

RE: CASES LEFT UNDECIDED BY RETIRED JUDGE BENJAMIN A. BONGOLAN OF THE REGIONAL TRIAL COURT, BRANCH 2, BANGUED, ABRA.

A.M. NO. 98-12-394-RTC. October 20, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On August 28, 1998, Judge Benjamin A. Bongolan of the Regional Trial Court (RTC), Branch 2, Bangued, Abra, compulsorily retired. Accordingly, on November 4, 1998, the Office of the Court Administrator (OCA) sent an audit team to conduct a judicial audit and physical inventory of cases pending in said court.

On November 17, 1999, the judicial audit team submitted a Report[1] to the OCA stating that Judge Bongolan failed to render his Decisions within the reglementary period in the following cases: Criminal Cases Nos. 1283, 1316, 1559 and 1782; and Civil Cases Nos. 725, 727, 805, 834, 866, 914, 928, 955, 1006, 1051, 1083, 1096, 1104, 1117, 1148, 1198, 1276, 1320, 1433, 1533, SP-0781, SP-0897, SP-1088, SP-1129, SP-1184, LRC N-23 and LRC N-24; and nine (9) civil and other cases he partly tried and heard, to wit: Civil Cases Nos. 162, 236, 286, 531, 576, 579, 689, 715 and SP-0665.

Likewise, Judge Bongolan failed to resolve matters submitted for his resolution in Civil Cases Nos. 901, 1054 and 1385.

In his Memorandum[2] dated December 10, 1999 addressed to the Chief Justice, then Court Administrator Alfredo L. Benipayo recommended that:

"1. The Ten Thousand Pesos (P10,000.00) be withheld from the retirement benefits of Judge Benjamin A. Bongolan, in the Resolution of the Court En Banc dated February 23, 1999 be FORFEITED as fine for his failure to decide, within the 90-day reglementary period reckoned from his date of compulsory retirement, the following thirty-one (31) cases (4 criminal cases and 27 civil and/or other cases), to wit: Criminal Cases Nos. 1283, 1316, 1559 and 1782 and Civil/Other Cases Nos. 725, 727, 805, 834, 866, 914, 928, 955, 1006, 1051, 1083, 1096, 1104, 1117, 1148, 1198, 1276, 1320, 1433, 1533, SP-0781, SP-0897, SP-1129, SP-1184, LRC N-23 and LRC N-24, and the following cases nine (9) civil/other cases he partly tried/heard, to wit: Civil Cases Nos. 162, 236, 286, 531, 576, 579, 689 and 715 and SP-0665, and also for failure to resolve, within the reglementary period, the matters submitted for his resolution in Civil Cases Nos. 901, 1054 and 1385."

When directed by this Court to submit his comment, Judge Bongolan explained that he started to suffer illness during the last year of his service in the judiciary. Thus, he failed to check those undecided cases before he retired from the service.

Judge Bongolan's explanation is not satisfactory. His illness may serve to mitigate his liability, but it cannot completely exonerate him from his responsibility of disposing of cases without undue delay.

Section 15(1), Article VIII of the 1987 Constitution requires trial judges to dispose of all cases or matters within

three months.[3] Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the required period.

In Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.,[4] this Court ruled that:

"The Court finds deserving of due consideration, the explanation of respondent Judge for leaving ten (10) undecided cases before his retirement from the service. Serious illness may justify the inability of a judge to perform his official duties and functions. But then, the Court has to enforce what is required by law and to impose a reasonable punishment for violation thereof. The members of the judiciary have the sworn duty to administer justice without undue delay. Failure to decide cases within the period fixed by law constitutes a neglect of duty, which warrants the imposition of administrative sanctions. When he was hindered by a grave malignancy, it was incumbent upon the respondent Judge to request this Court, through the Office of the Court Administrator, for additional time to decide the cases which he could not seasonably act upon and decide. For failing to do so, respondent Judge has to suffer the consequences of his omission."

Admittedly, Judge Bongolan's illness has adversely affected the performance of his duties. Nonetheless, it is not an excuse for his failure to render Decisions or Resolutions within the prescribed period considering that he could have sought from this Court extensions of time to do so.

This Court has incessantly admonished members of the bench to administer justice without undue delay, for justice delayed is justice denied. The present clogged dockets in all levels of our judicial system cannot be cleared unless every magistrate earnestly, painstakingly and faithfully complies with the mandate of the law. Undue delay in the disposition of cases amounts to a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary.[5] Hence, the failure of judges to render judgments within the required period constitutes gross inefficiency and warrants the imposition of administrative sanction.[6]

All told, we find respondent guilty of undue delay in rendering a Decision. Under Section 9(1), Rule 140, as amended, of the Revised Rules of Court, such administrative offense is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty imposable is suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000.00, but not exceeding P20,000.00.

Considering that Judge Bongolan has retired compulsorily, the penalty of suspension is no longer feasible.

WHEREFORE, this Court finds respondent Judge Benjamin A. Bongolan liable for undue delay in rendering Decisions and Orders and imposes upon him a fine of P15,000.00

to be deducted from his retirement benefits.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio Morales, and Garcia, JJ., concur.

[1]Rollo at 47 to 54.

[2] Id. at 37 to 46.

[3] Visbal vs. Judge Rodolfo C. Ramos, A.M. No. MTJ-00-1306, March 20, 2001, 354 SCRA 631.

[4] 306 SCRA 50, 53-54 (1999).

[5]Cases Left Undecided by Retired Justice Antonio E. Arbis, RTC Branch 48, Bacolod City, A.M. No. 99-1-01-RTC, January 20, 2003, 395 SCRA 398 citing Concerned Citizens of Madella vs. Judge Ma. Theresa Dela Torre-Yadao, A.M. No. RTJ-01-1639, November 27, 2002, 393 SCRA 217; Quintero and Quintero vs. Ramos, A.M. No. MTJ-00-1263, October 3, 2000, 341 SCRA 679 citing Re: Report of Justice Felipe B. Kalalo, 282 SCRA 61, 73 (1997); Guillas vs. Muñoz, A.M. No. RTJ-00-1571, August 28, 2001, 363 SCRA 701; Gallego vs. Doronilla, 334 SCRA 339 (2000); Sanchez vs. Eduardo, A.M. No. MTJ-00-1322, July 17, 2001, 361 SCRA 233; Ricolcol vs. Camarista, 312 SCRA 468 (1999).

[6]Id., citing Enriquez vs. Vallarta, A.M. No. MTJ-02-1398, February 27, 2002, 378 SCRA 12; Maquiran vs. Lopez, 359 SCRA 40 (2001); Gil vs. Janolo, Jr., 347 SCRA 6 (2000).

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