

## FIRST DIVISION

[ A.M. No. RTJ-05-1937, January 22, 2008 ]

A.M. No. RTJ-05-1937<sup>[1]</sup>

**OFFICE OF THE COURT ADMINISTRATOR, Complainant, vs.  
JUDGE ISMAEL G. BAGUNDANG, Respondent.**

A.M. No. P-06-2267

**OFFICE OF THE COURT ADMINISTRATOR, vs. Complainant,  
UMAIMA L. SILONGAN, Officer-in-Charge,<sup>[2]</sup> RTC-Br. 15, Sharif  
Aguak, Maguindanao, Respondent.**

### D E C I S I O N

**PUNO, CJ.:**

As a result of the judicial and physical inventory of cases conducted in the Regional Trial Court (RTC) of Sharif Aguak (Maganoy), Maguindanao, Branch 15, the Office of the Court Administrator (OCA) issued Memorandum dated March 24, 2003, directing Judge Ismael G. Bagundang, then presiding judge of RTC-Br. 15, Sharif Aguak, to:

**(a) explain** within fifteen (15) days from notice why he failed to decide Criminal Cases Nos. 754, 830 and 1326, and Civil Cases Nos. 241, 446 and 459 within the reglementary period, and to resolve the Motion to Quash Search Warrant No. SW-02, and the Motion to Dismiss in Civil Case No. 294, likewise within the reglementary period;

**(b) immediately decide/resolve** the aforementioned criminal and civil cases including Civil Case No. MC-750, as well as the aforementioned two motions;

**(c) take immediate action** on —

**(1)** seventeen (17) criminal cases<sup>[3]</sup> referred for reinvestigation to the Office of the City/Provincial Prosecutor which remained inactive for quite some time;

**(2)** ninety-four (94) cases<sup>[4]</sup> which were not acted upon or were without further settings despite the lapse of a considerable length of time;

**(3)** two hundred and thirty-three (233) cases<sup>[5]</sup> with warrants of arrest or summons, in accordance with Administrative Circular No. 7-A-92 re **Guidelines in the Archiving of Cases;**

**(4)** fifty-five (55) cases<sup>[6]</sup> which were not initially acted upon since they were filed/raffled.

**(c) take necessary steps** for the issuance of judgments and writs of execution on the confiscated bail bonds posted by the accused in Criminal Cases Nos. 909, 975, 995, 1030, 1040, 1072, 1073, 1100, 1103, 1105, 1118, 1130, 1208, 1313, 1319, 1429, and 1434;

**(d) submit** the corresponding reports on his compliance with directives (c) and (d).

Office-in-Charge (OIC) Umaima L. Silongan, Interpreter III, RTC-Br. 15, Sharif Aguak, Maguindanao, was likewise directed to—

**(a) find out and ascertain** the actual status of the following cases which were not presented to the audit team for examination, to wit: Criminal Cases Nos. 1281, 1302, 1342, 1455, 1476, 1477, 1478, 1486, 1489, 1500, 1502, 1504, 1508, 1516 and 1549, and Civil/Other Cases Nos. 49, 58, 63, 108, 137, 138, 143, 151, 154, 156, 170, 171, 174, 175, 182, 184, 189, 197, 203, 205, 210, 211, 213, 214, 219, 220, 256, 257, 264, 269, 271, 275, 276, 281, 282, 341, 348, 362, 365, 387, 411, 414, 419, 447, 448, 455, 461, 464, 472, 484, 486, 495, 498, 499, 501, 502, 503, 504, 509, 516, 522, SP-65, SP-98, SP-129, SP-134, SP-185, SP-188, SP-194, SP-198, SP-202, SP-207, SP-208, SP-238, SP-260, SP-261, SP-268, SP-275, SP-276, SP-280, SP-301, SP-305, SP-342, SP-344, SP-347, SP-363, SP-367, SP-368, SP-369, SP-372, SP-373, SP-374, SP-376, SP-377, SP-378, SP-379, SP-380, SP-382, SP-383, SP-384, SP-385, SP-395, SP-398, SP-399, SP-416, SP-423, SP-435, SP-436, SP-437, SP-438, SP-448, SP-453, SP-459, SP-468, SP-496, SP-505, SP-514, SP-528, SP-544, SP-550, SP-584, SP-595, SP-596, SP-597, SP-598, SP-599, SP-616, SP-620, SP-625, SP-633, SP-636, SP-647, SP-655, SP-663, SP-664, SP-665, SP-673, SP-674, SP-676, SP-680, SP-682, SP-683, SP-684, SP-695, SP-712, SP-715, SP-716, SP-719, SP-732, SP-736, SP-739, SP-779, SP-784, SP-789, SP-791, SP-792, SP-793, SP-808, SP-809, SP-810, SP-811, SP-814, SP-823, SP-833, SP-851, SP-853, SP-863, SP-864, SP-877, SP-880, SP-886, SP-894, SP-895, SP-898, SP-911, SP-919, SP-924, SP-928, SP-930, SP-941, SP-944, SP-979, SP-985, SP-986, SP-1000, SP-1013, SP-1016, SP-1023, SP-1033, SP-1034, SP-1037, SP-1038, SP-1039, SP-1046, SP-1047, SP-1050, SP-1051, SP-1052, SP-1054, SP-1056, SP-1062, SP-1066, SP-1067, SP-1078, SP-1079, SP-1093, SP-1116, SP-1118, SP-1121, SP-1123, SP-1124, SP-1126, SP-1129, SP-1130, SP-1143, SP-1144, SP-1147, SP-1148, SP-1149, SP-1151, SP-1154, SP-1158, SP-1159, SP-1164 to SP-1182, SP-1184 to SP-1192, MC-58, MC-98, MC-115, MC-150, MC-300, MC-410, MC-479, MC-480, MC-481, MC-482, MC-529, MC-637, MC-639, MC-655, MC-688, MC-700, MC-701, MC-707, MC-720, MC-741, MC-760, MC-761, MC-781, MC-788, MC-811, MC-829, MC-834, MC-837, MC-847, MC-854, MC-860, MC-861, MC-865, MC-870, MC-880, MC-884, MC-887, MC-892, MC-896, MC-900, MC-902, MC-904, MC-905, MC-906, MC-909, MC-914, MC-915, MC-916, MC-917, MC-921, MC-922, MC-923, MC-924, MC-925 and MC-926, and submit a report on her compliance, within thirty (30) days from notice;

