

## EN BANC

[ A.M. No. 18-11-09-SC, January 22, 2019 ]

**RE: COMPLAINT-AFFIDAVIT OF ELVIRA N. ENALBES, REBECCA H. ANGELES AND ESTELITA B. OCAMPO AGAINST FORMER CHIEF JUSTICE TERESITA J. LEONARDO-DE CASTRO [RET.], RELATIVE TO G.R. NOS. 203063 AND 204743.**

### R E S O L U T I O N

**LEONEN, J.:**

Courts are not unmindful of the right to speedy disposition of cases enshrined in the Constitution. Magistrates are obliged to render justice in the swiftest way possible to ensure that rights of litigants are protected. Nevertheless, they should not hesitate to step back, reflect, and reevaluate their position even if doing so means deferring the final disposition of the case. Indeed, justice does not equate with hastily giving one's due if it is found to be prejudicial. At the end of the day, the duty of the courts is to dispense justice in accordance with law.

This administrative matter originated from a Complaint-Affidavit <sup>[1]</sup> filed by complainants Elvira N. Enalbes, Rebecca H. Angeles, and Estelita B. Ocampo against former Chief Justice Teresita J. Leonardo-De Castro (Chief Justice De Castro), charging her with gross ignorance of the law, gross inefficiency, gross misconduct, gross dishonesty, and conduct prejudicial to the best interest of the service.<sup>[2]</sup>

In their Complaint-Affidavit, complainants state that on September 4, 2012, Spouses Eligio P. Mallari and Marcelina I. Mallari (the Mallari Spouses) filed before this Court a Petition for Mandamus and Prohibition with Prayer for Temporary Restraining Order.<sup>[3]</sup>

The Petition, docketed as G.R. No. 203063, was filed against: (1) the Court of Appeals First Division represented by then Presiding Justice Andres B. Reyes, Jr. (Presiding Justice Reyes),<sup>[4]</sup> Associate Justices Ramon M. Bato, Jr. and Rodil V. Zalameda; and (2) the Court of Appeals Special Former Fourth Division of Five represented by Presiding Justice Reyes, Associate Justices Noel G. Tijam,<sup>[5]</sup> Soccoro B. Inting, Edwin D. Sorongon, and Agnes Reyes-Carpio.<sup>[6]</sup>

On January 25, 2013, the Mallari Spouses filed a Petition for Review on Certiorari before this Court, docketed as G.R. No. 204743, against the Philippine National Bank and the Court of Appeals Special Former Fourth Division of Five.<sup>[7]</sup>

Both Petitions were assigned to this Court's First Division and were raffled to then Chief Justice De Castro.<sup>[8]</sup>

Complainants aver that despite the lapse of more than five (5) years,<sup>[9]</sup> respondent

failed to decide on both Petitions of Spouses Mallari. <sup>[10]</sup>

Complainants maintain that respondent's failure to promptly act on the Petitions resulted in a violation of the spouses' constitutional right to speedy disposition of their cases.<sup>[11]</sup>

Complainants further argue that respondent committed graft and corruption for giving the Philippine National Bank unwarranted benefits through manifest partiality, evident bad faith, or gross inexcusable negligence, causing undue injury to the Mallari Spouses. <sup>[12]</sup>

The sole issue for this Court's resolution is whether or not respondent, former Chief Justice Teresita J. Leonardo-De Castro, should be held administratively liable for gross ignorance of the law, gross inefficiency, gross misconduct, gross dishonesty, and conduct prejudicial to the best interest of the service.

## I

Gross ignorance of the law is the failure of a magistrate to apply "basic rules and settled jurisprudence."<sup>[13]</sup> It connotes a blatant disregard of clear and unambiguous provisions of law<sup>[14]</sup> "because of bad faith, fraud, dishonesty[, or corruption]."<sup>[15]</sup> It is a serious charge<sup>[16]</sup> that is punishable by the following:

### RULE 140

#### Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan

. . . .

