

EN BANC

[A.M. RTJ-07-2039 (formerly A.M. No. 05-1-37-RTC), April 18, 2008]

RE: JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT (RTC), BRANCH 14, DAVAO CITY, PRESIDED OVER BY JUDGE WILLIAM M. LAYAGUE.

[A.M. OCA IPI No. 04-2055-RTJ]

PAUL L. CANSINO, VS. JUDGE WILLIAM M. LAYAGUE, REGIONAL TRIAL COURT (RTC), BRANCH 14, DAVAO CITY.

[A.M. No. 05-2177-RTJ]

DEVELOPMENT BANK OF THE PHILIPPINES, VS. JUDGE WILLIAM M. LAYAGUE, REGIONAL TRIAL COURT (RTC), BRANCH 14, DAVAO CITY

DECISION

LEONARDO-DE CASTRO, J.:

On October 4 to 15, 2004, a judicial audit was conducted by the judicial audit team of the Office of the Court Administrator (OCA) in the Regional Trial Court (RTC), Branch 14, Davao City, then presided over by Judge William M. Layague. The audit unearthed numerous undecided/unresolved cases, prompting the filing of an Administrative Case, **A.M. No. 05-1-37- RTC**, against respondent Judge William M. Layague.

Previous to this administrative case, several administrative complaints were already filed against respondent Judge William M. Layague, two (2) of which were: (a) **A.M. OCA IPI No. 04-2055-RTJ**, entitled *Paul L. Cansino v. Judge William M. Layague, RTC, Branch 14, Davao City*, charging the latter with inefficiency and delay in the disposition of cases in connection with the two (2) separate criminal informations, docketed as Criminal Case Nos. 45,973-2000 and 45,974-2000, for Malversation and Illegal Exaction, respectively; and (b) **A.M. No. 05-2177-RTJ**, entitled *Development Bank of the Philippines v. Judge William M. Layague, RTC, Branch 14, Davao City*, also charging herein respondent judge with inefficiency and grave misconduct relative to Civil Case No. 29,386-02, for specific performance, damages, etc. with urgent prayer for the issuance of a restraining order and writ of prohibition. These three (3) cases were later on consolidated. However, in our Resolution dated June 20, 2006,^[1] the Court ordered the said two (2) administrative complaints closed and terminated considering that the incidents therein were already resolved by respondent Judge.

After the audit team had submitted its report, the OCA issued a Memorandum

Report^[2] addressed to the then Chief Justice Hilario G. Davide, Jr., informing the Court that since the last audit in 1996 of RTC, Branch 14 of Davao City, respondent Judge Layague had accumulated a total of **83** cases (inclusive of one inherited case) submitted for decision already beyond the reglementary period to decide. These did not include the **230** cases submitted for resolution which were already beyond the reglementary period to resolve, **93** cases with no further action, **19** cases with no further settings and **9** cases with no action taken yet since the filing thereof.

The Report revealed that respondent judge incurred several absences from 1996 to 2004 as a result of his poor health, as shown by the latter's medical certificates, which adversely affected his work efficiency. Quoted hereunder is the account of the audit team regarding respondent judge's various illnesses:^[3]

Also, Judge Layague is suffering from various illnesses which admittedly has slowed down his work.

Information as well as the records show that, since the early 70's, Judge Layague has already been saddled with various illnesses which he attributes to his slow disposal and resolution of cases. In 1974, he had his gall bladder surgically removed. In 1976, he developed duodenal ulcer for which he underwent treatment for three months. In January 1995, he was diagnosed with emphysema and since then he had been suffering from numbness in the lower extremities and acute erosive and atrophic gastritis. In 1998, he was hospitalized for vertigo (Menier's Syndrome). He also suffers from Goiter (Thyroid Nodule); including Benign Prostatic Hypertrophy, Hypercholesterolemia, acute gastritis with Gastro Esophageal Reflux Disease, Systemic Viral Illness and Musculoskeletal Pain. In addition, and just lately, it appears from the Certification, dated 4 August 2004 of one Dr. June Anadith Eborde-Buenaventura, a dentist, that Judge Layague is afflicted with 'periodontal problem' which necessitated the extraction of all of his teeth from 7-19 July 2004. In addition to what was not stated above, he (Judge Layague) also informed the Judicial Audit Team that he also had TB.