**(b) explain** in writing, within thirty (30) days from notice, why she failed to take appropriate actions on the following twenty-two (22) civil cases since they were filed/raffled, to wit: Civil Cases Nos. 187, 249, 390, 429, 490, 491, 517, SP-381, SP-428, SP-441, SP-529, SP-708, SP-771, SP-925, SP-1035, MC-712, MC-730, MC-789, MC-875, MC-893, MC-918, and MC-919;

**(c) immediately cease and desist** from the practice of re-numbering the cases that are raffled to RTC-Sharif Aguak, Branch 15, from the Office of the Clerk of Court, RTC-Cotabato City, and retain the original docket numbers assigned by the latter office;<sup>[7]</sup>

**(d) submit** a report on her compliance with directives (c) and (d), within 15 days from notice.

Judge Bagundang submitted his Compliance<sup>[8]</sup> in May 2005, attaching copies of the decisions and orders issued by him in the cases mentioned in OCA Memorandum dated March 24, 2003. However, he offered no explanation as to why he failed to decide, within the mandatory period, the cases mentioned in directives (a) and (b). OIC Silongan failed to comply as of that date.

Consequently, in a Memorandum dated June 1, 2005, the OCA recommended that Judge Bagundang be fined twenty thousand (P20,000.00) pesos for gross inefficiency for his failure to decide within the mandatory period Criminal Case No. 754, and Civil Case Nos. 241, 446, 459 and MC-750; for his failure to decide within the mandatory period the pending motion in Civil Case No. 294; and, for his failure to submit his explanation on his failure to decide or resolve the aforementioned cases within the prescribed period. The OCA likewise recommended that OIC Silongan be directed to explain her failure to comply with OCA Memorandum dated March 24, 2003, and to submit her compliance within fifteen (15) days from notice with warning that her failure to do so shall be dealt with more severely.

In our Resolution dated July 11, 2005, we redocketed the OCA report as a regular administrative matter against Judge Bagundang, and ordered OIC Silongan to explain her failure to comply with OCA Memorandum dated March 24, 2003, within fifteen (15) days from notice with warning.

In her Compliance dated August 30, 2005, OIC Silongan explained that her failure to timely comply with the OCA Memorandum was due to the following reasons: (1) the number of cases involved is substantial; (2) she and Eduardo C. Gesulga, Jr., the staff assistant in charge of the court docket, were the only ones doing the work; (3) Judge Bagundang gave assignments in connection with his retirement; (4) the new presiding judge gave her assignments as well; and (5) she has a pending knee operation which necessitates weekly trips to Davao for medication. OIC Silongan likewise reported on the status of the cases mentioned in directives (a) and (b) of OCA Memorandum dated March 24, 2003. She alleged that she complied with directives (c) and (d) on the date of the judicial audit. In addition, she submitted a medical certificate attesting as to her knee ailment.

In a Memorandum dated July 14, 2006, the OCA recommended that OIC Silongan be fined P1,000.00 for negligence in the performance of her duties and

responsibilities as OIC Clerk of Court, with warning that a repetition of the same infractions will be dealt with more severely.

We redocketed the OCA report as a regular administrative matter against OIC Silongan and consolidated the same with A.M. No. RTJ-05-1937 in our Resolution dated September 13, 2006.

We adopt the recommendations of the OCA.

Section 15(1), Article VIII of the **1987 Constitution** provides:

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.** (emphasis ours)

In connection therewith, Rule 3.05, Canon 3 of the **Code of Judicial Conduct** provides:

A judge shall dispose of the court's business promptly and decide cases within the required periods.

We have repeatedly ruled that the 90-day period is mandatory.<sup>[9]</sup> Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case.<sup>[10]</sup> Not only does it magnify the cost of seeking justice, it likewise undermines the people's faith and confidence in the judiciary, lowering its standards and bringing it to disrepute.<sup>[11]</sup> It is only in certain meritorious cases, i.e., those involving difficult questions of law or complex issues or when the judge is burdened by heavy caseloads, that a longer period to decide may be allowed but only upon proper application made with the Supreme Court by the judge concerned.<sup>[12]</sup>

In the case at bar, Judge Bagundang failed to decide five (5) cases and to resolve a pending motion within the mandatory period, and offered no explanation for it. Worse, he submitted his compliance with the OCA directives only two (2) years after they were issued against him.

Failure to decide even a single case within the required period, absent sufficient justification,<sup>[13]</sup> constitutes gross inefficiency meriting administrative sanction.<sup>[14]</sup> A member of the bench cannot pay mere lip service to the 90-day requirement; he should instead persevere in its implementation.<sup>[15]</sup> Regarding directives from the OCA, judges should treat them as if issued directly by the Court and comply promptly and conscientiously with them since it is through the OCA that this Court exercises its constitutionally mandated administrative supervision over all courts and the personnel thereof. Failure to do so constitutes misconduct and exacerbates administrative liability.

As to the penalty, the **Rules of Court** provides that undue delay in rendering a decision or order is a less serious charge<sup>[16]</sup> which merits the imposition of any of the following sanctions: