

EN BANC

[A.M. NO. RTJ-05-1965, January 23, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE FLORENTINO M. ALUMBRES, RTC, BRANCH 255, LAS
PIÑAS CITY, RESPONDENT.**

RESOLUTION

AUSTRIA-MARTINEZ, J.:

On May 29-June 2, 2001 and June 4, 2001, the Court Management Office of the Office of the Court Administrator (OCA) of this Court conducted a judicial audit and physical inventory of cases in Branch 255 of the Regional Trial Court (RTC) of Las Piñas City in view of the compulsory retirement from the service of Presiding Judge Florentino M. Alumbres on June 2, 2001.

The audit team submitted its report dated August 30, 2001 to Deputy Court Administrator Christopher O. Lock, pertinent portions of which read as follows:

...

The audit was conducted from May 29-June 2, 2001 and June 4, 2001. As of audit date, Branch 255 has a total of 843 pending cases (572 criminal and 271 civil) based on the number of records actually presented and examined by the audit team.

Of the 843 cases audited, 164 are found to be submitted for decision. 110 criminal and 38 civil cases remained undecided by Judge Alumbres despite lapse of ninety (90) day period to decide. These cases are either partially or wholly tried by Judge Alumbres. Also there are 73 cases audited with pending motions/incidents for resolution. Out of this, 17 criminal and 36 civil cases remained unresolved for a considerable length of time.

However, subsequently in a letter dated August 28, 2001 by Hon. Bonifacio Sanz Maceda, Jr., Acting Presiding Judge of Branch 255, to then Acting Court Administrator Zenaida Elepaño, the former seeks the assistance of the six (6) newly appointed judges in the six (6) newly organized branches of said court to help him decide the 148 undecided cases and 83 unresolved motions/incidents by retired Judge Alumbres. It appears from the list submitted by Judge Maceda, Jr. that there are 3 criminal and 11 civil cases submitted for decision and 11 criminal and 34 civil cases with unresolved motions/incidents that were not presented to the audit team. These are probably the records which according to Officer-in-Charge Joselita P. Macaldo of said branch are with Judge Alumbres at the time of the audit, and some allegedly are inside his chambers. At one time when the undersigned together with Justice

Conrado Molina requested Judge Alumbres to open his chambers, the latter excused to get the key from his residence, but Judge Alumbres never came back until the team finished the audit. The team tried to get his contact number and address from his staff but not one of them knows.

Therefore, the total number of cases pending in Branch 255 including those in the list of Judge Maceda, Jr., the records of which were not presented to the audit team is 902. ^[1]

On the basis of its findings, the audit team made the following recommendations:

...

1. Retired Judge Florentino M. Alumbres, RTC, Branch 255, Las Piñas City, be DIRECTED to EXPLAIN, within ten (10) days from receipt hereof, why no administrative sanction should be imposed on him for:

(1-a) Failure to decide within the mandated ninety (90) day period: 113 Criminal Cases, Nos. 96-0243, 95-1616, 94-4326, 94-4327, 94-4328, 95-970, 96-0126, 95-707, 94-6293, 96-0391, 94-6313, 98-0255, 98-0256, 94-2629, 96-0437, 94-6148, 96-0511, 95-115, 96-0420, 95-630, 95-1179, 95-078, 95-079, 94-5301, 99-0847, 99-0989 up to 99-1050 (62 cases) 95-502, 94-6686, 95-1653, 93-1731, 93-845, 94-703, 94-704, 93-4474, 96-0302, 95-971, 94-5984, 94-5985, 95-124, 93-9270, 94-287, 94-4506, 94-4507, 98-0254, 98-0157, 98-0058, 98-1104, 96-0312, 96-0399, 91-3855, 91-3856, 96-0406; and 41 Civil Cases Nos. LP-00-0092, 96-0282, 96-0208, 96-0283, 96-0209, 93-1530, SP-00-0023, 96-0185, 94-4004, 95-976, 98-0216, 00-0030, 00-0167, LP-95-0058, 97-0291, 99-0100, 93-3171, LP-00-0180, 98-0203, LRC-LP-98-0315, LP-99-0084, 95-655, 99-0222, 96-0008, LP-99-0178, 97-236, 98-0267, 96-0016, 99-0261, 96-0190, 92-3207, 95-1236, 92-2397, 99-0199, 89-2384, 92-3619, 95-0045, LP-00-0081, 94-0855, 98-0067, and 00-0167;

