

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC, BRANCH 16, OF LAOAG CITY, PRESIDED BY JUDGE LUIS B. BELLO, JR.

A.M. No. 95-3-89-RTC. August 23, 1995

Ponente: MENDOZA, J.

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MENDOZA, J.:

In view of the compulsory retirement on January 19, 1995 of Judge Luis Bello, Jr. of the Regional Trial Court (Branch 16) of Laoag City, the Office of the Court Administrator (OCA) sent a team to conduct an inventory and audit of pending cases in his court. The inventory was conducted on January 25-26, 1995.

In its report, dated March 8, 1995, the OCA found that Branch 16 had ninety-nine (99) pending cases, of which fifty-seven (57) were criminal cases, while forty-two (42) were civil cases. Of the fifty-seven (57) criminal cases, four (4) had been submitted for decision but, as of the date of the audit, the 90-day period for deciding them had not yet expired. On the other hand, of the 42 civil cases, twelve (12) had been submitted for decision. Of these, seven (7) were cases in which, on the date of the audit, the 90-day period had not yet expired according to the audit team.[1] In the other five (5) cases the period had expired without the cases being decided. In its report[2] the audit team described the nature and status of these cases as follows:

(a) No. 9007, entitled "Ralleca, et al. v. Siazon, et al." for Damages, filed on October 5, 1987. In his Order dated January 17, 1994, Judge Bello, Jr., considered the case submitted for decision.

(b) No. 9163, entitled "Andres, et al. v. INEC," for Preliminary Injunction, filed on July 6, 1988. In an Order dated March 25, 1991, after admitted (sic) the exhibits for the defendants, Judge Bello, Jr. considered the case submitted for decision.

(c) No. 9959, entitled "Testamentary Estates of T. Peralta, Gloria Peralta, petitioner," for Petition for Allowances (sic) of Last Will and Testament, filed on January 22, 1992. This case was deemed submitted for decision per Order dated July 20, 1994.

(d) No. 10458, entitled "Albano, et al. v. Community Rural Bank of Bacarra, Inc.," for Collection of Sum of Money, filed on December 6, 1993. The plaintiffs were required in an Order dated July 28, 1994, to file their memorandum within 15 days, after which, the case shall be deemed submitted for decision.

(e) No. 10211, entitled "Valdez, et al. v. Colobong, et al.," for Annulment of Title and Reconveyance with Damages, filed on February 1, 1991. On October 19, 1994, Judge Bello, Jr. issued an Order admitting defendants' Exhibits 1-8, and as previously ordered on October 13, 1994 the parties were given 30 days within which to file their respective memoranda, after which, the case shall be deemed submitted for decision.

According to the report, the stenographic notes in the five (5) civil cases had not been transcribed,[3] while the Home and Child Study Report in SP Nos. 10611, 10616, 10635, which were among the seven (7) civil cases submitted for decision, had not been submitted by the Social Worker concerned.[4]

The audit team also found that like the other branches of the RTC of Laoag City, Branch 16 did not have separate docket books for criminal, civil and other cases. Log books were instead used by the clerk--in-charge for the purpose.

An examination of the report shows, however, that actually there are only four (4) cases which Judge Bello failed to decide within 90 days. These are Civil Case Nos. 9007, 9163, 9959 and 10458. Civil Case No. 10211, entitled "Valdez, et al. v. Colobong, et al.," (for Annulment of Title and Reconveyance with Damages) should not be included in the list of cases not resolved within the 90-day period. Judge Bello issued an order on October 13, 1994, requiring the parties to submit memoranda within 30 days from that date, after which the case would be considered submitted for decision. The 90-day period, therefore, commenced to run only from November 12, 1994 and expired only on February 12, 1995, after the retirement of Judge Bello.

Respondent judge thus failed to comply to decide within 90 days four (4) cases. Art. VIII, §15 of the Constitution provides:

(1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

while Cannon 3, Rule 3.05 of the Code of Judicial Conduct which enjoins:

A judge shall dispose of the court's business promptly and decide cases within the required periods.

This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied.[5] "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." [6]

In three of the cases, respondent judge's liability for failure to decide cases is mitigated by several considerations.

First, the three cases (Civil Case Nos. 9007, 9959, 10458) were submitted for decision only in 1994, in the last year of service of Judge Bello. During this time, the record shows that he was not idle. For the month of September 1994, he had the lowest number of pending cases, and in the last quarter of 1994 he was able to dispose of thirty-four (34) cases. It is apparent that the respondent judge did his best to dispose of as many cases as he could, especially those which had been submitted for decision. The Court appreciates his effort and understands his inability to dispose of these cases.

In one case[7] we considered a judge's diligence in coping with his work in determining his liability for failure to decide cases which should be decided. In another case[8] we considered the fact that the respondent had the lowest number of pending cases as a mitigating circumstance.

Secondly, Judge Bello's failure to decide the three (3) cases within 90 days is also due to failing health and advanced age. These circumstances are also mitigating.[9]

But the fact that the stenographic notes in four cases (Civil Case Nos. 9007, 9163, 9959 and 10458) have not yet been transcribed cannot be considered a mitigating circumstance. We have already held that with or without the transcribed stenographic notes, the 90-day period for deciding cases should be observed by all judges.[10]

Nor was there any excuse for respondent judge's failure to decide Civil Case No. 9163. This case had been submitted for decision way back on March 25, 1991, three years before his retirement. In *Adriano v. Sto. Domingo*, [11] it was held that a three-year delay in the promulgation of a decision from the time of submission of a case is inexcusably long and that the judge could not excuse himself on the ground that his age affected his efficiency.

The respondent judge tried to resolve the case. Even after he had already retired on January 19, 1995, he still tried to prepare a decision which the audit team found in his court on January 25, 1995. He was of course advised that he could no longer continue working on the case.[12]

The OCA recommends,

(1)

that Judge Luis Bello Jr., be made to pay a fine of P2,000.00 for his failure to decide 5 cases submitted for decision within the 90-day reglementary period;

(2)

that Judge Manuel B. Fernandez of RTC, Branch 13 of Laoag City act as presiding judge of RTC, Branch 16 of Laoag City;

(3)

that Mario S. Domingo, RTC, Branch 16, Clerk of Court:

(a)

require the stenographers to submit the TSN in:

(i)

Crim. Cases: 4751-4754

(ii)

Civil Cases: 9007, 9163, 9959, 10156, 10211, 10458, SP-10560, SP-10611, SP-10616, SP-10632, SP-10635 and CAD-30

(b)

require the social worker to submit the Home and Child Study Report in SP-10611, SP-10616, SP-10635 within 10 days from receipt of notice;

(c)

inform this court of the compliance of the stenographer and social workers.

Upon consideration of the facts of this case, the Court finds the recommendation of the Office of the Court Administrator, with the exception of its finding regarding Civil Case No. 10211, to be well taken. The fine of P2,000.00 recommended, although based on the finding that Judge Bello failed to decide five (5) cases, which, as already explained, should only be 4, is proper, considering that the mitigating circumstances with respect to three cases are discounted by the judge's inexcusable failure to decide another (Civil Case No. 9163, entitled *Andres, et al. v. INEC*) for more than three (3) years since it had been submitted for decision.

WHEREFORE, the Court RESOLVED as follows:

(1) a FINE of Two Thousand Pesos (P2,000.00) is hereby imposed on Judge Luis Bello, Jr. for his failure to decide within the 90-day period 4 civil cases.

(2) Judge Manuel Fernandez, of the RTC, Branch 13, at Laoag City, is ASSIGNED to act as presiding judge of Branch 16.

(3) Mario S. Domingo, Branch 16 Clerk of Court, is DIRECTED immediately upon notice hereof to:

(a)

require the stenographers concerned to transcribe and submit within ten (10) days from notice their notes in Criminal Cases Nos. 4751-4754 and Civil Case Nos. 9007, 9163, 9959, 10156, 10211, 10458, SP-10560, SP-10611, SP-10616, SP-10632, SP-10635 and CAD 30;

(b)

require the social worker to submit within ten (10) days from notice the Home and Child Study Report in SP-10611, SP-10616, SP-10635; and

(c)

inform this Court of compliance by the stenographer and social worker with these directives.

SO ORDERED.

Regalado, Puno, and Francisco, JJ., concur.

Narvasa, C.J., (Chairman), on leave.

[1] a) No. 10156, entitled "*Burigsay vs. De la Cruz*," for Collection of Sum of Money, filed on November 5, 1992. In an Order dated January 11, 1995, the depositions were admitted in evidence for the defendant; and as prayed for, the case is deemed submitted for decision.

b) No. SP-10560, entitled "*Adoption of Minors Shelah and Stephanie Mercado*," E. Aczon, petitioner filed on April 11, 1994. In an Order dated September 19, 1994, Exhibits A-I were admitted as evidence for the petitioner, and required the submission of a Home and Child Study Report which was received on January 18, 1995.

c) No. SP-10611, entitled "*Adoption of Minors Shiela Marie and Lovelle Balbas*," Sps. Balbas, petitioners, filed on July 14, 1994. After the testimony of the last witness, Exhibits A-J were admitted in an Order of November 11, 1994, and required the submission of a Home and Child Study Report which as of audit none was filed.

d) No. SP-10616, entitled "*Adoption of Minor Joan Leah Rosario Medrano*," Sps. Rosario, petitioners, filed on

July 29, 1994. In an Order of September 28, 1994, the all Exhibits were admitted and said case to be deemed submitted for decision upon submission of a Home and Child Study Report. None was filed as of audit.

e) No. SP-10632, entitled "Adoption of minor Jad David Foronda," Sps. Curameng, petitioners, filed on September 1, 1994. As of audit, the Home and Child Study Report required in an Order dated October 17, 1994 was not yet submitted.

f) No. SP-10635, entitled "Adoption of minors James Foronda and Joy Casimiro," Sps. Casimiro, petitioners, filed on September 7, 1994. Per Minutes of the proceedings on November 23, 1994, Exhibits G-L were admitted. However, the Home and Child Study Report required was not yet submitted as of audit.

g) No. CAD-30 (GLRO Cad. Record Nos. 1205 and 1172), entitled "Director of Lands vs. Miguel, et al.," for Application for Land Registration. In an Order dated January 9, 1995, after completion of rebuttal evidence, the parties were given until January 13, 1995 within which to file their respective memorandum, after which, the case shall be deemed submitted for resolution. Memorandum for claimants Buted, et al., was received on the same date.

(Report of Judicial Audit and Physical Inventory of Pending Case in RTC, Branch 16, Laoag City, pp. 2-3)

[2] *Id.*, p. 2. (Emphasis added)

[3] On page 1 of the OCA's Report dated March 8, 1995, the OCA recommended that the stenographer be directed to transcribe and submit the transcripts of the stenographic notes (TSN) taken In Criminal Cases Nos. 4751-4754, inclusive and Civil Cases Nos. 9007; 9163; 9959; 10156; 10211; 10458; SP-10560; SP-10611; SP-10616; SP-10632; SP-10635 and CAD-30.

[4] The OCA recommended that the Social Worker be required to submit the Home and Child Study Report in SP-10611, SP-10616 and SP-10635.

[5] *Mayor v. Tensuan*, 99 SCRA 165 (1980).

[6] *Re: Inventory of Cases in the RTC Branch 11, Balayan, Batangas*, 234 SCRA 502 (1994).

[7] *Secretary of Justice v. Bidin*, 41 SCRA 742 (1971).

[8] *Abad v. Belen*, 240 SCRA 733 (1995).

[9] *Diputado-Baguio v. Torres*, 211 SCRA 1 (1992); *Abad v. Belen*, *supra* note 8.

[10] Report on the Judicial Audit and Physical Inventory of the Record of Cases in RTC, Branch 43, Roxas, Mindoro Oriental, 236 SCRA 641 (1994), citing *Balogot v. Opinion*, 195 SCRA 429 (1991).

[11] 202 SCRA 447 (1991).

[12] Report on Judicial Audit and Physical Inventory of Pending Cases in RTC, Branch 16, Laoag City, p. 4.

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