

**RE: REPORT ON THE AUDIT AND INVENTORY OF CASES IN RTC
BRANCH 55, ALAMINOS, PANGASINAN.***A.M. No. 96-3-88-RTC. September 30, 1996*

Ponente: TORRES, JR., J.

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This administrative matter arose from a directive of Deputy Court Administrator Reynaldo L. Suarez, dated February 22, 1996, instructing four members of his staff to conduct an audit and physical inventory of the records of cases pending in the Regional Trial Court, Branch 55, Alaminos, Pangasinan, now, presided by Judge Vivencio A. Bantugan, including the cases submitted for decision and/or resolution in view of the forthcoming compulsory retirement of Judge Bantugan on March 7, 1996.

It has been reported by Mr. Pablo Villanueva, Chief, Statistics Division of this Court, that Branch 55 has a total caseload of 324 as of December 31, 1995: 16 criminal cases with detention prisoners; 171 criminal cases without detention prisoners; 114 ordinary civil cases; and 23 other cases. There are also 21 civil and 1 criminal cases pending without any action taken for a long time. Consequently, in a resolution dated April 30, 1996, this administrative matter was referred to the Office of the Court Administrator for evaluation, report and recommendation. The report, dated May 20, 1996, disclosed the following:

1. Judge Bantugan has not taken any action for a long time on 1 criminal and 21 civil cases pending in his sala;
2. There are 2 civil cases submitted for decision beyond the 90 day reglementary period within which to decide a case;
3. There are 7 inherited civil cases and 14 inherited criminal cases already submitted for decision which have remained undecided.

Based on the above findings, it was recommended by the Deputy Court Administrator that Judge Vivencio Bantugan be fined in the amount of twenty thousand pesos (P20,000.00) since his non-action on 22 cases and also delay in deciding cases submitted for decision beyond the 90 day reglementary period amounted to dereliction of duty.

We adopt the findings of the Deputy Court Administrator. Evidently, Judge Bantugan failed to observe Canon 3, Rule 3.05 of the Code of Judicial Conduct which mandates that a judge should dispose of the court's business promptly and decide within the required periods. Under Section 15 (1) (2), Article VIII of the Constitution, the lower court should decide or resolve cases submitted for decision within three months from the filing of the last required pleading, brief, or memorandum. This requirement of the fundamental law 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.[1]

Judge Bantugan had allegedly exerted all efforts to decide all the inherited cases already submitted for decision

but failed to dispose all of them because of his compulsory retirement on March 7, 1996. He was not able to present any other reason why he was not able to decide the assigned cases. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency.[2] To render the decision beyond the prescribed period of ninety (90) days from the submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice.[3] For the guidance of the judges manning our courts, cases pending before their salas must be decided within the three (3) month period and failure to observe said rule constitutes a ground for administrative sanction against defaulting judge.[4]

We opt to reduce the recommended fine of twenty thousand pesos (P20,000.00) to only ten thousand pesos (P10,000.00) as Judge Bantugan had been overtaken by the event of his retirement and as such, we consider the amount of ten thousand pesos as proper to be withheld from his retirement benefits.

ACCORDINGLY, Judge Vivencio Bantugan is hereby ordered to pay a fine of ten thousand pesos (P10,000), the same to be deducted from his retirement benefits.

SO ORDERED.

Regalado, (Chairman), Romero, and Puno, JJ., concur.
Mendoza, J., on leave.

[1] Re: Report on the Audit and Inventory of Cases in the Regional Trial Court, Adm. Mat. 93-11-1311-RTC, July 26, 1994.

[2] Sabado vs. Cajigal, A.M. No. RTJ-91-666, March 12, 1993.

[3] Castillo vs. Cortes, A.M. RTJ-93-1082, July 25, 1994.

[4] Alfonso-Cortes vs. Maglalang, A.M. No. RTJ-88-170, November 8, 1993.

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