(1-b) Failure to resolve within the reglementary period the following pending incidents/motions in Criminal Cases Nos. 98-0093 (Demurrer to Evidence), 00-0219 (Motion to Amend Information), 98-0072 (Motion to Quash), 99-0129 (Motion to Quash), 99-1314 (Motion to Quash), 99-1418 (Motion to Quash), 99-1316 (Motion to Quash), 99-1333 (Motion to Quash), 95-1062 (Demurrer to Evidence), 00-0475 (Motion to Quash), 00-0520 (Motion to Quash), 98-0086 and 98-0095 (Demurrer to Evidence), 98-1024 (Demurrer to Evidence), 00-0977 (Motion to Quash), 99-1226 (Motion to Quash), 00-1012 (Motion to Quash), 00-1025 (Motion to Quash), 00-1061 (Motion to Quash), 01-0094 (Motion to Quash), 01-0130 (Motion to Quash), 01-0172 (Motion to Quash), 01-0173 (Motion to Quash), 01-0186 (Motion to Quash) and Civil Cases Nos. 96-0282 (Motion to Lift Order of Default), 96-0203 (Omnibus Motion), 96-0271 (Motion for Plaintiff's Adjunctive Motion for Default), 99-0208

(Motion for Reconsideration), 99-0156 (Motion for Writ of Possession), LP-00-0209 (Motion to Dismiss), 00-0195 (Motion for Reconsideration), 00-0168 (Motion for Execution Pending Appeal), LP 99-0133 (Motion to Dismiss), 98-0086 (Motion for Reconsideration), SCA-00-0006 (Motion to Dismiss), 96-0040 (Motion to Dismiss), 98-0274 (Motion to Dismiss), 00-0015 (Motion to Dismiss), 00-0228 (Motion to Dismiss Appeal), LP 00-0121 (Motion to Dismiss), LRC 00-0045 (Motion to Consolidate), LP 96-0092 (Motion to Dismiss), LP 00-0106 (Motion to Dismiss), LP 00-0131 (Motion to Dismiss), LP 99-0016 (Motion to Dismiss & Motion for Judgment), 97-0200 (Motion for Reconsideration on Order of Default), 99-0006 (Def.'s Motion for Judgment), LP 99-0096 (Motion to Dismiss), LP 00-0164 (Motion for Default), 99-0040 (Motion to Set Aside Order of Default), 99-0265 (Urgent Motion for Contempt), 92-3705 (Motion to Dismiss), LP 96-0212 (Motion to Dismiss), LP 00-0171 (Motion to Dismiss), LP 96-0187 (Motion to Inhibit or Re-affle the case), LP 96-0244 (Motion to Amend Complaint), LP 99-0239 (Motion to Dismiss), LP 96-0172 (Motion to Admit Amended Complaint), LP 96-0298 (Motion for Issuance of TRO), 95-0976 (Motion to Dismiss), 95-0026 (Motion for Reconsideration), 99-0084 (Application for Preliminary Attachment), 97-0285 (Motion to Life Order of Default), 98-0027 (Motion for Partial Decision), 96-0243 (Motion to Dismiss), 99-0258 (Motion to Declare Defendant in Default), 00-0096 (Motion to Amend Complaint), 99-0186 (Motion to Declare Defendant in Default), 97-0261 (Motion for Reconsideration), 94-3228 (Motion to Re-Open Case), 96-0277 (Motion to Lift Order of Default), 00-0220 (Motion to Declare Defendant in Default/Motion to Admit Answer), 00-0153 (Motion to Consolidate), 00-0224 (Motion to Dismiss), 96-0036 (Motion to Revive Proceedings), 98-0066 (Motion to Lift Order of Default), 99-0137 (Motion to Set Aside Order of Default), 99-0099 (Motion for Reconsideration), 96-0268 (Motion for Leave to Amend Answer), 00-0193 (Motion for Reconsideration), 99-0132 (Motion to Adduce Evidence on Damages), 00-0133 (Motion for Issuance of Alias Writ of Execution), 96-0171 (Motion to Dismiss), 96-0172 (Motion to Amend Complaint), 00-0212 (Motion to Dismiss), 96-0273 (Motion for Reconsideration), 99-0222 (Motion for Execution Pending Appeal), 98-0173 (Motion for Joint Trial), 00-0009 (Opposition and Petition to Set Aside), and M-419 (Manifestation and Motion).

2. The Financial Management Office, Office of the Court Administrator be AUTHORIZED to WITHHOLD the amount of TWO HUNDRED THOUSAND PESOS (P200,000.00) from whatever retirement benefits Judge Alumbres is entitled to receive pending submission of this explanation and the Court's resolution on this matter. [2]

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In its Memorandum addressed to Chief Justice Hilario G. Davide, Jr., the OCA adopted in toto the recommendation of the audit team. [3]

On November 14, 2001, this Court issued a Resolution approving the

recommendations of the OCA. [4]

