

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. HON. LORENZO F. BALO, FORMER PRESIDING JUDGE, BRANCH 44, REGIONAL TRIAL COURT, SURALLAH, SOUTH COTABATO, RESPONDENT.

A.M. No. RTJ-23-037 [Formerly JIB FPI No. 21-017-RTJ]. April 16, 2024

Ponente: INTING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f69e015fd683/>

INTING, J.:

The Court resolves the administrative disciplinary proceedings against respondent Judge Lorenzo F. Balo (Judge Balo), charging him with Gross Ignorance of the Law and Undue Delay in Rendering Decisions or Orders.

The Antecedents

Judge Balo was appointed as Presiding Judge of Branch 44, Regional Trial Court (RTC), Surallah, South Cotabato (RTC Surallah). In addition to his official station, he was also designated as Acting Presiding Judge of Branch 19, RTC, Isulan, Sultan Kudarat (RTC Isulan).[1]

On February 14, 2020, Judge Balo was designated as full-time Acting Presiding Judge of Branch 19, RTC Isulan. Meanwhile, Judge Allan Edwin P. Boncavil (Judge Boncavil), Presiding Judge, Branch 62, RTC, Polomok, South Cotabato, was designated as Acting Presiding Judge of Branch 44, RTC Surallah on January 23, 2020.[2] Importantly, Judge Balo optionally retired on October 3, 2020.[3]

On August 13, 2020, the Office of the Court Administrator (OCA) directed Judge Balo and his Branch Clerk of Court to submit a verified report on cases pending before Branch 44, RTC Surallah, which must provide information on the following: (1) cases where the defense already rested its cases, and cases submitted for decision/resolution; (2) cases with pending motions/incidents; and (3) cases that have not progressed for more than three months. The report was required in lieu of the judicial audit that is usually conducted in preparation for a judge's impending retirement.[4]

On September 7, 2020, Judge Balo and his Branch Clerk submitted a report, but it was rejected by the OCA because it did not comply with the required form. Twice, Judge Balo and his Branch Clerk requested for extensions of time to submit their report, which were both granted by the OCA. Thus, it was only on October 29, 2020 that the OCA received the Verified Report, which was almost a month after Judge Balo's optional retirement took effect on October 3, 2020.[5]

In the meantime, the OCA sent to Judge Balo the OCA Memorandum[6] dated September 30, 2020, directing him to explain, within 10 days from notice, his failure to decide/resolve the cases enumerated in the OCA Memorandum, and/or incidents pending before his official station as Presiding Judge of Branch 44, RTC Surallah. An extension of time to respond to the OCA Memorandum was requested by Judge Balo, which was granted by the OCA.[7]

Judge Balo received the OCA Memorandum on October 2, 2020, a day before his retirement on October 3, 2020.

Thus, the deadline for Judge Balo's submission of his reply to the OCA Memorandum was extended from the original date of October 12, 2020, to October 27, 2020.[8]

In his Letter[9] dated October 27, 2020 (Letter), Judge Balo admitted that he incurred delay in the disposition of two criminal cases[10] pending before Branch 44, RTC Surallah, particularly by failing to immediately promulgate judgment after the accused pleaded guilty to a lesser offense. He also admitted that he incurred delay in the resolution of pending incidents in several criminal and civil cases before the same sala. He mainly pointed to heavy workload and the COVID-19 pandemic as the main reasons for the delay.[11]

However, the OCA found no merit in Judge Balo's explanations. It emphasized that Judge Balo should have requested for an extension of time to resolve the cases pending before Branch 44, RTC Surallah instead of unilaterally prolonging the disposition of the cases or resolution of the incidents pending therein. It also found that several of the delays were incurred even before the COVID-19 pandemic set in. The OCA further highlighted that Judge Balo acted without authority and with Gross Ignorance of the Law when he continued to issue orders and resolve pending incidents in Branch 44, RTC Surallah even after he was already appointed as full-time Acting Presiding Judge of Branch 19, RTC Isulan.[12]

Thus, on May 25, 2021, the OCA filed with the Judicial Integrity Board (JIB) its Memorandum,[13] recommending the conduct of inquiry on Judge Balo and that he be found guilty of Gross Ignorance of the Law and Undue Delay in Rendering Decisions or Orders. It particularly identified 7 criminal cases that were not decided within the reglementary period, 14 criminal cases with pending incidents, and 5 civil cases with pending incidents.[14]

Report and Recommendation of the JIB

In its Report and Recommendation,[15] the JIB agreed with the OCA's findings and recommended that Judge Balo be found guilty of the following administrative offenses: (1) Undue Delay in Rendering Decisions or Orders, for failing to timely resolve cases submitted for decision and pending incidents therein; and (2) Gross Ignorance of the Law, for acting on pending incidents in Branch 44, RTC Surallah without authority and after he was already appointed as full-time Acting Presiding Judge of Branch 19, RTC Isulan.

