

RE: CASES LEFT UNDECIDED BY RETIRED JUDGE ANTONIO E. ARBIS, REGIONAL TRIAL COURT, BRANCH 48, BACOLOD CITY.

A.M. No. 99-1-01-RTC. January 20, 2003

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On June 13, 1998, Judge Antonio E. Arbis of the Regional Trial Court (RTC), Branch 48, Bacolod City, retired compulsorily. Accordingly, the Office of the Court Administrator (OCA) sent an audit team to Bacolod City to conduct a judicial audit and physical inventory of cases pending in the said court.

On September 13, 1999, the judicial audit team submitted a Report to the OCA stating that Judge Arbis decided nine (9) criminal cases and eight (8) civil cases (enumerated below) before he retired but he promulgated the decisions after his retirement.

Criminal Cases Nos. Civil Cases Nos.

1. 10449 1. 1703
2. 11243 2. 5707
3. 12438 3. 6022
4. 12601 4. 6374
5. 12602 5. 6435
6. 12810 6. 7094
7. 13592 7. 7134
8. 93-15235 8. 95-9065[1]
9. 93-15248

Likewise, Judge Arbis failed to render his decisions within the reglementary period in the following cases: Criminal Cases Nos. 5160, 5161, 10425, 10426, 10449, 11243, 12438, 12601, 12602, 12810, 13592, 93-15235, 93-15248 and 95-17079, and Civil Cases Nos. 1684, 3605, 4086, 7419.

When directed by this Court to submit his comment, Judge Arbis explained that on June 11, 1998, or two days before his compulsory retirement on June 13, 1998, he signed his decisions in the nine (9) criminal cases enumerated above. Consequently, he had no more time to issue the notices of promulgation.

On his failure to decide seasonably the following cases, he gave the corresponding reasons:

- Criminal Cases Nos. 5034, 5035 and 5036 – records show that on June 10, 1998, or three (3) days before his compulsory retirement, he issued an order requiring the parties to submit their memoranda;

- Criminal Cases Nos. 5160 and 5161 – he inherited these cases from Judge Romeo J. Hibionada. The records were not submitted by the Clerk of Court. Neither were these cases considered submitted for decision in the latter's monthly report;
- Criminal Cases Nos. 10425 and 10426 – the records of these cases were not submitted to him;
- Civil Case No. 1684 – the transcript of stenographic notes was submitted to him only after he retired from the service on June 13, 1998;
- Civil Case No. 3605 – this case cannot be considered submitted for decision as of June 13, 1998. On October 6, 1995, he issued an order directing the Clerk of Court to furnish the new counsel for the defendants pleadings, notices and orders relative to the case. Since then, no action has been taken by any of the parties;
- Civil Case No. 4086 – he inherited this case from Judge Romeo J. Hibionada. The Clerk of Court did not refer the same to him for resolution or decision; and
- Civil Case No. 7419 – this case was not listed in the monthly report of cases submitted for decision.

In a Resolution dated February 22, 2000, this Court referred the judicial audit team Report to then Court Administrator Alfredo L. Benipayo for evaluation, report and recommendation.

In his Memorandum dated May 16, 2000 addressed to the Chief Justice, Justice Benipayo stated that the nine (9) criminal cases (enumerated above) decided by Judge Arbis had been submitted for decision for more than one (1) year prior to his retirement on June 13, 1998. In fact, one of the cases, Criminal Case No. 11243, was submitted for decision as early as August 15, 1994. Had Judge Arbis decided those cases within the reglementary period, then he could have promulgated his decisions before his retirement.

Justice Benipayo recommended that for failure of Judge Arbis to render his decisions within the ninety-day reglementary period in the following cases: Criminal Cases Nos. 5160, 5161, 10425, 10426, 10449, 11243, 12438, 12601, 12602, 12810, 13592, 93-15235, 93-15248 and 95-17079, and Civil Cases Nos. 1684, 3605, 4086, 7419, he should be held administratively liable and fined twenty thousand pesos (P20,000.00) to be deducted from the seventy-five thousand pesos (P75,000.00) which was withheld from his retirement benefits per this Court's Resolution dated January 26, 1999.

