

SECOND DIVISION

[A.M. No. MTJ-04-1571 (Formerly A.M. No. 03-9-209-MCTC[1], February 14, 2005]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE ANICETO L. MADRONIO, SR., FORMER ACTING
PRESIDING JUDGE, MCTC, SAN FABIAN-SAN JACINTO,
PANGASINAN, RESPONDENT.**

DECISION

PUNO, J.:

The instant complaint stemmed from the report of the team^[2] which conducted the judicial audit and physical inventory of cases from April 3 to April 12, 2003, in the Municipal Circuit Trial Court of San Fabian-San Jacinto, Pangasinan, then presided over by respondent judge Aniceto L. Madronio, Sr., who compulsorily retired on April 15, 2003.

The report showed that out of the 1,157 cases^[3] actually audited by the team, eighty (80) cases were not yet acted upon by respondent judge. Eighteen (18) out of the nineteen (19) cases pending for decision were already beyond the reglementary period to decide while five (5) out of the six (6) cases with motions already submitted for resolution were already beyond the reglementary period to resolve. No further actions were made on eighty-one (81) cases while no further settings were had on sixty-one (61) cases.

In our Resolution dated October 6, 2003, we resolved to direct respondent judge to explain: (a) his failure to decide the following cases within the reglementary period, to wit: Criminal Cases Nos. 3102, 3103, 3371, 3703, 4286, 3559, 3800; Civil Cases Nos. 938, 943, 981, 1078, 1168, 1199, 1219, 1251, 1272, 1314; (b) his failure to resolve the following cases with motions or incidents within the prescribed period, to wit: Criminal Cases Nos. 2819, 2820, and Civil Cases Nos. 1262, 1264, and 1267; (c) his failure to further act upon the following cases for a certain period of time, to wit: Criminal Cases Nos. 3303, 3304, 3615, 3707, 3861, 3887, 4126, 4127, 4151, 4173, 4397, 4412, 4424, 4425, 4439, 4513, 4536, 4538, 4554, 4555, 4556, 4557, 4563, 4576, 4583, 4599, 4600, 4613, 4614, 4622, 4625, 4629, 4681, 4684, 4685, 4692, 4693, 4715, 4716, 4721, 4771; and Civil Cases Nos. 874, 986, 1010, 1023, 1074, 1079, 1139, 1169, 1190, 1209, 1222, 1223, 1224, 1233, 1237, 1240, 1241, 1242, 1259, 1260, 1267, 1275, 1279, 1280, 1285, 1292, 1294, 1303, 1304, 1305, 1306, 1308, 1312, SP No. 02, Special Civil Case No. 1184, LRC N-13, (LRC) N-04, LRC Case No. N-08/LRA Rec. No. N-66586, LRC # 20, LRC No. 29; (d) his failure to have further settings on the following cases, to wit: Criminal Cases Nos. 1209, 3093, 3094, 3095, 3096, 3097, 3111, 3163, 3182, 3284, 3354, 3416, 3417, 3418, 3318, 3415, 3660, 3697, 3342, 3899, 3932, 3933, 3934, 4172, 4279, 4315, 4329, 4330, 4333, 4337, 4423, 4449, 4467, 4488, 4503, 4511, 4525, 4433, 4432, 4546, 4547, 4548, 4549, 4550, 4549, 4588, 4610, 4683, 4695, 4735, 4736, 4738, 4747,

4763, 4770; and Civil Cases Nos. 988, 1051, 1210, 1234, 1295, 1301; (e) why the following cases still have motions pending action by the court, to wit: Criminal Cases Nos. 4262 and 4440; and Civil Cases Nos. 879, 1182, 1185, 1287, 1288, 1320, 1321, 1323; (f) his failure to take action on the following cases since their filing, to wit: Criminal Cases Nos. 4294, 4514, 4691, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4785; (g) why no order of arraignment can be found in the records with regard to accused Rolando Malanum in Criminal Case No. 2875; and (h) with respect to Criminal Case No. 4644, why the court, in an Order dated March 27, 2003, reset the pre-trial on April 10, 2003, notwithstanding the fact that the accused was not yet arraigned.^[4]