The JIB highlighted that Judge Balo himself admitted in his Letter that he acted on pending incidents in Branch 44, RTC Surallah knowing that he was already the full-time Acting Presiding Judge of Branch 19, RTC Isulan. The JIB also noted Judge Balo's admission in his Letter that he incurred delay in the disposition of cases pending before Branch 44, RTC Surallah. Similar to the OCA, the JIB found that Judge Balo cannot avoid administrative liability because he failed to request for an extension of time from the Court to resolve the cases pending his court.[16]

However, the JIB found that while Judge Balo was guilty of multiple counts of delay in the disposition of cases and of acting on incidents without authority, it suggested that the infractions be penalized collectively as one count of Gross Ignorance of the Law and one count of Undue Delay in Rendering Decisions or Orders "because no separate intention for each count was clearly established." [17] It thus recommended the imposition of the following penalties upon Judge Balo:

WHEREFORE, it is respectfully RECOMMENDED to the Honorable Supreme Court that:

- [T]his administrative complaint be RE-DOCKETED as a regular administrative matter against former Presiding Judge Lorenzo F. Balo, Jr., Branch 44, Regional Trial Court, Surallah, South Cotabato;
- Judge Balo be found GUILTY of gross ignorance of the law and be FINED in the amount equivalent to his salary for six (6) months;

- Judge Balo be found GUILTY of undue delay in rendering decisions or orders and be FINED in the amount equivalent to his salary for three (3) months; and
- Such fines may be deducted from his retirement benefits, if any.[18]

In the Resolution[19] dated June 27, 2023, the Court resolved to redocket the present administrative complaint as a regular administrative matter.

Issues

The issues to resolve are: (1) whether the Court continues to exercise jurisdiction over the present administrative disciplinary proceedings notwithstanding the optional retirement of Judge Balo on October 3, 2020; and (2) whether there are grounds to hold Judge Balo administratively liable.

The Court's Ruling

The Court finds Judge Balo guilty of three counts of Gross Neglect of Duty and imposes upon him the penalty of fines, to be deducted from his retirement benefits.

The Court retains administrative jurisdiction over Judge Balo despite his optional retirement on October 3, 2020

Preliminarily, the Court finds it proper to clarify when the present administrative disciplinary proceedings were instituted against Judge Balo.

Rule 140, Section 1(1) of the Rules of Court, as amended provides that administrative proceedings against members of the Judiciary may be instituted by the JIB on the basis of records, documents, or other papers duly referred or endorsed to it for appropriate action, viz.:

SECTION 1. How Instituted.—

(1)

Motu Proprio Against those who are not Members of the Supreme Court.—Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Shari'ah High Court, and Judges of the first and second level courts, including the Shari'ah District or Circuit Courts, as well as the officials, employees, and personnel of said courts and the Supreme Court, including the Office of the Court Administrator, the Judicial Integrity Board, the Philippine Judicial Academy, and all other offices created pursuant to law under the Supreme Court's supervision may be instituted, motu proprio, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of records, documents; or newspaper or media reports; or other papers duly referred or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the Sandiganbayan or by the regular or special courts, a copy of which shall be immediately furnished to the Supreme Court and the Judicial Integrity Board. (Emphasis supplied)

Relevantly, in *OCA v. Judge Mantua*,^[20] *Re: Missing Exhibits and Court Properties in RTC Branch 4, Panabo City, Davao del Norte*,^[21] and *Office of the Court Administrator v. Grageda*,^[22] the Court reckoned the date of the institution of the administrative case from the time when the OCA submitted to the Court its memorandum recommending the imposition of administrative penalties upon therein respondent judges.

With the foregoing, it may appear at first sight that the present disciplinary proceedings were instituted against Judge Balo when the OCA filed its Memorandum with the JIB, or on May 25, 2021, after Judge Balo's optional retirement took effect on October 3, 2020. Had this been the case, the proceedings would be dismissible for lack

of jurisdiction[23] pursuant to Section 2(1),[24] Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

However, in the recent case of *Office of the Court Administrator v. Hon. Lorenzo F. Balo*, Presiding Judge, Branch 44, Regional Trial Court, Surallah, South Cotabato, in his capacity as Acting Presiding Judge of Branch 19, Regional Trial Court, Isulan, Sultan Kudarat[25] (*OCA v. Judge Balo*, Presiding Judge, Branch 19, RTC Isulan), the Court decreed that administrative disciplinary cases against a judge which are based on lapses and anomalies discovered during the course of judicial audits that were initiated before the judge's retirement are deemed instituted from the time when the respondent judge received a show-cause order or order to explain from the OCA, viz.:

The Court here rules and holds that in administrative cases against judges based on lapses and anomalies discovered during the course of judicial audits of their respective salas that were initiated before their retirement, as long as said judges were afforded opportunities to explain the said lapses and anomalies before their retirement, the Court retains residual jurisdiction over any administrative case resulting therefrom even after the said judges' retirement. Verily, an order or directive from the OCA to any judge for the explanation of any lapse or anomaly as part of a judicial audit – as long as the same was furnished to the judge in question before his or her retirement – should be considered the start of the relevant disciplinary proceedings against said judge. The OCA should thus be seen and considered as acting on behalf of the Court in its supervisory capacity over any and all judges of lower courts in the Philippines when it issues such directives for explanation, and the eventual referral to the JIB for the full determination of facts shall only be considered as the start of said fact-finding proper. In short, a show cause order or order to explain from the OCA in such cases suffices as the start or institution of *motu proprio* disciplinary proceedings.[26]

From the foregoing, an administrative case based on the OCA's recommendation, which are submitted to the Court or the JIB after the respondent judge has already retired, shall not be dismissed under the following circumstances: first, it is based on lapses and anomalies discovered during the course of judicial audit; second, the judicial audit was initiated before the judge's retirement; and third, the judge was afforded the opportunity to explain the said lapses and anomalies before his or her retirement.