Pursuant to the Resolution of this Court dated June 26, 2000, Judge Arbis filed a Manifestation dated August 29, 2000 that he is submitting this case for decision based on the pleadings filed.

We agree with the findings and recommended penalty of the former Court Administrator.

No less than our Constitution^[2] mandates lower courts to resolve or decide cases within three (3) months after they have been submitted for decision. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct provides that a judge shall dispose of the court's business promptly and decide cases within the required periods. Verily, 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.^[3] Hence, the failure of judges to render judgment within the required period constitutes gross inefficiency and warrants the imposition of administrative sanctions on them.^[4]

The flimsy excuse proffered by Judge Arbis that the undecided cases were never brought to his attention before he compulsorily retired on June 13, 1998 deserves scant consideration. Rule 3.09, Canon 3 of the Code of Judicial

Conduct requires judges to manage their dockets in such a manner that the work of their courts is accomplished with reasonable dispatch. It should be emphasized that the responsibility of making a physical inventory of cases primarily rests on the presiding judge. He is provided with a court staff, and a branch clerk of court who shall take steps to meet the requirements of Administrative Circular No. 10-94.[5]

Moreover, a judge ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them without undue 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. A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is his responsibility.[6] Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another.[7] A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.[8]

All told, we find respondent guilty of undue delay in rendering a decision which, under Section 9(1), Rule 140, as amended, of the Revised Rules of Court, is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty for such charge 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.

WHEREFORE, this Court finds respondent Judge Antonio E. Arbis liable for undue delay in rendering decisions and imposes upon him a fine of P20,000.00, to be deducted from the P75,000.00 earlier withheld from his retirement benefits.

SO ORDERED.

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

[1] In a Resolution dated November 22, 1999, this Court ordered Judge Gorgonio Y. Ibanez (assigned to the Branch vacated by Judge Arbis) to recall the decisions in the above-listed criminal cases.

In a Resolution dated June 26, 2000, Judge Edgar G. Garvilles was apprised of the ruling of this Court in *Jimenez vs. Republic* (22 SCRA 622) that "there is no valid judgment entered in a criminal case when the judge who signed the decision was no longer the judge of the court at the time of the promulgation of the decision, but another, because he has already retired," and also in *Villanueva vs. Estenzo* (64 SCRA 407), wherein this Court held that "to be binding, a judgment must be duly signed and promulgated during the incumbency of the judge who signed it."

[2] Section 15 (1), Article VIII.

[3] *Concerned Citizen of Maddela vs. Judge Ma. Theresa dela Torre-Yadao*, A.M. No. RTJ-01-1639, November 27, 2002.

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

[5] *Sianghio, Jr. vs. Reyes*, 363 SCRA 716, 724 (2001); *Office of the Court Administrator vs. Quinanola*, 317 SCRA 37 (1999); Administrative Circular 10-94 refers to the conduct of Docket Inventory and Monthly Posting of List of Submitted Cases.

[6] *V.C. Ponce, Inc. vs. Eduarte*, 343 SCRA 445, 461 (2000); *Bernardo vs. Fabros*, 307 SCRA 28, 35 (1999);

Tauro vs. Colet, 306 SCRA 340, 348 (1999), citing Office of the Court Administrator vs. Villanueva, 279 SCRA 267, 273 (1997); Cueva vs. Villanueva, 305 SCRA 459, 465-466 (1999), citing Agcaoili vs. Ramos, 229 SCRA 705.

[7] Tan vs. Madayag, 231 SCRA 62, 67 (1994).

[8] Pantaleon vs. Guadiz, Jr., 323 SCRA 147, 151 (2000).

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