

## EN BANC

[ A.M. No. 00-8-05-SC, January 31, 2003 ]

### RE: PROBLEM OF DELAYS IN CASES BEFORE THE SANDIGANBAYAN.

### R E S O L U T I O N

#### **PARDO, J.:**

What is before the Court is Sandiganbayan Presiding Justice Francis E. Garchitorena's "Clarification and Motion for Reconsideration"<sup>[1]</sup> praying that the Court modify and reconsider its resolution of November 28, 2001, imposing on him a fine of twenty thousand pesos (P20,000.00) for inefficiency and gross neglect of duty; temporarily relieving him of his powers, functions and duties as Presiding Justice, Sandiganbayan and from presiding over the trial of cases as a Justice and Chairman, First Division, so that he may devote himself exclusively to decision-writing, until the backlog of cases assigned to him as well as cases not assigned to any *ponente*, of which he shall be deemed *ponente* in the First Division, are finally decided.

We quote PJ Garchitorena's prayer:

"WHEREFORE, it is respectfully prayed that the Judgment of this Honorable Court be modified and reconsidered in that:

"1. the order for him to dispose of all the cases unassigned as of the time of the audit consisting of 36 sets of cases (or 60 individual cases) be set aside; and

"2. the fine imposed on him be likewise set aside."

#### **The Court's Ruling**

We DENY the motion.

At the heart of PJ Garchitorena's motion is that the Court denied him due process of law. PJ Garchitorena states that:

"he was not made aware that he was at peril of sanctions, nor was he made aware of what were the findings of the Court Administrator (*right to notice*) which he should explain or clarify, if clarification was proper at all (*right to be heard*)."<sup>[2]</sup>

Essentially, PJ Garchitorena bewails the fact that he was not given notice of the charges, neither was he given the opportunity to explain or clarify. Also, that he was “*single(d) out, and with such severity.*”<sup>[3]</sup> PJ Garchitorena posits that he was denied equal protection of the law.

### **Due Process of Law**

Deploring the lack of notice, PJ Garchitorena contends that the IBP Resolution, which the Court treated as an administrative complaint, “did not involve matters attributable to him, and for which, therefore, he should not be held accountable.”<sup>[4]</sup> We disagree.

On July 31, 2000, the IBP submitted to the Court a resolution recommending that the Court “*make an inquiry into the causes of delay in the resolution of incidents and motions and in the decision of cases before the Sandiganbayan for the purpose of enacting measures intended at avoiding such delays.*”<sup>[5]</sup> On August 8, 2000, the Court required PJ Garchitorena to comment on the IBP resolution and to submit a list of all Sandiganbayan cases pending decision. PJ Garchitorena admitted the number of cases submitted for decision but not decided as of September 2000, as follows:

#### “Cases Submitted For Decision”

“1 <sup>st</sup> Division	341
“2 <sup>nd</sup> Division	5
“3 <sup>rd</sup> Division	12
“4 <sup>th</sup> Division	5
“5 <sup>th</sup> Division	52
“Total	415

The inquiry conducted by the Court showed: **First**, the Sandiganbayan’s First Division, of which PJ Garchitorena is Chairman had the bulk of the backlog.<sup>[6]</sup> **Second**, the cases in the backlog date as far back as ten years ago. **Third**, the Sandiganbayan had no accurate filing and recording system of cases, an administrative task under the direction and control of the Presiding Justice.

We precisely enacted measures to address the IBP resolution. **First**, the Court ruled that cases submitted for decision must be decided within three (3) months, not twelve (12) months, from submission. **Second**, Supreme Court Administrative Circular 10-94 applied to the Sandiganbayan. **Third**, the Court relieved PJ Garchitorena of administrative duties to give him time to devote himself solely to

decision-making to dispose of the backlog of cases remaining pending before the First Division of which he is Chairman. Thus, we cannot see how the IBP Resolution did not involve matters attributable to PJ Garchitorena for which he could be held responsible.

PJ Garchitorena could not complain that he “did not know he was at peril of sanctions.” A judge worthy of the office ought to know that he is in peril of administrative sanctions, including removal from office, the moment he incurs delay in deciding cases.<sup>[7]</sup> *Mora decidendi reprobatur in lege*. In **Canson v. Garchitorena**,<sup>[8]</sup> we admonished PJ Garchitorena that any act that would deprive a party of the right to a just and speedy trial shall be dealt with severely.<sup>[9]</sup> Furthermore, in the case of **Licaros v. Sandiganbayan**,<sup>[10]</sup> **we said that Presiding Justice Garchitorena was in danger of chastisement for delay in the decision in that case, forcing the Supreme Court to dismiss the charges against the accused for violation of his Constitutional right to speedy disposition of the case.**

Speaking for the Court, Justice Minerva Gonzaga Reyes said:

*“Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the Court’s business promptly and decide cases within the required periods. All judges must be reminded that a case should be decided within ninety days from its submission, otherwise, the judge would be guilty of gross inefficiency and neglect of duty. Failure to render a decision beyond the ninety day (90) period from the submission of the case for decision is detrimental to the honor and integrity of his office and in derogation of a speedy administration of justice.”<sup>[11]</sup>*

*“The members of the judiciary have the sworn duty to administer justice without undue delay. For failing to do so, respondent judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people’s faith in the judiciary. The Court has consistently impressed upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. It is the duty of every judge to resolve cases filed before him with good dispatch. Failure to decide the case within the reglementary period is not excusable and constitutes inefficiency warranting the imposition of administrative sanctions on the defaulting judge.”<sup>[12]</sup>*

Neither can we accept the view that PJ Garchitorena did not have the opportunity to be heard. He himself filed the compliance in behalf of the Sandiganbayan that incriminated him.<sup>[13]</sup> He wrote a letter to the Chief Justice admitting his backlog.<sup>[14]</sup> Furthermore, the audit conducted by Justice Ramirez of the OCA was based on reports and memoranda prepared by the Sandiganbayan of which he is head of office.<sup>[15]</sup> Admittedly, a reason for the delay is the non-assignment of the cases to its respective *ponente*.