Here, the OCA Memorandum dated September 30, 2020, which directed Judge Balo to explain the delay in the disposition of cases and pending incidents in Branch 44, RTC Surallah, was received by the judge on October 2, 2020, a day before his optional retirement took effect on October 3, 2020. The disciplinary proceedings against Judge Balo were therefore deemed instituted before his retirement.

Further, the present administrative case is based on Judge Balo's infractions or lapses which were discovered by the OCA during the course of judicial audit. There is also no question that the judicial audit in issue was commenced by the OCA on August 13, 2020, when it required Judge Balo to submit a verified report in lieu of the judicial audit before his optional retirement took effect on October 3, 2020. The first and second requisites for the Court's continuing jurisdiction over the present disciplinary case are therefore present.

However, an issue exists as to the existence of the third requisite.

It was only in the OCA Memorandum that Judge Balo was directed to explain, within 10 days from notice, the alleged infractions or lapses that he committed as Presiding Judge of Branch 44, RTC Surallah. To repeat, Judge Balo received the OCA Memorandum only on October 2, 2020, a day before his retirement on October 3, 2020. Further, the deadline for Judge Balo to submit his reply to the OCA Memorandum was 10 days from notice, or until October 12, 2020, a date which is clearly after his optional retirement.

Despite the foregoing, the Court finds that the third requisite is deemed met because of peculiar circumstances

present in the case.

In *In re: Judge Banquerigo*,^[27] therein respondent judge was still found administratively liable for failure to resolve cases within the reglementary period, even though the OCA filed its report with the Court only after the judge had retired, because the delay in the judicial audit was brought about by therein respondent judge when he misrepresented the true status of his case docket, to wit:

To emphasize, it was respondent's lack of transparency as to the true status of his case docket which prevented the OCA from immediately conducting an audit and allowed him to retire without answering for the pending matters in his court. Dishonesty is deemed a grave offense, punishable by the ultimate penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from [reemployment] in the government service.^[28]

The situation in Judge Banquerigo is akin to the present case because the delay in the conclusion of the judicial audit in question was brought about by Judge Balo.

It must be stressed that as early as August 13, 2020, the OCA already directed Judge Balo to submit his verified report in lieu of the judicial audit. While Judge Balo made a first submission on September 7, 2020, it was rejected by the OCA because it did not comply with the required form. He also twice requested for extensions of time to submit the verified report, which delayed the audit.

Clearly, the OCA was able to prepare its Memorandum only on September 30, 2020, because Judge Balo delayed the conduct of judicial audit by failing to timely submit a compliant verified report and by twice requesting for extensions of time to submit it. Had the verified report been submitted within the original period of September 7, 2020, the OCA would have been able to prepare the show cause or order to explain at an earlier date.

By delaying the judicial audit through his noncompliant verified report and requests for extensions of time, Judge Balo is deemed to have voluntarily submitted himself to an extended period for him to explain the alleged lapses and anomalies in his sala that were discovered by the OCA during judicial audit, even though the deadline for his response may fall at a date after his retirement. His conduct in the present case cannot be interpreted other than acquiescence to the Court's continuing administrative jurisdiction over him. A contrary ruling would make it very easy for judges to escape administrative liability by simply delaying the conduct of the judicial audit, which cannot be countenanced.

It bears stressing that the third requisite – that the judge was afforded an opportunity to explain the alleged lapses and anomalies discovered during the course of the judicial audit – is an incident of due process.^[29] In administrative proceedings, the essence of due process is the opportunity to explain one's side and adduce his or her evidence.^[30]

Judge Balo is not deprived of due process by the Court's continuing exercise of administrative jurisdiction despite his retirement. Verily, Judge Balo was still able to submit his Letter to the OCA in response to the OCA Memorandum, even though it fell due after his retirement. With the Letter, Judge Balo was able to fully address the alleged delays and was able to present his defenses against the charges in the OCA Memorandum. His Letter was even considered by the OCA before it recommended the imposition of administrative sanctions against him. The essence of due process has therefore been met, warranting the Court's continuing exercise of jurisdiction over the present disciplinary proceedings.

