

RE: PARTIAL REPORT ON THE AUDIT AND INVENTORY OF CASES IN THE REGIONAL TRIAL COURT, BRANCHES 7 AND 8, TANAUAN, BATANGAS, JUDGE LIBERATO C. CORTES, PRESIDING OF BRANCH 8.

A.M. No. 94-6-189-RTC. March 07, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

In the course of an audit and physical inventory conducted on 11 and 12 May 1994 by a team from the Office of the Court Administrator of the cases pending in the sala of Judge Liberato C. Cortes, Presiding Judge, RTC, Br. 8, Tanauan, Batangas, including those submitted for decision and/or resolution, it was uncovered that: (a) Br. 8 had a total caseload of 386 as of 31 March 1994 of which 196 were criminal and 190 civil. In 15 of the criminal and 32 of the civil cases no action was taken for a long time; (b) Moreover, there were 2 criminal cases already submitted for decision since 10 August 1993 and 14 October 1993 respectively but they remained undecided as of audit date.

In its resolution of 21 June 1994, the Court required Judge Cortes to explain within ten (10) days from notice (a) his failure to act on the cases mentioned despite the lapse of a long period of time and (b) why cases submitted for decision are not being decided within the reglementary period from the date of their submission for decision. As an immediate remedial measure, the Court recommended that (a) Judge Cortes be directed to act and decide all the unresolved cases within ninety (90) days and in the meantime cease hearing cases and (b) consider the detail of a newly-appointed Judge (either Judge Emma L. Reyes or Judge Paterno V. Tac-an) to take over the sala of Judge Cortes.

In his Explanation, Judge Cortes, “without necessarily trying to absolve himself for the delay in the resolution of cases for which he takes full responsibility to the extent that the delay has been attributable, to a certain degree, to inadequate management of time and resources” has nonetheless cited the poor court facilities and inadequate research materials as well as the stenographer problem which have greatly hampered from the beginning his efforts to resolve all the cases in his sala.

From the records, augmented by Judge Cortes' admission, it is evident that the resolution of cases in his sala is dismally slow. While it may be true as pointed out by the Office of the Court Administrator that the delay may be attributed in part to lack of stenographer and a courtroom, inadequacy of reference materials and small office space, such factors may only serve to mitigate and not completely absolve him from any liability. In the case of *Nidua v. Lazaro* [1] the Court held:

We find merit in Complainant's charge that there was unreasonable delay in the administration of justice and neglect of duty on the part of Respondent Judge. A Judge ought to know the cases submitted to him for decision, particularly those pending for more than ninety (90) days, considering the Certificate of Service that he is mandated to render every month. He is expected to keep his own record of cases submitted for decision so that he could act on them promptly and without delay. It is incumbent upon him to devise an efficient recording and filing

system in his Court so that no disorderliness can affect the flow of cases and their speedy disposition, particularly those submitted for decision. A Judge cannot take refuge behind the inefficiency or mismanagement by Court personnel. Proper and efficient Court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. "Court personnel are not the guardians of a Judge's responsibilities."

The Court in *Sabado v. Cajigal* [2] reminded the judges of the ruling that failure to decide a case within the required period is not excusable and constitutes gross inefficiency. They are presumed to be aware of Rule 3.01 of the Code of Judicial Conduct which calls for a judge to be faithful to the law and maintain professional competence. There is also Rule 3.05 which admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.

In *Alfonso-Cortes v. Maglalang* [3] we emphasized the rule for the guidance of the judges manning our courts that cases pending before their salas must be decided within the three-month period and that non-observance of said rule constitutes a ground for administrative sanction against the defaulting judge.

The Office of the Court Administrator has recommended that a fine equivalent to one (1) month salary be imposed against Judge Cortes. Considering the extent and gravity of his inaction which has impeded the administration of justice and that this is not the first time respondent Judge has been taken to task for neglect of duty, a fine of P15,000.00 is deemed proper under the circumstances. [4]

ACCORDINGLY, for his failure to act on pending cases for an inordinate length of time and to decide cases submitted for decision within the reglementary period from the date of their submission for decision, respondent Judge Liberato C. Cortes is found guilty of gross neglect of duty and ordered to pay a FINE of FIFTEEN THOUSAND PESOS (P15,000.00) within thirty (30) days from notice. He is warned that any further dilatoriness in the disposition of cases in his sala will subject him to a more severe penalty.

Let copy of this Resolution be attached to the official records of respondent Judge on file with this Court.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

[1] A.M. No. R-465 MTJ and A.M. No. 87-9-2310, 29 June 1989, 174 SCRA 581, 586.

[2] A.M. No. RTJ-91-666, 12 March 1993, 219 SCRA 800.

[3] A.M. No. RTJ-88-170, 8 November 1993, 227 SCRA 482.

[4] In the resolution of the Second Division of this Court dated 28 July 1994 in A.M. No RTJ-93-1082 (*Serafin B. Castillo v. Judge Liberato C. Cortes*, Regional Trial Court, Br. 8, Batangas City) the Court imposed a fine of P5,000.00 on Judge Cortes for delay in the promulgation of the decision in Crim. Case No. 3246.

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