR DECISION IN SAID COURT.

A.M. No. 94-5-42-MTC. March 20, 1996

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

When Judge Danilo M. Tenerife assumed office as Acting Judge of the MTCC, Branch II, Bacolod City on April 13, 1994, he caused a physical inventory of all cases pending in said court. He found that cases, civil and criminal, numbering 82 in all have been submitted for decision and were left undecided by his predecessor Judge Demosthenes L. Magallanes who was promoted to the RTC at Bacolod City. In a letter dated May 2, 1994 addressed to the Office of the Court Administrator (OCA), Judge Tenerife inquired as to who shall decide the cases submitted for decision during the incumbency of Judge Magallanes. In an En Banc Resolution dated June 7, 1994, the Court resolved that the said cases should be raffled among the seven (7) branches of the MTCC, Bacolod City for rendition of judgment thereon, and Judge Magallanes was directed to explain and show cause why no disciplinary action should be taken against him for his failure to decide the said cases within ninety (90) days from their respective dates of submission as required by law.

By way of explanation, Judge Magallanes claimed that the reason why these cases were left undecided was due to the failure of the court stenographers, Mr. Leonardo Yong and Mrs. Gloria Espinosa, both of whom were frequently ill and unable to work, to complete the transcript of stenographic notes (TSN). He also averred that the number of undecided cases has already been reduced from 82 to 73 by the pairing judge with his assistance after the completion of the TSN. Expressing his "deep regret" for having left the cases undecided, Judge Magallanes requested Deputy Court Administrators Juanito Bernard and Bernardo P. Abesamis to allow him to decide the said cases after the completion of the TSN so as not to burden the succeeding judge, but such request was denied.

In light of the admission of Judge Magallanes that he failed to decide 82 (now only 73) cases within the 90-day reglementary period during his incumbency as then Presiding Judge of the MTCC, Branch II, Bacolod City, the OCA found unnecessary a formal investigation of the matter and recommended that a fine of P5,000.00 be imposed upon Judge Magallanes for gross inefficiency with stern warning that a repetition of similar act(s) will be dealt with more severely.

Canon 3, Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the Court's business promptly and decide cases within the period specified in the Constitution, that is, three (3) months or ninety (90) days from the filing of the last pleading, brief or memorandum (Re: Report on the Judicial Audit Conducted in the RTC, Branches 61, 134 and 147, Makati, Metro Manila, A.M. No. 93-2-1001, RTC; *Dumlao v. Villapana*, A. M. P-93-944, September 5, 1995). We have consistently held that the failure of a judge to decide a case within the said prescribed period is inexcusable and constitutes gross inefficiency (*Arnobit v. Gines*, Adm. Mat. No. RTJ-92-846, 4 March 94, Minute Resolution; *Ubarra v. Tecson*, 134 SCRA 4; In re: Judge Jose F. Madara, 104

SCRA 245).

The explanation of Judge Magallanes that his failure to decide the said cases within the prescribed period was due to the delay in the transcription of stenographic notes is unsatisfactory and deserves scant consideration. As previously held by this Court, the delay in the transcription of stenographic notes by a stenographic reporter under the judge's supervision and control cannot be considered a valid reason for the delay in rendering judgment in a case (*Balogot v. Opinion*, Adm. Mat. No. MTJ-90-439, 20 March 1991; Re: Letter of Mr. Octavio Kalalo, Adm. Mat. No. 937-1158-RTC, 24 May 94). A judge cannot be allowed to blame his court personnel for his own incompetence or negligence (*Adriano v. Sto. Domingo*, 202 SCRA 446). 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 transcribed stenographic notes. With or without the transcribed stenographic notes, the 90-day period for deciding cases should be adhered to (*Balogot v. Opinion*, supra; Re: Letter of Mr. Octavio Kalalo, supra).

Furthermore, this Court cannot countenance such undue delay of a judge especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. Moreover, "the requirement that cases be decided within ninety (90) days from their submission for decision 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, lowers its standards, and brings it into disrepute" (Re: Report on the Judicial Audit Conducted in the RTC, Branches 61, 134 and 147, Makati, Metro Manila, supra; *Dumlao v. Villapana*, supra).

Finally, in view of the number of cases that were not decided within the prescribed period, we deem it proper that the amount of fine recommended by the OCA to be imposed on Judge Magallanes be increased. In previous cases, we considered the failure of a judge to decide even a single case within ninety (90) days gross inefficiency warranting the imposition of a fine ranging from P5,000.00 to the equivalent of one month's salary (*Castillo v. Cortes*, 234 SCRA 398; *Adriano v. Sto. Domingo*, 202 SCRA 446; Report on the Judicial Audit and Physical Inventory of the Records of Cases in MTCC-BR. 2, Batangas City, A.M. No. 94-10-96-MTCC). In view of the foregoing circumstances and the fact that this is Judge Magallanes' first offense, a mitigating circumstance in his favor, a fine of P10,000.00 would be reasonable.

WHEREFORE, Judge Demosthenes L. Magallanes is found guilty of GROSS INEFFICIENCY and is hereby ORDERED to pay a fine of TEN THOUSAND PESOS (P10,000.00) directly to this Court, with a stern warning that a repetition of similar act(s) will be dealt with more severely.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Melo, and Panganiban, JJ., concur.

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