Judge Balo acted with gross neglect of duty when he delayed the resolutions of several cases and pending incidents in Branch 44, RTC Surallah

Having resolved the issue of jurisdiction, the Court proceeds to rule on the administrative liabilities of Judge Balo. There is no question that Judge Balo delayed the disposition of cases and pending incidents before Branch 44, RTC Surallah. Judge Balo himself admitted the delays in his Letter, though he insisted that they were brought about by the COVID-19 pandemic. As determined by the OCA, there were delays in 7 criminal cases that were not decided within the reglementary period, 14 criminal cases with pending incidents, and 5 civil cases with pending incidents, or a total of 26 cases before Branch 44, RTC Surallah, as follows:

Cases submitted for decision but rendition of judgment was delayed

Case No.

Incidents

Length of Delay[31]

Criminal Case No. 915-2019-B

Accused entered his pleas of guilty to a lesser offense on May 21, 2019, but Judge Balo did not promulgate judgment on the same day. Promulgation was reset to a later date, to as late as April 21, 2020.

11 months

Criminal Case Nos. 990 to 991-2019-SN

On June 27, 2019, the prosecution was given a period of 10 days within which to comment on an offer of plea of guilty to a lesser offense. The comment was received on July 19, 2019, but the accused was re-arraigned only on July 20, 2020, while judgment was promulgated on July 30, 2020.

11 months

Criminal Case Nos. 1044 to 1045-2019-TN

The accused submitted the Drug Dependency Examination (DDE) results on October 25, 2019, in connection with plea bargaining, but judgment was promulgated only on August 24, 2020.

10 months

Criminal Case No. 1087-2019-TB

The accused entered his plea of guilty to a lesser offense on January 21, 2020, but Judge Balo did not promulgate judgment on the same day but reset it to a later date. Promulgation of judgment was held only on October 26, 2020.

8 and a half months

Criminal cases where the resolution of pending incidents was delayed

Case No.

Incidents

Length of Delay[32]

Criminal Case No. 1112-2019-SN

The accused submitted his DDE on November 13, 2019, in relation to plea bargaining, but judgment was promulgated only on July 27, 2020, by Judge Boncavil.

10 months

Criminal Case Nos. 780 to 782-2018-S

A petition for bail was filed on March 15, 2019, with the initial hearing held on November 18, 2019. Under the Revised Guidelines for Continuous Trial of Criminal Cases, a petition for bail shall be heard and resolved within a non-extendible period of 30 calendar days from the initial hearing. As of March 22, 2021, the Petition was not yet resolved.

10 months

Criminal Case No. 1002-2019-TB

A petition for bail was filed on April 22, 2019, with the initial hearing held on November 19, 2019. On August 10, 2020, the accused did not withdraw the petition, but he manifested his intention to file a motion to be allowed to enter a plea of guilty to a lesser offense. On August 10, 2020, the accused was given time to file a formal proposal for plea bargaining.

10 months

Criminal Case No. 1046-2019-TN

An offer to plead guilty to a lesser offense was filed by the accused. The comment thereon was due on October 30, 2019. The offer was approved by Judge Balo only on September 30, 2020.

11 months

Criminal Case No. 1065-2018-TB

The accused filed a Motion to Quash Information. On June 18, 2019, the prosecution was given a period of 10 days to file comment. The Motion was resolved by Judge Balo only on September 30, 2020.

1 year and 3 months

Criminal Case No. 1142-2019-LS

Accused filed a Motion to Dismiss on August 6, 2019. On September 18, 2019, the prosecution was directed to file its comment on the Motion. The incident was resolved by Judge Balo only on September 30, 2020.

1 year

Criminal Case No. 642-2018-N

An Amended Motion to Quash Search Warrant was filed by the accused and a hearing thereon was held on June 19, 2019, where the prosecution was given a period of 15 days to file its comment. As of October 3, 2020, the Motion was unresolved.

1 year and 3 months

Criminal Case Nos. 660 to 661-2018-SN

The accused filed a Motion to Quash Search Warrant on August 28, 2019. On September 19, 2019, the prosecution was given a period of 10 days to file its comment. The Motion was resolved by Judge Balo only on September 30, 2020.

1 year

Criminal Case No. 745-2018-B

The accused filed his offer to plea bargain on March 7, 2019. On June 27, 2019, the prosecution was given a period of 10 days to file its comment. The offer was resolved by Judge Balo only on September 30, 2020.

1 year and 3 months

Criminal Case Nos. 964 to 966-2019-SN

The accused filed an offer to plead guilty to a lesser offense. On August 22, 2019, the prosecution was given a period of 10 days to file its comment. The offer was resolved by Judge Balo only on September 30, 2020.

1 year and 1 month

Civil cases where the resolution of pending incidents was delayed

Case No.

Incidents

Length of Delay[33]

Civil Case No. 064-2018-N

A motion to dismiss was deemed submitted for resolution on October 30, 2019. The motion was resolved by Judge Balo only on September 30, 2020.

11 months

Civil Case No. 045-2018-B

A motion to dismiss that was filed on August 2, 2018 was resolved by Judge Balo in his Order dated March 13, 2020.

About 1 year and 6 months

Civil Case No. 050-2018-B

A motion to be allowed to litigate as indigents was filed on July 10, 2018, and deemed submitted for resolution on January 21, 2019. The motion was resolved by Judge Balo only on September 30, 2020.

