TRANQUILINO F. MERIS, COMPLAINANT, VS. JUDGE FLORENTINO M. ALUMBRES, PRESIDING JUDGE, REGIONAL TRIAL COURT, LAS PIÑAS CITY, BRANCH 255, RESPONDENT.

A.M. No. RTJ-00-1599 (Formerly OCA IPI No. 98-636-RTJ). November 15, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is a complaint[1] filed by a lawyer, Tranquilino F. Meris, charging Hon. Florentino M. Alumbres, presiding judge of Branch 255 of the Regional Trial Court of Las Piñas City, with inefficiency for failure to decide on time Civil Case No. 96-0256.

Complainant was counsel for the plaintiff in Civil Case No. 4533, entitled Joel Brillantes represented by his attorney-in-fact Tranquilino F. Meris v. Spouses Ponciano and Minerva Deang, an action for unlawful detainer originally filed before the Metropolitan Trial Court of Las Piñas City, Branch 79. On October 1, 1996, the MeTC rendered a decision adverse to the plaintiff on the ground that herein complainant was not a duly appointed attorney-in-fact, there being no special power of attorney for this purpose appearing on record.[2] Said decision was appealed to the Regional Trial Court, and was raffled to respondent judge's sala where it was docketed as Civil Case No. 96-0256.

After the parties had filed their memoranda, complainant filed an ex parte motion to submit the case for decision. Respondent granted this motion per its order dated March 11, 1997.[3]

However, months passed without any decision being rendered by respondent. Thus, complainant filed another ex parte motion on July 1, 1997,[4] this time for early resolution of the case. Since no decision appeared to be forthcoming, complainant subsequently filed two more motions: (1) an ex parte manifestation and motion dated August 21, 1997, and received on August 26, 1997; and (2) an ex parte third manifestation and motion dated October 21, 1997, and received on October 29, 1997.[5] Apart from said motions, complainant repeatedly followed up the status of his case with respondent's clerk of court. Still, no decision was rendered by respondent up to the time this complaint was filed with the Office of the Court Administrator on November 12, 1998.

Complainant points out that due to respondent's failure to act on his appeal, the defendants in the unlawful detainer case continue to occupy the subject premises without paying any rent, to the prejudice of the plaintiffs, his clients. Moreover, complainant alleges that his competence to pursue the case is now being doubted by his clients. He prays that this Court impose the appropriate sanction for respondent's delay.

In his comment dated March 3, 1999, respondent gave this explanation:

> 2. While the case was pending decision, a party made a follow-up also within that month of March 1997, and a court personnel, to enable her to apprise the party of the actual status of the case, pulled out the record and brought it to the courtroom and examined it in the presence of the party following-up. After which, the record was placed by her on top of the courtroom table, together with the records of other cases being heard during

> that day. Later that day, however, when she was about to keep the records in the cabinets, she noticed that the particular folder of the case (Civil Case No. 96-0256) was missing. So she looked for it, but the same could nowhere to be found. xxx
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> When the clerk-in-charge of civil cases, Miss Julita M. Magpantay, learned about the loss of the record, she, together with Miss Nahid, tried to reconstruct the record by securing copies of the same from the files of Atty. Teresita Carandang-Pantua, the PAO lawyer of the defendants. While working for the reconstruction of the record, these two (2) court personnel did not inform the officer-in-charge, nor the undersigned respondent, about the loss of the record. It was only in the middle part of February 1999, that they placed the reconstructed record on the desk of the herein respondent and that was only the time respondent came to know about the case which was already long submitted for decision;
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> xxx[6]

Respondent asserts that it is unfair for him to be charged with inefficiency, considering his good record as a trial judge. He points out that in 1998, he was able to dispose of 482 cases, the best record among the four RTC salas in Las Piñas.

Respondent's decision on the case subject of the complaint was promulgated on February 24, 1999. Respondent submits that he could have promptly attended to the case had it not been for the loss of the case records. He assures this Court that this incident will no longer be repeated.

Respondent points out that the complaint for unlawful detainer filed with the MeTC was not signed by either the parties or their counsel, herein complainant, and was subsequently dismissed. This administrative complaint should similarly be dismissed, according to respondent.

Attached to respondent's comment is the affidavit of Aida P. Nahid, court interpreter of Branch 255, attesting to the fact that she was the last person who was in possession of the records of Civil Case No. 96-0256 before they got lost.