Accordingly, the OCA recommended the appointment of an assisting judge to hear, try and decide the cases in said sala at least twice a week until respondent judge has decided/resolved all cases submitted for decision/resolution which have not been decided/resolved or until further orders from this Court.

Acting on the said Memorandum Report and the Recommendation of the Court Administrator, this Court issued an *en banc* Resolution dated January 25, 2005,^[4] stating, thus:

(a) DIRECT Hon. William M. Layague, Presiding Judge, RTC, Br. 14, Davao City

1. to **EXPLAIN** in writing, within the period mentioned in par. (A), subpar. 3, in connection with par. (D) below, why no administrative sanction should be taken against him for: **(a)** failure to decide the following cases which are already beyond the reglementary period to decide, to wit: **Criminal Cases Nos. 30,811; 34,403; 36,954; 37,841; 38,573; 38,790; 39,088; 39,337; 39,338; 39,339;**

39,340; 39,341; 40,094; 41,092; 41,643; 42,138; 42,139;
42,140; 42,651; 42,695; 43,003; 44,929; 44,930; 44,931;
44,932; 45,238; 45,239; 45,240; 46,750; 47,828; 48,976;
50,739; 51,747; 51,748; 51,749; 51,750; 97,370; 97,371;
97,372; 97,373; 52,369; and Civil Cases Nos. 049; 12,271;
19,835; 20,097; 21,329; 22,687; 23,263; 23,323; 24,480;
24,502; 24,610; 24,930; 25,104; 25,110; 25,206; 25,232;
25,411; 25,542; 25,663; 25,912; 26,457; 27,050; 27,097;
27,112; 27,511; 28,073; 28,172; 28,481; 28,549; 28,577;
28,695; 28,842; 28,958; 29,033; 29,093; 29,224; 29,240;
29,512; 29,551; 29,648; 30,087; 30,340; 54,140; (b) failure
to resolve the following cases which have not been resolved with
(sic) the reglementary period, to wit: **Criminal Cases Nos. 5186;**
24,854; 24,855; 26,888; 27,011; 31,181; 31,436; 31,437;
34,403; 34,534; 35,917; 36,953; 37,089; 37,090; 37,100;
37,347; 37,348; 37,349; 37,350; 37,351; 37,352; 37,353;
37,354; 38,542; 38,875; 38,876; 38,877; 38,878; 39,688;
39,812; 39,986; 40,084; 40,391; 40,953; 41,460; 41,538;
41,539; 41,619; 41,657; 41,658; 42,197; 42,198; 42,336;
42,337; 42,338; 42,339; 42,340; 42,341; 42,619; 42,705;
42,816; 42,817; 42,818; 43,756; 43,822; 44,139; 44,466;
44,749; 44,807; 44,952; 44, 955 (sic); 44,953; 44,954;
44,955; 44,956; 44,957; 44,958; 44,959; 44,960; 44,961;
44,962; 45,122; 45,973; 45,974; 46,034; 46,155; 46,192;
46,193; 46,194; 46,195; 46,196; 46,197; 46,198; 46,199;
46,200; 46,201; 46,202; 46,361; 46,362; 46,363; 46,364;
46,365; 46,366; 46,367; 46,368; 46,369; 46,370; 46,371;
46,372; 46,373; 46,374; 46,375; 46,376; 46,377; 46,378;
46,379; 46,380; 46,381; 47,028; 47,362; 47,661; 48,217;
48,608; 48,627; 48,719; 48,771; 48,772; 49,079; 49,080;
49,081; 49,082; 49,083; 49,084; 49,085; 49,086; 49,087;
49,088; 49,089; 49,090; 49,091; 49,092; 49,093; 49,094;
49,095; 49,096; 49,097; 49,098; 49,099; 49,100; 49,101;
49,102; 49,103; 49,104; 49,105; 49,106; 49,107; 50,143;
51,165; 52,011; 52,779; 53,565; 53,657; 53,713; 53,714;
53,715; 54,037; 54,038; 54,054; and Civil Cases Nos. 024;
2933; 17,670; 22,603; 22,993; 23,224; 23,471; 23,675;
24,328; 24,541; 24,714; 24,875; 24,969; 25,165; 25,513;
25,589; 25,694; 25,732; 26,254; 26,304; 26,322; 26,356;
26,552; 26,694; 26,775; 26,873; 26,899; 27,298; 27,271;
27,304; 27,309; 27,335; 27,340; 27,355; 27,408; 27,424;
27,526; 27,652; 27,670; 27,820; 27,838; 27,845; 27,981;
28,003; 28,037; 28,127; 28,192; 28,335; 28,401; 28,501;
28,572; 28,822; 28,871; 29,085; 29,162; 29,253; 29,302;
29,353; 29,383; 29,386; 29,552; 29,732; 29,801; 30,028;
30,253; SP 4319; SP 5640; SP 28,099; LRC 044; and (c)
failure to take appropriate action on the following cases, to wit:
Criminal Cases Nos. 30,303; 33,438; 33,439; 33,440; 33,441;
33,657; 33,658; 33,659; 38,558; 40,119; 39,706; 40,888;
41,953; 43,894; 44,078; 44,531; 44,595; 45,162; 45,163;
45,179; 45,209; 45,694; 45,954; 46,488; 46,489; 46,490;
46,495; 46,728; 46,860; 47,180; 48,585; 48,892; 48,906;