1 year and 8 months

Civil Case No. 062-2018-TB

A pending motion to dismiss was heard on March 20, 2019, where the plaintiff was given a period of 15 days to file its comment. The motion was resolved by Judge Balo only on September 30, 2020.

1 year and 6 months

Civil Case No. 040-2018-TB

A comment on the motion for referral of the case to the Department of Agrarian Reform was filed on November 28, 2019, but the motion was resolved by Judge Balo only on September 30, 2020.

10 months

A judge has the constitutional[34] duty to decide cases within 90 days from the time that they were submitted for decision.[35] The necessity of deciding cases promptly and expeditiously cannot be overemphasized, for justice delayed is justice denied, and it undermines the people's faith and confidence in the Judiciary.[36] Consequently, the Court has long decreed that a judge cannot unilaterally extend the constitutionally--mandated period within

which to decide cases.[37] Without any order of extension granted by the Court, a judge's failure to decide even a single case within the required period constitutes gross inefficiency or gross neglect of duty that merits administrative sanction.[38]

In addition, a judge's delay in resolving pending motions and incidents in his or her court within the prescribed period is a violation of Rule 3.05[39] of the Code of Judicial Conduct, which requires judges to dispose of court business promptly.[40] The Court has thus held that the failure of a judge to timely decide motions and pending incidents in cases before his or her court constitutes gross inefficiency or gross neglect.[41]

As aptly pointed out by both the OCA and the JIB, if there were circumstances that prevented Judge Balo from rendering decisions or rulings within the reglementary period, he should have requested for extensions of time from the Court within which to render judgment.[42] He cannot simply arrogate unto himself the authority to decide the period within which he will resolve the cases and other incidents pending in Branch 44, RTC Surallah.

Further, it is evident that several of the cases and incidents before Branch 44, RTC Surallah, were already pending in 2019, which was before the COVID-19 pandemic caused lockdowns in March 2020. Thus, COVID-19 cannot excuse the delay of the disposition of these cases, contrary to what Judge Balo insists.

It must also be pointed out that in two criminal cases where judgment was delayed, particularly, Criminal Case Nos. 915-2019-B and 1087-2019-TB, the accused had already pled guilty to a lesser offense. However, instead of immediately promulgating judgment on the same day of the arraignment and plea, Judge Balo rescheduled it to a later date. Because of Judge Balo's inaction, the criminal cases were delayed for another 11 months and 8 months, respectively, before judgment was eventually promulgated. This situation is manifestly contrary to Part III, Item 8(d)[43] of the Revised Guidelines for Continuous Trial of Criminal Cases, which requires judges to immediately promulgate judgment after the accused has entered his or her plea of guilty to a lesser offense.

Thus, in incurring delay in rendering judgment and resolving pending incidents in cases before Branch 44, RTC Surallah, Judge Balo committed Gross Neglect of Duty, which refers to "negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected." [44]

The length of delay and frequency qualify the neglect of duty of Judge Balo as gross,[45] given that the delays occurred in 26 cases before his court, and several of the delays ranged from eight months to almost two years. If unjustified delay in even a single case within the required period may constitute gross neglect of duty,[46] with more reason that delay in multiple cases must be considered gross neglect. Moreover, Judge Balo's failure to immediately promulgate judgment in Criminal Case Nos. 915-2019-B and 1087-2019-TB on the same day that the accused pled guilty to a lesser offense is an egregious error that must characterize the lapses as gross.

Significantly, in *Office of the Court Administrator v. Judge Ferraris, Jr.*, [47] the Court examined the acts and omissions of therein respondent judge based on the court processes involved and the corresponding delay, namely: (1) resolution of a case; (2) resolution of pending incidents or motions; and (3) other matters that need court action. Thus, therein respondent judge was found administratively liable for three separate administrative offenses, particularly: first, gross neglect of duty for failure to act in over 400 criminal cases directing the submission of counter-affidavits; second, gross neglect of duty for failure to timely resolve pending incidents; and third, simple neglect of duty for failure to resolve a civil case governed by the Rule on Summary Procedure within the period prescribed.

Following Judge Ferraris, Jr., the Court rules that Judge Balo is guilty of three separate counts of Gross Neglect of

Duty, particularly: first, for delaying the promulgation of judgment in 7 criminal cases, where the average length of delay was around 10 months; second, for delaying the resolution of pending incidents in 14 criminal cases, where the average length of delay was about one year; and third, for delaying the resolution of pending incidents in five civil cases, where the average length of delay was about one year and three months.

Separate findings of gross neglect of duty for the foregoing is warranted because the duty of Judge Balo for each count is based on different laws or rules. For the first count, Judge Balo neglected his duty to observe the constitutionally-mandated period of 90 days to render judgment from the time that the case has been submitted for resolution. For the second count, Judge Balo neglected his duty to observe the pertinent rules of procedure for criminal cases, including the Revised Guidelines for Continuous Trial of Criminal Cases and the Plea Bargaining Framework in Drugs Cases in relation to the Dangerous Drugs Act. For the third count, Judge Balo neglected his duty to observe the pertinent provisions of the Rules of Civil Procedure.