PJ Garchitorena does not dispute the fact that he himself provided the information used as basis for the OCA memorandum. In his motion, he states that the reasons found by the Court Administrator in his report of January 25, 2001 referred to conditions in the entire court; all the presiding justice could give then was data provided by the other Divisions – as well as that pertinent to the First Division.<sup>[16]</sup>

### **Equal Protection of Laws**

PJ Garchitorena complains that “he was singled out.” Begrudged is how it appears to him. Truth is, it was PJ Garchitorena’s actions and inactions that singled him out. PJ Garchitorena stands out in the entire judiciary. He gave the backlogs to the other justices unloading to them cases already submitted for decision long ago in the guise of reorganization. Such unloading of cases submitted to PJ Garchitorena and re-assignment to the newly appointed justices was not warranted under the law creating additional divisions of the Sandiganbayan. **First**, he has been Presiding Justice for the last sixteen (16) years. **Second**, the First Division he chairs suffers from the biggest backlog of both pending and unassigned cases. He has not assigned the cases, or worse, he chose the cases to be re-assigned or unloaded.

### **Functions, Responsibilities of a Presiding Justice**

As Presiding Justice, PJ Garchitorena possesses vast powers of supervision, direction and control over the Sandiganbayan.

PJ Garchitorena has no power to decide cases pending before other divisions of the Sandiganbayan. He knew that much. Nonetheless, he possesses supervisory powers over the court and bears responsibility for the prevailing state of affairs therein, specifically, the lack of an efficient recording and filing system which would enable the court to monitor the flow of cases and to manage their speedy and timely disposition.<sup>[17]</sup>

PJ Garchitorena complains that we unfairly held him responsible for **all** the pending cases **in the other divisions** of the Sandiganbayan. Our resolution contradicts his contention. We quote:

#### “Relief of Presiding Justice

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“Presiding Justice Francis E. Garchitorena sits **as the Chairman, First Division**, with a backlog of cases pending decision. At least seventy-three cases have been unassigned for the writing of the extended opinion, though submitted for decision. It may be the thinking of the Presiding Justice, Sandiganbayan that an unassigned case is not counted in its backlog of undecided cases. This is not correct. **It is the duty of the Presiding Justice and the Chairmen of divisions to assign the ponente** as soon as the case is declared submitted for decision, if not earlier. If he fails to make the assignment, he shall be deemed to be the *ponente*.

“xxx The designation of a *ponente* to a case is not a difficult

administrative task.

**"Administrative sanctions** must be imposed. *"Mora reprobatur in lege."*<sup>[18]</sup>

Again, we reiterate the principle that decision-making is the most important of all judicial functions and responsibilities.<sup>[19]</sup> In this area, Presiding Justice Francis E. Garchitorena, **as the ponente assigned to the cases submitted for decision/resolution long ago, some as** neglect of duty and inefficiency.<sup>[20]</sup>

"xxx According to the report of the Sandiganbayan, as of September 26, 2000, there were three hundred forty one (341) cases submitted for decision **before its first division headed by the Presiding Justice.** In the memorandum of the OCA, there were one hundred ninety eight (198) cases reported submitted for decision before the First Division.<sup>[21]</sup> Even in the updated report, there are one hundred thirty eight (138) cases still undecided in the First Division.

"In fact, Presiding Justice Francis E. Garchitorena admitted that he has a backlog.<sup>[22]</sup> He claimed that one (1) case alone comprises fifty percent (50%) of the backlog. We find this claim exaggerated. We cannot accept that a backlog of three hundred forty one (341) cases in the First Division could be eliminated by the resolution of a single consolidated case of one hundred fifty six (156) counts. A consolidated case is considered only as one case. The cases referred to were consolidated as Criminal Case Nos. 9812-9967, People v. Corazon Gammad-Leaño, decided on December 8, 2000. What about the one hundred eighty five (185) cases that unfortunately remained undecided to this date? Worse, the motion for reconsideration of the decision in said cases, submitted as of January 11, 2001, has not been resolved to this date.<sup>[23]</sup> The First Division has only thirty (30) days from submission to resolve the same. It is now ten (10) months from submission. **The expediente and the motion were transmitted to the ponente, Presiding Justice Francis E. Garchitorena, on that date, but to this day the case remains unresolved.**<sup>[24]</sup> Unfortunately, even other divisions of the Sandiganbayan may be following his example.<sup>[25]</sup>

"In the first report of the Court Administrator, he indicated a total of one hundred ninety five (195) criminal cases and three (3) civil cases, or a total of one hundred ninety eight (198) cases submitted for decision as of December 21, 2000.<sup>[26]</sup> Almost a year later, as of November 16, 2001, there are still one hundred thirty eight (138) cases undecided submitted long ago. **For almost one year, not one case was decided/resolved by the Presiding Justice himself.**"<sup>[27]</sup>

Thus, the Court mildly reprobated PJ Garchitorena for the serious delays in the adjudication of cases pending with the Sandiganbayan which admittedly tarried for