49,165; 49,757; 49,836; 50,626; 50,794; 51,973; 52,105; 52,334; 52,406; 52,749; 52,832; 52,857; 52,996; 53,079; 53,476; 53,477; 53,478; 53,479; 53,480; 53,481; 53,482; 53,483; 53,484; 53,485; 53,486; 53,487; 53,549; and Civil Cases Nos. 018; 2884; 5926; 7404; 10,790; 15,852; 15,853; 15,854; 15,855; 15,856; 16,269; 19,246; 20,973; 22,266; 22,291; 22,397; 23,059; 23,467; 23,776; 24,072; 24,178; 24,634; 24,866; 24,879; 24,889; 24,892; 24,897; 25,089; 25,132; 25,159; 25,222; 25,274; 25,358; 25,377; 25,409; 25,430; 25,558; 25,570; 25,574; 25,624; 25,698; 25,797; 25,866; 25,871; 25,952; 26,100; 26,244; 26,320; 26,556; 26,704; 26,786; 26,920; 26,996; 27,027; 27,038; 27,115; 27,214; 27,243; 27,429; 27,449; 27,460; 27,476; 27,499; 27,534; 27,551; 27,552; 27,553; 27,666; 27,709; 27,715; 27,776; 27,798; 27,801; 27,847; 27,895; 27,911; 27,982; 27,984; 28,082; 28,162; 28,224; 28,343; 28,364; 28,383; 28,460; 28,469; 28,565; 28,567; 28,623; 28,674; 28,702; 28,768; 28,773; 28,818; 28,901; 28,930; 28,935; 28,962; 28,660; 29,012; 29,017; 29,076; 29,079; 29,111; 29,150; 29,152; 29,190; 29,191; 29,250; 29,285; 29,392; 29,402; 29,435; 29,538; 29,598; 29,629; 29,684; 29,746; 29,787; 29,792; 29,812; 29,821; 29,850; 29,910; 29,925; 30,007; 30,052; 30,101; 30,255; SCA 17,308; SP 3451; SP 4284; SP 7159, which have not been further acted (NFA) upon for a considerable length of time since the last action taken thereon; as well as the following cases, to wit: **Criminal Cases Nos. 42,665; 50,261; 52,630;** and **Civil Cases Nos. 24,342; 24,343; 24,344; 24,529; 25,110; 26,635; 26,729; 26,806; 26,890; 27,375; 28,060; 28,089; 28,463; 28,481; 28,892;** **SP 22,052,** which have not been further set (NFS) for a considerable length of time since the last settings made thereon.