Judge Balo cannot be held administratively liable for allegedly acting without authority in Branch 44, RTC Surallah

Judge Balo was also charged with Gross Ignorance of the Law because he continued to act on pending incidents in Branch 44, RTC Surallah after he was already appointed as full-time Acting Presiding Judge of Branch 19, RTC Isulan on February 14, 2020, while Judge Boncavil was designated as Acting Presiding Judge of Branch 44, RTC Surallah on January 23, 2020. Indeed, as shown in the table above, Judge Balo continued to issue orders and acted upon pending incidents in Branch 44, RTC Surallah, as late as September 30, 2020.

Nonetheless, the Court cannot impose administrative sanctions against Judge Balo for Gross Ignorance of the Law on the ground of due process.

As previously mentioned, the OCA sent to Judge Balo its Memorandum dated September 30, 2020, which he received on October 2, 2020, before his retirement. However, the infractions and lapses identified in the OCA Memorandum pertained only to the delays in the disposition of cases and pending incidents in Branch 44, RTC Surallah. Indeed, the OCA merely directed Judge Balo to explain his failure to decide/resolve cases and pending incidents enumerated in the OCA Memorandum.[48] It did not contain any averment that Judge Balo allegedly acted without authority in Branch 44, RTC Surallah after he became the full-time Presiding Judge of Branch 19, RTC Isulan. Resultantly, in his Letter,[49] Judge Balo only provided explanations on the delayed resolution of cases and pending incidents in Branch 44, RTC Surallah.

The JIB and the OCA are correct to insist that Judge Boncavil, who was appointed as Acting Presiding Judge of Branch 44, RTC Surallah on January 23, 2020, and who took over from Judge Balo, has the authority and bears the primary responsibility for the cases pending in the station.[50] Still, it should be pointed out that under OCA Circular No. 90-2004 issued on August 11, 2004, which provides the Guidelines in the Inventory and Adjudication of Cases Assigned to Judges Who Are Promoted or Transferred to Other Branches in the Same Court Level of the Judicial Hierarchy, "a judge transferred, detailed[,] or assigned to another branch shall be considered as Assisting Judge of the branch to which he was previously assigned."

Given that Judge Balo was considered as the Assisting Judge of Branch 44, RTC Surallah, it cannot be said that he was entirely deprived of judicial authority and competence to act on incidents in that court.[51] There must be circumstances showing that he acted with bad faith, corrupt motives, or an intention to violate the law, or that he issued orders contrary to those previously issued by Judge Boncavil.[52] The presence of these circumstances

should be assessed together with the explanations or reasons proffered by Judge Balo. For this reason, it was indispensable for the OCA to have afforded Judge Balo the opportunity to explain his side as regards this matter. Without these circumstances, the Court would have no basis to impose any administrative sanctions against Judge Balo for supposedly acting without authority in Branch 44, RTC Surallah.

In fine, as to the charge of Gross Ignorance of the Law, Judge Balo was not afforded the opportunity to explain his side before his retirement. Pursuant to Rule 140, Section 1(1) of the Rules of Court, the disciplinary proceeding on this matter is deemed instituted only on May 25, 2021, the time when the OCA filed with the JIB its recommendation for the imposition of administrative sanctions against Judge Balo. At that time, Judge Balo's retirement on October 3, 2020 already took effect.

Accordingly, the Court holds that the charge of Gross Ignorance of the Law against Judge Balo must be dismissed for lack of jurisdiction, in accordance with Rule 140, Section 2(1) of the Rules of Court, as amended by A.M. No. 21-08-09-SC, for lack of jurisdiction.

Penalties

Section 24 of A.M. No. 21-08-09-SC or the amended Rule 140 of the Rules of Court states that it "shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned." Thus, the amended Rule 140 of the Rules of Court shall be applied in determining the imposable penalties against Judge Balo.

In this regard, Section 14,[53] Rule 140 of the Rules of Court as amended, states that Gross Neglect of Duty is a serious charge. Section 17(1) of Rule 140 provides the corresponding penalties for a serious charge, as follows:

SECTION 17. Sanctions. —

(1)

If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(a)

Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

(b)

Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or

(c)

A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

In the event that dismissal from the service can no longer be imposed, Section 18, Rule 140 of the Rules of Court states:

SECTION 18. Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.—If the respondent is found liable for an offense which merits the imposition of

the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

(a)

Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; and/or

(b)

Fine as stated in Section [17(1)(c)] of this Rule.

Further, under Rule 140, Section 21 of the Rules of Court, if the respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense:

SECTION 21. Penalty for Multiple Offenses. — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension or [PHP] 1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits.

Pertinently, in *OCA v. Judge Balo*, Presiding Judge, Branch 19, RTC Isulan, the Court imposed upon Judge Balo the penalty of fine in the amount of PHP 200,000.00 for Gross Neglect of Duty because he failed to take cognizance of 742 cases after he became the Acting Presiding Judge of Branch 19, RTC Isulan.

