

EN BANC

[A.M. No. 09-9-163-MTC, May 06, 2010]

RE: CASES SUBMITTED FOR DECISION BEFORE HON. TERESITO A. ANDOY, FORMER JUDGE, MUNICIPAL TRIAL COURT, CAINTA, RIZAL.

DECISION

LEONARDO-DE CASTRO, J.:

Before the Court is the request for Certificate of Clearance of Judge Teresito A. Andoy, former Judge of the Municipal Trial Court (MTC), Cainta, Rizal, in support of his application for Retirement/Gratuity Benefits under Republic Act No. 910,^[1] as amended.

Judge Andoy compulsorily retired on October 3, 2008. In a Letter^[2] dated August 24, 2009, he requested the approval of his retirement papers and that, if needed, a certain amount be deducted from his retirement benefits. He asked for the payment of his earned vacation/sick leaves, as well as the release of his withheld September 2008 Special Allowance for the Judiciary (SAJ) allowance, loyalty award checks, and all other allowances to which he was entitled prior to his retirement. Per the computation of the Fiscal Management Office of the Office of the Court Administrator (OCA), Judge Andoy had earned vacation/sick leaves amounting to P966,162.86, SAJ allowance totaling P24,845.10, and a loyalty award check for the amount of P3,500.00. Judge Andoy also admitted having unaccounted property accountabilities in the amount of P16,284.20 and a pending administrative case (MTJ-09-1738), but expressed his willingness to pay for whatever penalty would be imposed upon him by means of deduction from his retirement benefits. In the end, Judge Andoy prayed that a clearance be issued with respect to the monetary value of his accumulated leave credits so that the release of his retirement benefits may already be processed.

Based on the list prepared by Celestina I. Cuevas,^[3] and certified by Leticia C. Perez, Clerk of Court II, MTC, Cainta, Rizal, Judge Andoy failed to resolve within the reglementary period 139 cases submitted for decision.

On September 18, 2009, the OCA submitted its report with the following recommendation:

In view of the foregoing, it is respectfully recommended that Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal, be FINED in the amount of SEVENTY THOUSAND (P70,000.00) PESOS for gross inefficiency for failure to decide the one hundred thirty-nine (139) cases submitted for decision before him within the reglementary period,

the amount to be deducted from the retirement/gratuity benefits due him.

The Court agrees in the findings of the OCA, except as to the recommended penalty.

Article VIII, Section 15(1) of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of **90 days**. The Code of Judicial Conduct under Rule 3.05 of Canon 3 likewise enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is **mandatory**.^[4]

Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary.^[5] It also deprives the parties of their right to the speedy disposition of their cases.^[6]

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.^[7]

The inefficiency of Judge Andoy is evident in his failure to decide 139 cases within the mandatory reglementary period for no apparent reason. Some of these cases have been submitted for resolution as early as 1997. Judge Andoy, upon finding himself unable to comply with the 90-day period, could have asked the Court for a reasonable period of extension to dispose of the cases. The Court, mindful of the heavy caseload of judges, generally grants such requests for extension.^[8] Yet, Judge Andoy also failed to make such a request.

Under the new amendments to Rule 140^[9] of the Rules of Court, undue delay in rendering a decision or order is a less serious charge, for which the respondent judge shall be penalized with either (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than P10,000.00, but not more than P20,000.00.

The fines imposed on each judge may vary, depending on the number of cases undecided or matters unresolved by said judge beyond the reglementary period, plus the presence of aggravating or mitigating circumstances, such as the damage suffered by the parties as a result of the delay, the health and age of the judge, *etc.*

The Court imposed a fine of **P10,000.00** upon a judge who failed to decide one case within the reglementary period, without offering an explanation for such delay;^[10] another who left one motion unresolved within the prescriptive period;^[11] and a

third who left eight cases unresolved beyond the extended period of time granted by the Court, taking into consideration that the judge involved was understaffed, burdened with heavy caseload, and hospitalized for more than a month.^[12] In another case, the judge was fined **P10,100.00** for failing to act on one motion.^[13] The Court fixed the fine at **P11,000.00** when the judge failed to resolve a motion for reconsideration and other pending incidents relative thereto because of alleged lack of manpower in his *sala*;^[14] when the judge decided a case for forcible entry only after one year and seven months from the time it was submitted for resolution, giving consideration to the fact that said judge was still grieving from the untimely demise of his daughter;^[15] when a judge resolved a motion after an undue delay of almost eight months;^[16] when a judge resolved a motion only after 231 days;^[17] when a judge failed to resolve three cases within the reglementary period;^[18] and when a judge failed to resolve a motion to cite a defendant for contempt, the penalty being mitigated by the judge's immediate action to determine whether the charge had basis.^[19] In one case, the judge was fined **P12,000.00** for failing to decide one criminal case on time, without explaining the reason for the delay.^[20] Still in other cases, the maximum fine of **P20,000.00** was imposed by the Court on a judge who was delayed in rendering decisions in nine criminal cases, failed altogether to render decisions in 18 other cases, and promulgated decisions in 17 cases even after he had already retired;^[21] a judge who failed to decide 48 cases on time and to resolve pending incidents in 49 cases despite the lapse of a considerable length of time;^[22] a judge who unduly delayed deciding 26 cases because of poor health;^[23] and a judge who failed to decide 56 cases, without regard for the judge's explanation of heavy caseload, intermittent electrical brownouts, old age, and operation on both his eyes, because this already constituted his second offense.^[24]

There were cases in which the Court did not strictly apply the Rules, imposing fines well-below those prescribed. The Court only imposed a fine of **P1,000.00** for a judge's delay of nine months in resolving complainant's Amended Formal Offer of Exhibits, after finding that there was no malice in the delay and that the delay, was caused by the complainant himself.^[25] In another case, a judge was fined **P1,000.00** for his failure to act on two civil cases and one criminal case for an unreasonable period of time.^[26] The Court also imposed a fine of **P5,000.00** on a judge, who was suffering from cancer, for his failure to decide five cases within the reglementary period and to resolve pending incidents in nine cases;^[27] and on another judge, who had "end stage renal disease secondary to nephrosclerosis" and died barely a year after his retirement, for his failure to decide several criminal and civil cases submitted for decision or resolution and to act on the pending incidents in over a hundred criminal and civil cases assigned to the two branches he was presiding.^[28]

The Court also variably set the fines at more than the maximum amount, usually when the judge's undue delay was coupled with other offenses. The judge, in one case, was fined **P25,000.00** for undue delay in rendering a ruling and for making a grossly and patently erroneous decision.^[29] The judge, in another case, was penalized with a fine of **P40,000.00** for deciding a case only after an undue delay of one year and six months, as well as for simple misconduct and gross ignorance of