THIRD DIVISION

[A.M. No. RTJ-07-2045, January 19, 2010]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE HARUN B. ISMAEL, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

On April 25 to May 14, 2005, a judicial audit was conducted in the Regional Trial Court (RTC) of Pagadian, Zamboanga del Sur, Branch 22, presided over by respondent Judge Harun B. Ismael.

The judicial audit resulted in the issuance of a memorandum dated June 9, 2005 by the Office of Court Administrator (OCA)[1] directing respondent to explain his failure to decide and act on current and inherited cases, as well as to resolve incidents in various cases pending before him, within the reglementary period provided by law.[2] Respondent was likewise directed to inform the OCA if cases already submitted for decision or resolution had in fact been decided or resolved within the reglementary period.[3]

Consequently, respondent was ordered to immediately cease hearing cases in his sala and confine himself to deciding or resolving cases submitted for decision or resolution. In respondent's stead, Judge Edilberto G. Absin was directed to handle active cases, other than cases submitted for decision, until respondent could comply with the directives or until he retired.

The OCA likewise directed Atty. Insor A. Pantaran to explain the results of the audit, as was required of respondent. Atty. Pantaran was the clerk of court of the RTC of Pagadian, Zamboanga del Sur, Branch 22 during respondent's tenure. Atty. Pantaran complied with the June 9, 2005 memorandum in a letter dated May 19, 2006.[4]

In its memorandum dated February 26, 2007,[5] the OCA noted that respondent failed to fully comply with its directives in the June 9, 2005 memorandum. Neither did he ask for extensions of time within which to comply with the subject directives.

On examination of Atty. Pantaran's May 19, 2006 letter/compliance, the OCA found that respondent had partially complied with the directives of the June 9, 2005 memorandum, having already decided or resolved some of the cases he was directed to act on. Nonetheless, the OCA established that respondent committed gross inefficiency when he unduly delayed actions in a huge number of cases. The OCA recommended that respondent be fined P20,000. Furthermore, the OCA recommended that Judge Absin be directed to decide and resolve the cases pending in respondent's sala. The OCA likewise directed the designation of Judge Loreto C. Quinto[6] as assisting judge.

The factual findings of the OCA are well-taken. However, we vary the penalty imposed in the light of the circumstances of the case.

It is settled that failure to decide or resolve cases within the reglementary period constitutes gross inefficiency[7] and is not excusable. It is a less serious charge[8] and is punishable by either suspension from office without salaries and benefits for not less than one month but not more than three months, or a fine of more than P10,000 but not exceeding P20,000.[9]

The New Code of Judicial Conduct requires that a judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.[10] Rule 3.05, Canon 3 of the Code[11] admonishes all judges to dispose of the court's business promptly and decide cases[12] within the period specified in Section 15 (1) and (2), Article VIII of the Constitution.[13]

We emphasize that the administration of justice is a joint responsibility of the judge and the lawyer.[14] As aptly held in *Salvador v. Judge Limsiaco*:[15]

> A judge's foremost consideration is the administration of justice. Thus, he should follow the time limit set for deciding cases. xxx Failure to comply within the mandated period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases. It also undermines the people's faith and confidence in the judiciary, lowers its standards and brings it to disrepute. Decision making, among other duties, is the most important duty of a member of the bench. (citations omitted)

Pursuant to A.M. No. 02-9-02-SC,[16] this administrative case against respondent shall also be considered as a disciplinary proceeding against him as a member of the bar.[17] Violation of the basic tenets of judicial conduct embodied in the New Code of Judicial Conduct for the Philippine Judiciary and the Code of Judicial Conduct constitutes a breach of Canons 1[18] and 12[19] as well as Rules 1.03[20] and 12.04[21] of the Code of Professional Responsibility (CPR).

WHEREFORE, respondent Judge Harun B. Ismael is hereby found **GUILTY** of gross inefficiency and violation of Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary for which he is **FINED** in the amount of P20,000.

Respondent is likewise found **GUILTY** of violation of Canons 1 and 12 as well as Rules 1.03, 10.03 and 12.04 of the Code of Professional Responsibility for which he is **FINED** in the amount of P10,000.

Let a copy of his resolution be attached to the personal records of respondent in the Office of Administrative Services, the Office of the Court Administrator and the Office of the Bar Confidant.

SO ORDERED.