Likewise, in *Office of the Court Administrator v. Montero*,^[54] therein respondent judge was found guilty of Gross Neglect of Duty and was fined in the amount of PHP 200,000.00, considering that he "exhibited a blatant and repeated disregard of even the most elementary rules of procedure in annulment and declaration of nullity of marriages cases, as well as drugs cases."^[55] Because of the judge's infractions, his court even failed to acquire jurisdiction over the parties involved in cases that have been pending for years.

Meanwhile, in *Judge Ferraris, Jr.*, the penalty of fines in the amount of PHP 100,001.00 were imposed by the Court for each count of Gross Neglect of Duty committed by therein respondent judge. In the case, the judge failed to act in over 400 criminal cases after directing the submission of counter-affidavits and also incurred delay in resolving pending motions and incidents in cases before his court.

Applying the foregoing, the Court rules that Judge Balo must be fined in the amount of PHP 100,001.00 for each of the three counts of Gross Neglect of Duty that he committed. In *OCA v. Judge Balo*, Presiding Judge, Branch 19, RTC Isulan, a fine of PHP 200,000.00 was imposed because the infractions of Judge Balo were more serious, given that he neglected to act on 742 cases in Branch 19, RTC Isulan, while only 26 cases are involved in the present case. Further, Judge Balo's conduct in the case at hand is not as grievous as the erring judge in *Montero*, whose conduct even prevented his court from acquiring jurisdiction over the litigants.

Nonetheless, under Rule 140, Section 19^[56] of the Rules of Court, the Court must consider aggravating and mitigating circumstances in determining the imposable penalties against Judge Balo. Under the said Rule, a

previous finding of administrative liability is an aggravating circumstance.

Here, Judge Balo was previously found guilty of Gross Neglect of Duty in *OCA v. Judge Balo*, Presiding Judge, Branch 19, RTC Isulan. The previous finding of administrative liability against Judge Balo is an aggravating circumstance. Under Rule 140, Section 20[57] of the Rules of Court, if there is an aggravating circumstance without any mitigating circumstance, the Court may impose the penalties of fine for an amount not exceeding double of the maximum prescribed under the Rule.

Accordingly, the imposable penalty against Judge Balo for the three (3) counts of Gross Neglect of Duty that he committed must be increased to PHP 200,000.00 each, for a total aggregate of fines in the amount of PHP 600,000.00.

WHEREFORE, the Court finds former Judge Lorenzo F. Balo GUILTY of three counts of Gross Neglect of Duty in the Performance or Non-Performance of Official Functions and imposes upon him the penalty of fines in the amount of PHP 200,000.00 for each count of Gross Neglect of Duty, for a total aggregate of fines in the amount of PHP 600,000.00. Former Judge Lorenzo F. Balo is DIRECTED to PAY the fines imposed within a period not exceeding three months from the time of promulgation of this Decision. If unpaid within the required period, the fines imposed may be deducted from the retirement benefits, including accrued leave credits, due Judge Lorenzo F. Balo.

SO ORDERED.

Gesmundo, C.J., Leonen, S.J., Caguioa, Hernando, Lazaro-Javier, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., and Singh, JJ., concur.

[*] Erroneously referred to as "Lorenzo F. Balo, Jr." in some parts of the rollo.

[1] Rollo, p. 2.

[2] Id.

[3] Id.

[4] Id. at 2-3.

[5] Id. at 3.

[6] A copy of the Memorandum is not attached to the rollo, but mentioned in Judge Balo's Letter dated October 27, 2020 [id. at 20].

[7] Id.

[8] Id.

[9] Id. at 20-30.

[10] Id. at 20 and 23. These are Criminal Case No. 915-2019-B and Criminal Case No. 1087-2019-TB, where the accused pleaded guilty to a lower offense but Judge Balo did not immediately promulgate judgment and instead, scheduled the same on a later date.

[11] Id. at 29-30. Judge Balo explained the reason for his delay in disposition of cases as follows:

The undersigned was not able to resolve such cases or incidents within the reglementary period due to voluminous

cases that I handle as Presiding Judge of two Courts, Branch 44 in Surallah, South Cotabato and Branch 19 in Isulan, Sultan Kudarat. At the same time, I was also the Executive Judge in Surallah where, [sic] the fulfillment of my obligations incidental to this office, in effect, resulted to [sic] a loaded schedule, and ultimately contributed to the delay in the resolution of these incidents.

Moreover, the unforeseen spread of COVID 19 pandemic also caused reshuffling in the calendar of the Court and irregularities in Court processes. This adversely affected the Court's activities, hence, contributed to the delay in the resolution of the subject cases before RTC Branch 44[.]

[12] Id. at 5-7.

[13] Id. at 2-7.

[14] Id. at 9-18, Detailed Report.

[15] Id. at 155-165.

[16] Id. at 156-162.

[17] Id. at 162.

[18] Id. at 164.

[19] Id. at 168.

[20] 681 Phil. 261, 269 (2012).

[21] 705 Phil. 8, 12 (2013).

[22] 706 Phil. 15, 22 (2013).