2. to **INFORM** the Court, through the Office of DCA C.O. Lock, whether the following cases were decided within the reglementary period, to wit: **Criminal Cases Nos. 36,047; 42,164; 43,689; 43,858; 43,859; 47,600; 47,601; 51,742;** **Civil Cases Nos. 238; 268; 278; 24,434; 30,002** and **SP 7293;** and, in case he has not yet so decided, for him to do so; and
3. to **IMMEDIATELY CEASE** from hearing cases in his sala and confine himself to the following tasks, to wit: to **DECIDE and RESOLVE**, as the case may be, the cases mentioned under **par. (A), subpar. 1 (a) and (b); and 2 WITHIN NINETY (90) DAYS** from notice.
4. to **SUBMIT** himself for a medical examination to determine whether or not he is still capable of performing the functions of his office. In this connection, a Medical team from the Supreme Court Medical Services be **AUTHORIZED** to conduct the medical examination of Judge Layague for the purpose.

(b) **DESIGNATE** Hon. Paul T. Arcangel, Presiding Judge, RTC, Br. 12, Davao City, as Assisting Judge of RTC, Br. 14, Davao City, to hear and decide the cases thereat at least twice a week until Judge Layague has fully complied with the directive to him in connection with the aforesaid recent judicial audit conducted in his *sala* or until further orders from the Court;

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(e) **DIRECT** Judge Arcangel to take appropriate action on the cases mentioned in par. (A), subpar. 1 (c) as well as the following cases, to wit: Criminal Case No. 53,702 and Civil Case No. 22,956, in accordance with Administrative Circular No. 7-A-92 dated 21 June 1993, within ninety (90) days from notice; as well as to **INFORM** the Court, through the Office of DCA Christopher O. Lock, of the status of Civil Case No. 28,621.

(f) **DIRECT** Judge Layague and Judge Arcangel to **SUBMIT** their compliance hereof, as well as the copies of the resolutions/orders, etc. in the aforesaid cases to this Court, through the Office of DCA Lock, Office of the Court Administrator, this Court, on or before the lapse of the ninety-day period mentioned in par. (A), subpar. 3 or par. (B), as the case may be.

On April 26, 2005, the Court amended its January 25, 2005 *en banc* Resolution by designating Judge Marivic Trabajo Daray, RTC, Branch 18, Digos City, as the Assisting Judge of RTC, Branch 14, Davao City, in addition to her duties in her own court, in lieu of Judge Paul T. Arcangel because of the latter's subsequent application for optional retirement.^[5]

In his *Partial Compliance and Request for Extension*^[6] (with attachments) dated August 25, 2005 addressed to Deputy Court Administrator Christopher O. Lock, respondent stated that in compliance with our *en banc* Resolution of January 25, 2005, he rendered decisions in *Criminal Cases Nos. 28,822 and 23,323-94*^[7] and issued orders in the following cases:

Criminal Cases Nos. 5186; 24,854-92 and 24,855-92; 26,888-92; 27,011-92; 31,181-93; 35,917-95; 36,953-96; 37,089-96 and 37-090-96; 37,100-96; 37,347-96, 37,348-96 to 37,354-96; 38,542-97; 39,688-97 and 39,812-97; 39,986-97; 40,084-97; 41,619-98; 41,657-98 and 41,658-98; 42,197-98 and 42,198-98; 42,619-99; 42,705-99; 42,816-99; 44,139-99; 44,466-99; 44,749-2000; 44,807-00; 44,953-00 to 44,955-00; 44,956-00 to 44,962-00; 45,122-00; 46,034-00; 46,155-00; 47,362-01; 48,217-01; 48,608-01; 48,719-01; 49,079-01; 49,080-01 and 49,081-01; 49,082-01; 49,083-01 to 49,088-01; 49,089-01; 49,090-01 to 49,094-01; 49,095-01; 49,096-01 to 49,101-01; 49,102-01; 49,103-01; 49,104-01 to 49,105-01; 49,106-01 to 49,107-01; 50,143-02; 52,011-03; 52,779-03; 53,565-03; 53,713-04 to 53,715-04; 54,037-04 and 54,038-04.

Civil Cases Nos. 23,323-94; 23,675-95; 26,304-98; 26,356-98; 26,552-98; 28,822-01; 28,871-01; 29,253-02; 29,383-02 and