SECTION 11. Sanctions. - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the 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;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months[;] or
3. A fine of more than P20,000.00 but not exceeding P40,000.00.<sup>[17]</sup>

To hold a magistrate administratively liable for gross ignorance of the law, it is not enough that his or her action was erroneous; it must also be proven that it was driven by bad faith, dishonesty, or ill motive. <sup>[18]</sup>

Complainants' Complaint-Affidavit is predicated on respondent's failure to resolve the Mallari Spouses' Petitions for more than five (5) years. They insist that

respondent's neglect to promptly decide on the Petitions resulted in a violation of the spouses' constitutional right to speedy disposition of their cases. Complainants rely on the constitutional provision requiring this Court to decide on cases within 24 months from their submission.<sup>[19]</sup>

Complainants' arguments lack merit.

Article VIII, Section 15 of the 1987 Constitution states:

ARTICLE VIII  
Judicial Department

. . . .

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.

(2) *A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself* (Emphasis supplied)

In relation, Rule 13, Section 1 of the Internal Rules of the Supreme Court provides:

RULE 13  
Decision-Making Process

SECTION 1. Period for Deciding or Resolving Cases. - The Court shall decide or resolve all cases within twenty-four months from the date of submission for resolution. A case shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum that the Court or its Rules require.

Both the 1987 Constitution and the Internal Rules state that the 24- month period for deciding on or resolving a case is reckoned from the date of its submission for resolution. The 24-month period does not run immediately upon the filing of a petition before this Court, but only when the last pleading, brief, or memorandum has been submitted.

**II**

Article VIII, Section 15 of the 1987 Constitution provides the period within which courts must decide on or resolve cases or matters brought before it.

A provision of similar import was written under the 1973

Constitution:

ARTICLE X  
The Judiciary

. . . .

SECTION 11. (1) Upon the effectivity of this Constitution, the maximum period within which a case or matter shall be decided or resolved from the date of its submission, shall be eighteen months for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all inferior collegiate courts, and twelve months for all other inferior courts.

In *Marcelino v. Hon. Cruz, Jr., etc. et al.*,<sup>[20]</sup> this Court had the opportunity to shed light on the proper interpretation of Article X, Sec. 11(1) of the 1973 Constitution.

*Marcelino* involved a petition for prohibition and writ of habeas corpus filed against respondent Judge Fernando Cruz, Jr., praying that he be enjoined from promulgating a decision in Criminal Case No. C-5910, entitled *People of the Philippines v. Bernardino Marcelino*. Petitioner Bernardino Marcelino argued that respondent Judge Cruz lost his jurisdiction on the case when he failed to render a decision within 90 days from the case's submission for resolution. This Court, upon receiving the case, found that respondent Cruz did render a decision within the three (3) month period prescribed under the 1973 Constitution. Nevertheless, this Court further continued that the constitutional provision was merely directory in nature:

The established rule is that "*constitutional provisions are to be construed as mandatory, unless by express provision or by necessary implication, a different intention is manifest.*" The difference between a mandatory and a directory provision is often determined on grounds of expediency, the reason being that less injury results to the general public by disregarding than by enforcing the letter of the law."

In *Trapp v. McCormick*, a case calling for the interpretation of a statute containing a limitation of thirty [30] days within which a decree may be entered without the consent of counsel, it was held that "the statutory provisions which may be thus departed from with impunity, without affecting the validity of statutory proceedings, are usually those which relate to the mode or time of doing that which is essential to effect the aim and purpose of the Legislature or some incident of the essential act." Thus, in said case, the statute under examination was construed merely to be directory.

On this view, authorities are one in saying that:

"Statutes requiring the rendition of judgment forthwith or immediately after the trial or verdict have been held by some courts to be merely directory so that non compliance with them does not invalidate the judgment, on the theory that if the statute had intended such result it would clearly have indicated it. ". . .

Such construction applies equally to the constitutional provision under consideration. In *Mikell v. School Dis. of Philadelphia*, it was ruled that "the legal distinction between directory and mandatory laws is applicable to fundamental as it is to statutory laws."

. . . .