

## QUARTERLY REPORT OF

*A.M. No. 95-4-41-MeTC. December 10, 1996*

Ponente: NARVASA, C.J.

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### **NARVASA, C.J.:**

In March, 1987, Hon Antonio Serapio resigned his position as Presiding Judge of Branch 82 of the Metropolitan Trial Court at Valenzuela, and ran for, and was thereafter elected to, Congress. In view of the resulting vacancy, Judge Floro Alejo of the Metropolitan Trial Court in Malabon was temporarily detailed to act as Presiding Judge of Branch 82, concurrently with his duties as Judge in Malabon. Judge Alejo's detail ended in January, 1990, when Judge Evelyn Corpuz-Cabochan was appointed Presiding Judge of said Branch 82 by the President of the Philippines.

When Judge Cabochan assumed office, Branch 82, had an aggregate caseload of three hundred seventy (370) cases. Of these, one hundred seventy-nine (179) were cases already submitted for decision: ninety (90), before (then) Judge Serapio, and eighty-nine (89), before (detailed) Judge Alejo.

In February, 1990, another Judge, Jose Sebastian, was detailed as Assisting Judge of Branches 81 and 82 of the Valenzuela Metropolitan Trial Court, to help in trying and deciding cases therein. Among the cases referred to him were the ninety (90) submitted before Judge Antonio Serapio during his incumbency as Presiding Judge of Branch 82 (and left undecided upon his resignation therefrom to run for a Congressional seat, as above stated). Judge Sebastian succeeded in reducing this 90-case backlog of Judge Serapio to thirty (30) cases. He was however precluded from continuing as Assisting Judge by his suspension from office for cause on October 15, 1992, in connection with an administrative proceeding against him which unfortunately resulted in his dismissal from the service in March, 1994.

Later, Judge Corpuz-Cabochan herself became subject of an administrative proceeding in relation to the cases of Branch 82 which had been submitted for decision before Judge Serapio and left undecided by him (when he ran for Congress) and by Judge Sebastian while temporarily detailed as Assisting Judge in Branch 82.

One of the communications submitted by Judge Cabochan in the course of said administrative proceeding, dated April 5, 1995, formally brought to the attention of the Court Administrator "for proper action or disposition, the matter affecting the pending twenty three (23) civil and sixty six (66) criminal cases which were heard by, and submitted for decision during the tenure of Hon. Floro P. Alejo (recently promoted as Presiding Judge of Branch 172 of the Valenzuela Regional Trial Court), when he was still acting Presiding Judge of Branch 82 of the Valenzuela Metropolitan Trial Court covering the period from June, 1987 until January, 1990" (emphasis supplied), a matter which, according to her, had already been reported "through her periodic report of cases with the office of the chief of the Statistic Division (of the OCA)." On account thereof, Judge Alejo was required, by 1st Indorsement dated June 1, 1995 of Deputy Court Administrator Reynaldo L. Suarez, to comment on the letter of Judge Cabochan of April 5, 1995. A copy of Judge Cabochan's letter, together with the accompanying annexes, was appended to said 1st indorsement.

Judge Alejo submitted the required comment by 2nd Indorsement dated July 10, 1995 addressed to Deputy Court Administrator Suarez. Therein he detailed the circumstances and causes leading to his failure to decide the cases adverted to within the reglementary periods therefor. He declared that there were only 50 criminal cases and 23 civil cases which he had failed to decide during his stint in Branch 82 of the MetroTC of Valenzuela from June, 1987 to January, 1990. Twenty-four (24) of the criminal cases were "inherited" from Judge (Congressman) Serapio; the remaining 26 cases could not be decided because he "misplaced the noted \*\* (he had) taken of the proceedings and \*\* (he) encountered difficulty in having the transcripts of stenographic notes later on transcribed," although he acknowledged that "this is not a valid excuse," and of the civil cases, only six (6) remained undecided.

Judge Alejo also pointed out that on his return to his permanent station at the time (MeTC, Branch 55, Malabon), he was confronted with a clogged docket which he had to work hard to reduce. Aside from this, he was given additional assignments in other courts, to wit: (1) Branch 75, MetroTC, Marikina, where he was able "to dispose/decide some 301 old and new cases \*\* despite the fact that \*\* (he) was also then attending to \*\* cases in \*\* (his) own court in Malabon;" and (2) Branch 56, MetroTC, Valenzuela. He adverted to the Resolution No. 94-06 of the IBP-KALMANA Chapter Board of directors nominating him "for the Jose Abad Santos Award, in the Fourth Annual Awards for Judicial Excellence 1994 \*\* (showing that he) was perceived by the bar as competent and hard-working." He ended his Comment with the following statement:

\*\*\*The extra effort that I exerted in deciding old and new cases in other courts, I know, will not justify my failure to decide my own cases in my own court. But it will at least show my willingness and capacity to render extra work if necessary. With it is my hope that my situation will be viewed with more understanding, with more sympathy, and with more compassion, and with my commitment that, given another chance, I shall manage my docket in the Regional Trial Court better."

Thereafter, by Resolution dated May 27, 1996, this Court required Judge Alejo to manifest whether or not he desired to submit the matter for resolution on the basis of his comment as well as the court records pertinent thereto, or he wished to present additional argument or evidence in substantiation of his position thereon, which he might do within ten (10) days. In response, Judge Alejo addressed to Atty. Julieta Y. Carreon, the Clerk of Court of this Court's Third Division, a letter dated July 5, 1996 reading as follows:

"Relative to the Resolution of the Honorable Supreme Court (Third Division) dated May 27, 1996 in Adm. Matter No. 95-4-41-MeTC, which was received by this Court on June 14, 1996, please be informed that I am submitting the matter for resolution on the basis of my 2nd Indorsement dated July 10, 1995 as well as the court records pertinent thereto."

It is true that as respondent Judge Alejo quite frankly admits, that fact that he "misplaced the notes \*\* (he had) taken of the proceedings and \*\* (he) encountered difficulty in having the transcripts of stenographic notes later on transcribed," and the so-called "extra effort that \*\* (he) exerted in deciding old and new cases in other courts," would not excuse or justify his failure to decide his own cases in his own court, yet the Court cannot, all things considered, see its way to imposing on him a penalty heavier than severe reprimand. While the Court cannot and should not tolerate sloth or negligence in a Judge in the disposition of his cases, the particular circumstances of this case preclude the extension of a stern punishing hand on the erring respondent.

WHEREFORE, the Court administers a SEVERE REPRIMAND on respondent Judge, and admonishes him to be more diligent in the adjudication of his cases and more scrupulous in the observance of the periods fixed therefor by the law and the Constitution.

**SO ORDERED.**

Davide, Jr., Melo, Francisco and Panganiban, JJ., concur.

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