In compliance with the directive of the above-mentioned Resolution of this Court, respondent judge submitted his Explanation dated December 19, 2001. He did not refute the charges that he failed to decide 113 criminal cases and 41 civil cases within the mandated 90-day period, and to timely resolve a substantial number of pending incidents and/or motions (approximately 87) in various criminal and civil cases. In his defense, he stated that he has been afflicted with diabetes mellitus and benign prostatic hypertrophy since 1997 and that these illnesses have continually caused the gradual weakening of his body. In support of his contention he submitted a medical certificate issued by a physician of the Las Piñas City Health Office. Respondent also asserts that despite his lingering ailments, he still managed to efficiently continue performing his duties. Proof of this are the number of cases he disposed from 1998 up to the time that he retired. Respondent cites that in 1998 he was able to dispose of or decide 482 cases which ranked as the highest number of cases disposed of among the four branches of the Las Piñas City RTC. Respondent further contends that among the four branches of the Las Piñas City RTC, respondent's sala has the most number of cases assigned to it owing to the fact that he is the first RTC judge assigned in Las Piñas to whom the bulk of cases coming from the various courts in Makati were unloaded. He adds that aside from the cases he inherited from the Makati RTCs, additional cases were raffled to his sala when three additional branches of the Las Piñas RTC were created sometime in 1994. Respondent also explained that in January 2001, his efforts to dispose of his cases

submitted for decision was greatly hampered when one of the stenographers assigned to his sala suffered from a stroke, incapacitating her from performing her duties. As a result, the stenographic notes she had taken down remained untranscribed, making it difficult for respondent to decide his cases. In addition, the stenographer's inability to type the drafts of the decisions which respondent prepared contributed greatly to the delay in the disposal of the cases. Respondent judge added that his woes worsened when in April 2001 another stenographer assigned to his sala went on maternity leave. He contends that he brought to the attention of then Acting Court Administrator Zenaida Elepaño the matter of lack of steno-typists assigned to his office and requested for the assignment of stenographers to assist him but the Acting Court Administrator simply referred his request to the Executive Judge of Las Piñas. Respondent prays that the P200,000.00 being withheld from his retirement benefits be reduced to a reasonable level by taking into consideration the need to defray his medical needs. [5]

In a letter dated April 28, 2005 and addressed to Justice Leonardo A. Quisumbing of this Court, respondent judge requested assistance for the early resolution of A.M. No. 01-10-562-RTC and the consequent release of the balance withheld from his retirement benefits. [6] Justice Quisumbing, in turn, forwarded the letter of respondent judge to Chief Justice Hilario G. Davide, Jr.

Subsequently, the Chief Justice indorsed the letter of respondent judge to Court Administrator Presbitero J. Velasco, Jr. [7]

Acting on the Indorsement of the Chief Justice, the OCA submitted a report to this Court dated September 30, 2005 with the following findings and evaluation:

Records of this administrative matter show that the First Division of the Court in its Resolution dated 04 February 2002 merely **NOTED** the explanation dated 19 December 2001 submitted by Judge Alumbres without passing upon his administrative liability.

The directive addressed to then Executive Judge Bonifacio Sanz Maceda, Jr. (in the same Resolution dated 14 November 2001), to raffle the 113 criminal and 41 Civil Cases which remained undecided by Judge Alumbres despite the lapse of the ninety-day period was treated as a separate administrative matter, i.e., A.M. No. 02-1-03-SC, re: Deferment of Raffle of Cases Among New RTC Judges of Las Piñas City.

Based on the letter of compliance dated 22 February 2002 submitted by Judge Maceda, only 92 cases (50 criminal and 42 civil) out of the 154 cases enumerated therein were qualified for the raffle (other cases enumerated have been decided/resolved by him as a pairing judge) and the said cases were distributed among the six (6) newly-appointed Judges of RTC, Las Piñas, namely:

1. Branch 197 — Judge Manuel N. Duque 16 cases;
2. Branch 198 — Judge Erlinda Nicolas-Alvaro 16 cases;
3. Branch 199 — Judge Joselito D.J. Vibandor 15 cases;
4. Branch 200 — Judge Leopoldo E. Baraquia 15 cases;
5. Branch 201 — Judge Lorna Navarro-Domingo 15 cases; and
6. Branch 202 — Judge Elizabeth Yu-Guray 15 cases.

The records further disclose that the Court already issued Resolutions noting the compliance of the above-named judges in furnishing the Court with copies of their decisions on the aforementioned cases raffled to them, the last of which was dated 09 June 2003. With the foregoing, the administrative liability of respondent Judge Alumbres may now be properly considered.

Judge Alumbres does not deny the veracity of the findings of the audit team that he failed to decide/resolve cases/other pending incidents. He attributes the same to his failing health, the large number of cases assigned to him compared to the other salas and the inability of two of his court stenographers to perform the duties incumbent upon them. The records do not however show that he asked for any period extension relative to these cases.

...

The explanation of Judge Alumbres cannot be considered meritorious. As a member of the judiciary, display of diligence and competence in the performance of his functions despite illness and other adversities is expected of him. While illness serves to mitigate his liability, it cannot completely exonerate him from responsibility to see to it that the disposition of cases is not unduly delayed. Moreover, the records reveal that Judge Alumbres has been twice penalized for delay in the resolution of cases (RTJ-00-1594 [99-650-RTJ] and 99-677-RTJ) and that he had cases submitted for