In the same resolution, this Court directed Judge Loreto S. Alog, Jr., the Acting Presiding Judge of the same court, to take appropriate action on the cases left undecided or unresolved or not acted upon by the respondent judge. Acting Branch Clerk of Court Lisa Castillo was also directed to explain why certain cases were not yet acted upon since their filing and to take appropriate action thereon. We directed the three to submit their compliance within fifteen (15) days from notice. Moreover, we resolved to withhold fifty thousand pesos (P50,000) from the retirement benefits of respondent judge to answer for whatever penalty this Court may impose upon him in connection with this administrative matter.^[5]

In a letter dated December 8, 2003, respondent judge admitted to not having decided, resolved or acted upon the mentioned cases on time. He explained that his failure to act was "caused by [his] cardiac ailment and so much volume of cases in [his] regular court and in Branch 2 of the City Court of Dagupan City. In these two courts, [he] had more or less 1,500 cases to cope with. [He] did [his] best even to the extent of endangering [his] health, but despite [his] efforts, [he] was not able to cope with the requirements of the policy." He prayed that the fine imposed on him be reduced from fifty thousand pesos (P50,000) to ten thousand pesos (P10,000).

Having found that Acting Branch Clerk of Court Castillo already complied with the directive of the Court and after considering the compliance report of Judge Alog, Jr., the Office of the Court Administrator (OCA) recommended as follows:

x x x (1) The Report on the judicial audit conducted in the MCTC, San Fabian-San Jacinto, Pangasinan be re-docketed as a regular administrative matter against Judge Aniceto L. Madronio for gross inefficiency; (2) the Hon. Aniceto L. Madronio, former Acting Presiding Judge, MCTC, San Fabian-San Jacinto, Pangasinan, be meted a FINE of P15,000.00, for gross inefficiency, for the delay in deciding cases and to act on numerous other cases not submitted for decision, to be satisfied from the amount of P50,000.00 withheld from his retirement benefits, the balance to be returned back to him; (3) the Hon. Loreto S. Alog, [Jr.] presently, the Acting Presiding Judge, MCTC, San Fabian-San Jacinto, Pangasinan be directed to take appropriate action on the following cases, to wit: Criminal Case No. 4425 and Civil Cases No[s]. 988, 1210, 1234, 1295 and 1301, with[in] fifteen (15) days from notice and submit a report of compliance to this Court, through the Office of the Court

Administrator; [and] (4) the compliance of Clerk of Court Lisa Castillo be noted.^[6]

Hence, in our Resolution dated December 13, 2004, the report of the judicial audit team was re-docketed as a regular administrative matter against respondent judge, for gross inefficiency.

In arriving at the recommended fine of fifteen thousand pesos (P15,000), the OCA took note that despite respondent judge's valid reasons for the delay and inaction in the mentioned cases, he failed to ask for an extension of time to decide or resolve the cases. Moreover, the OCA considered that this is respondent judge's second offense.^[7]

We adopt the findings of the OCA with modification.

The Constitution mandates all lower courts to decide or resolve cases or matters within three (3) months from their date of submission.^[8] Accordingly, Rule 3.05, Canon 3 of the Code of Judicial Conduct directs judges to "dispose of the court's business promptly and decide cases within the required periods."^[9] But this rule is not that severe. If a judge finds himself unable to comply with this 90-day requirement for deciding cases or matters, he can, for good reasons, ask for an extension and such request is generally granted.^[10] Thus, we have consistently held that notwithstanding the valid reasons that a judge may have for such delay -- poor health, age, heavy caseload, among others -- these do not totally absolve him from liability. At most, they only serve to mitigate the penalty. We held in *Hadja Shittie M. Arap vs. Judge Amir Mustafa*^[11] that:

This Court has constantly impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction against them.