In a manifestation dated September 25, 2000, respondent stated that the original records of Civil Case No. 96-0256 were recovered a month after he submitted his comment to this Court. He also informed the Court that complainant appealed the dismissal of the unlawful detainer case to the Court of Appeals, which likewise dismissed the case, therein docketed as CA G.R. No. SP-53087, in a resolution dated July 12, 1999.

After evaluating the merits of this administrative case, the Office of the Court Administrator recommends that respondent be fined in the amount of P5,000 for inefficiency, and warned that a repetition of the same or a similar offense would be dealt with more severely.

We find that inefficiency caused the delay in the disposition of Civil Case No. 96-0256. That inefficiency was highlighted by the loss of court records. The loss was not immediately reported to respondent until much later. Although the branch court interpreter admitted her part in the loss of said records, her admission, however, does not exonerate respondent from his administrative liability.

Judges are responsible not only for dispensing justice but also for managing their courts efficiently to ensure the prompt delivery of court services.

The Code of Judicial Conduct mandates that:

> Rule 3.08. -- A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

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> Rule 3.09. -- A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

Due diligence in the exercise of respondent's administrative supervision over his court would have readily disclosed the fact that the records of Civil Case No. 96-0256 were missing. Corrective measures could have been taken early on. Obviously, respondent neglected to observe the standard of diligence required for efficient court management.

Respondent is not excused by pointing to the inefficiency of his staff member, for the latter is not the guardian of the former's responsibility.[7] His explanation that he was not informed of the loss of case records reveals a flaw in his system of records keeping and tracking within the court. It is his responsibility to properly and efficiently manage his court records and any glitch that appears in his court's administrative system properly falls on his shoulders.

Respondent's failure to decide the appealed case on time, however, may not simply be explained away by the loss of the records. A proper record of cases submitted for decision and the dates when the decisions were due would have revealed that the case was already due for decision but could not be decided on time due to loss of its records. Respondent could have promptly asked this Court for an extension of time to decide the case, but he did not.

Note that complainant had filed his motion on July 1, 1997, for early resolution of his case. He made repeated follow-up manifestations and motions dated August 21 and October 21, 1997. But respondent said it was only in mid-February 1999 when the reconstructed records were placed on his desk that he came to know that the case was already long submitted for decision.

The 90-day period for deciding cases is mandated by no less than the Constitution, which provides in Article VIII, Section 15(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, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

Timely disposition of cases should not be compromised by faulty records management. Otherwise, said mandate of the fundamental law would be set at naught.

The OCA recommends that respondent be fined in the amount of P5,000. Considering that the incident took place before A.M. No. 01-8-10-S.C.[8] took effect, and the admission of his court's interpreter, Miss Aida P. Nahid, regarding her role in the loss of the records, which were later found, we are constrained to agree with this recommendation.

We took note, however, that the case subject of this complaint was considered submitted for resolution on March 11, 1997. It was finally decided only on February 24, 1999, or after a lapse of almost two years, when the period allowed for decision is only 90 days.

Respondent calls this Court's attention to his good performance in 1998. At the same time we are hard put to understand why it took almost two years for respondent to decide complainant's case. Even with the loss of the records, there was the possibility that records could be reconstructed. In fact, this was done by respondent's staff before the original records were reportedly found. That patent inefficiency caused undue delay in the disposition of complainant's case is undeniable.

WHEREFORE, respondent Hon. Florentino M. Alumbres, presiding judge of the Regional Trial Court of Las

Piñas City, Branch 255, is found liable for inefficiency and undue delay for failing to decide complainant's case on time. He is ordered to pay a FINE of P5,000, as recommended by the Office of the Court Administrator, with a WARNING that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] Rollo, pp. 1-5.

[2] Rollo, p. 9.

[3] Id. at 11.

[4] Id. at 12-13.

[5] Id. at 14-17.

[6] Comment, pp. 1-2.

[7] Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 87 and 98, Quezon City, A.M. No. 99-11-423-RTC, 338 SCRA 141, 149 (2000); Lagatic v. Peñas Jr., A.M. No. RTJ-97-1383, 276 SCRA 46, 53 (1997).

[8] See Rule 140 as amended by A.M. No. 01-8-10-S.C., Sec. 9 and Sec. 11-B, effective October 1, 2001, imposing a fine of more than P10,000 but not exceeding P20,000 as a penalty for less serious charges such as undue delay in rendering a decision or order.

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