[23] It is a well-settled principle that the Court may only acquire jurisdiction over an administrative proceeding if the complaint is filed during the incumbency of the court employee or member of the Judiciary. [Office of the Court Administrator v. Fuensalida, 880 Phil. 561, 569-570 (2020), and Office of the Court Administrator v. Grageda, 706 Phil. 15, 21 (2013)] This is because the filing of an administrative case is predicated on the holding of a position or office in the government service. [Office of the Court Administrator v. Fuensalida, 880 Phil. 561, 570 (2020)].

[24] Rule 140, sec. 2(1), states:

SEC. 2. Effect Death, Retirement, and Separation from Service to the Proceedings.—

(1) Circumstances Already Existing Prior to the Institution of the Proceedings.—Disciplinary proceedings may not be instituted against a Member, official, employee, or personnel of the Judiciary who has already died, retired, or otherwise separated from service. If such proceedings have been instituted notwithstanding the foregoing circumstances, the administrative case against said Member, official, employee, or personnel of the Judiciary shall be dismissed.

[25] A.M. No. RTJ-23-027 [formerly JIB FPI No. 22-111-RTJ], October 3, 2023.

[26] Id.

[27] 890 Phil. 380 (2020).

[28] Id. at 387-388.

[29] Office of the Court Administrator v. Judge Mantua, 681 Phil. 261, 272 (2012).

[30] See Cojuangco, Jr. v. Atty. Palma, 501 Phil. 1, 8-9 (2005).

[31] Counted from the time that the case was submitted for decision to promulgation of judgment.

[32] Counted from the time that the incident was ripe for resolution to the time that it was resolved or if unresolved, up to the time when Judge Balo retired on October 3, 2020.

[33] Counted from the time that the incident was ripe for resolution to the time that it was resolved, or if unresolved, up to the time when Judge Balo retired on October 3, 2020.

[34] CONST., art. VIII, sec. 15(1), which reads:

Sec. 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.

[35] Cases Submitted for decision before Ret. Judge Savellano, Jr., 386 Phil. 80, 86 (2000).

[36] Atty. Velez v. Judge Flores, 445 Phil. 54, 63 (2003).

[37] See Saceda v. Judge Gestopa, Jr., 423 Phil. 420, 424 (2001).

[38] Id.; see also Office of the Court Administrator v. Judge Fuentes III, 705 Phil. 400, 406-407 (2013), citing OCAD v. Judge Javellana, 481 Phil. 315, 327-328 (2004).

[39] Rule 3.05. A Judge shall dispose of the court's business promptly and decide cases within the required periods.

[40] Gonzales v. Judge Hidalgo, 449 Phil. 336, 341 (2003).

[41] Id.; see also In Re: Administrative Matter No. MTJ-99-1181, 371 Phil. 131, 137-139 (1999).

[42] Petallar v. Judge Pullos, 464 Phil. 540, 546-547 (2004).

[43] Part III, Item 8(d) of the Revised Guidelines for Continuous Trial of Criminal Cases provides: III. Procedure

....

8. Arraignment and Pre-trial

....

(d) Arraignment Proper

i. Plea Bargaining Except in Drug Cases. – If the accused desires to enter a plea of guilty to a lesser offense, plea bargaining shall immediately proceed, provided the private offended party in private crimes, or the arresting officer in victimless crimes, is present to give his/her consent with the conformity of the public prosecutor to the plea bargaining. Thereafter, judgment shall be immediately rendered in the same proceedings. (Emphasis supplied)

[44] Office of the Court Administrator v. Montero, A.M. No. RTJ-20-2582, August 16, 2022; Re: Complaint of Aero Engr. Reci against CA Marquez and DCA Bahia relative to Criminal Case No. 05-236956, 805 Phil. 290, 292 (2017).

[45] Office of the Court Administrator v. Judge Ferraris, Jr., A.M. No. MTJ-21-001, December 6, 2022.

[46] See *Office of the Court Administrator v. Judge Fuentes III*, 705 Phil. 400, 406-407 (2013), citing *OCAD v. Judge Javellana*, 481 Phil. 315, 327-328 (2004).

[47] A.M. No. MTJ-21-001, December 6, 2022.

[48] Rollo, p. 20, Letter dated October 27, 2020.

[49] *Id.* at 20-30.

[50] *Judge Francisco v. Judge Corcuera*, 455 Phil. 247, 255 (2003).

[51] See *People v. Judge Bellaflor*, 303 Phil. 209, 218 (1994). See also *Exec. Judge Abad Santos v. Judge De Guzman, Jr.*, 444 Phil. 117, 124, 125 (2003).

[52] See *Judge Francisco v. Judge Corcuera*, 455 Phil. 247, 255-256 (2003).

[53] SEC. 14. Serious Charges. — Serious charges include:

....

(d) Gross neglect of duty in the performance or non-performance of official functions[.]

[54] A.M. No. RTJ-20-2582, August 16, 2022.

[55] *Id.*

[56] SECTION 19. Modifying Circumstances.—In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations; and
- (e) Other analogous circumstances.

(2) Aggravating Circumstances:

- (a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

[57] SECTION 20. Manner of Imposition. — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

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