Under the new amendments to Rule 140,^[12] undue delay in rendering a decision or order is a less serious charge, for which a respondent shall be imposed the penalty of either suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months or a fine of more than ten thousand pesos (P10,000) but not more than twenty thousand pesos (P20,000). The fines imposed vary in each case, depending chiefly on the number of cases or matters undecided or unresolved, respectively, within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances — the damage suffered by the parties as a result of the delay, the health and age of the judge, etc. Thus, in a number of cases, the fines were set at ten thousand pesos (P10,000), for the judge failed to decide one (1) case within the reglementary period, without offering an explanation for such delay;^[13] for one (1) motion left unresolved within the prescriptive period;^[14] and for eight (8) cases left unresolved beyond the extended period of time granted to the judge, taking into consideration that the judge was understaffed, burdened with heavy caseload, and hospitalized for more than a month.^[15] In another case, the judge was fined ten thousand one hundred pesos

(P10,100) for failing to act on one (1) motion.^[16] In other cases, the fine was set at eleven thousand pesos (P11,000) for the judge failed to resolve a motion for reconsideration and other pending incidents relative thereto, alleging lack of manpower in his *sala* as an excuse;^[17] decided a case for forcible entry only after one year (1) and more than seven (7) months from the time it was submitted for resolution, considering that respondent judge was grieving due to the untimely demise of his daughter;^[18] resolved one (1) motion only after an undue delay of almost eight (8) months in one case^[19] or 231 days in another case;^[20] failed to resolve three (3) cases within the reglementary period;^[21] and failed to resolve a motion to cite a defendant for contempt, mitigated by the judge's immediate action to determine whether the charge had basis.^[22] In another case, the judge was fined twelve thousand pesos (P12,000) for his failure to decide one (1) criminal case on time, without explaining the reason for the delay.^[23] Still in other cases, the maximum fine of twenty thousand pesos (P20,000) was imposed on the judges for delay in rendering decisions in nine (9) criminal cases and failing altogether to render decisions in eighteen (18) cases, taking note that the judge also promulgated his decisions in seventeen (17) cases even after he already retired;^[24] failure to decide forty-eight (48) cases on time and failing to resolve pending incidents in forty-nine (49) cases despite the lapse of considerable length of time;^[25] undue delay in deciding twenty-six (26) cases, even considering the judge's poor health;^[26] and failing to decide fifty-six (56) cases despite the judge's explanation of heavy caseload, intermittent electrical brownouts, old age and operation of both his eyes, considering that the same was his second offense.^[27] There were other cases in which the Court did not strictly apply the Rules as when it only imposed a fine of one thousand pesos (P1,000) for a delay of nine (9) 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.^[28] In two cases, we imposed a fine of five thousand pesos (P5,000) on a judge who was suffering from cancer, for failing to decide five (5) cases within the reglementary period and failing to decide pending incidents in nine (9) cases;^[29] and on a judge who suffered from a serious illness diagnosed as "end stage renal disease secondary to nephrosclerosis," who in fact 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 upon over a hundred criminal and civil cases assigned to the two branches in which he was presiding.^[30] In other cases, the fines were variably set at more than the maximum amount when the undue delay was coupled with other offenses. In one case, the judge was fined twenty-five thousand pesos (P25,000) for undue delay in rendering a ruling and for making a grossly and patently erroneous decision.^[31] In another case, the judge was fined forty thousand pesos (P40,000) for deciding a case only after an undue delay of one (1) year and six (6) months and for simple misconduct and gross ignorance of the law, considering also that said undue delay was his second offense.^[32] Finally, the fine of forty thousand pesos (P40,000) was also imposed in a case for the judge's failure to resolve one (1) motion, considering that he was already previously penalized in two cases for violating the Code of Judicial Conduct and for Gross Ignorance of Procedural Law and Unreasonable Delay.^[33]

In this case, respondent judge admits that he: (a) failed to decide eighteen (18)