

FIRST DIVISION

[A.M. No. RTJ-02-1676, August 28, 2003]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE GUILLERMO R. ANDAYA, RESPONDENTS.**

R E S O L U T I O N

AZCUNA, J.:

A judicial audit and physical inventory were conducted in the Regional Trial Court of Lucena City, Branches 53 and 54, between October 27 and 30, 1997. After the audit, it was discovered that Branch 53 has 26 cases submitted for decision that have not yet been decided despite the lapse of the 90-day reglementary period, 8 cases that were appealed from lower courts which have remained undecided beyond the reglementary period, 3 criminal cases set for promulgation, 9 cases with pending motions/incidents which could determine their final termination but remain unresolved beyond the reglementary period and 18 cases with other pending motions/incidents that remain unresolved beyond the reglementary period. As for Branch 54, the audit team found that there were 13 cases submitted for decision that have remained undecided despite the lapse of the 90-day reglementary period, 3 undecided cases that were appealed from lower courts which were deemed submitted for decision and were already beyond the reglementary period, 2 criminal cases set for promulgation and 11 cases with pending motions/incidents which could determine their final termination but which have remained unresolved beyond the reglementary period. The judge responsible for deciding, resolving and promulgating the abovementioned cases is respondent Judge Guillermo R. Andaya. Judge Andaya is the presiding judge of Branch 53 and was, for a time, the acting presiding judge of Branch 54.

In a resolution dated March 24, 1998, the Court *en banc* gave Judge Andaya four months from notice to decide, resolve and promulgate all the aforesaid pending cases. The Court also required him to explain in writing within ten days why no disciplinary action should be taken against him for his failure to decide and resolve said cases within the prescribed period, and for certifying in his Certificate of Service for the month of September 1997, that all cases submitted for decision and motions for resolutions have been determined by him. In the meantime, Judge Andaya's salary was withheld and he was ordered not to try cases in his sala in order to devote his time in complying with the Court's directive.

In a letter dated May 18, 1998, Judge Andaya manifested his regrets for not deciding his cases and resolving his motions within the prescribed period owing, to some extent, in having to preside over two branches and being designated to try cases of heinous crimes. Judge Andaya also asked for leniency for the error he committed in his Certificate of Service for September 1997.

In a follow-up audit conducted on July 29, 1999, it was reported that while Judge

Andaya was able to dispose of some of his cases, there still remained 19 undecided cases and 14 unresolved motions for Branch 53. For Branch 54, 16 cases submitted for decisions and 1 motion remained pending. In addition, decisions in 2 criminal cases still awaited promulgation. Thus, in a resolution dated November 22, 1999, Judge Andaya was directed immediately to decide, resolve and promulgate the pending cases. In another resolution dated March 29, 2000, based on the recommendation of then Court Administrator, Justice Alfredo Benipayo, Judge Andaya was directed to submit within a non-extendible period of ten days from notice a comprehensive report of the cases he has decided, resolved and promulgated.

In compliance with the March 29, 2000 resolution, Judge Andaya submitted a report dated April 26, 2000. The report was referred to the Office of the Court Administrator for evaluation, report and recommendation. In his report, the Court Administrator found that there still remained 24 undecided cases, 8 unresolved motions and 2 criminal cases that have not been reported if they have been promulgated. Thus, in a resolution dated October 2, 2000, the Court directed Judge Andaya to render within sixty days from notice the decisions and the resolutions in the remaining cases. Judge Andaya was also directed immediately to report on whether or not the two criminal cases have been promulgated.

In a letter dated November 14, 2000, Judge Andaya reported on the promulgation of the two criminal cases. However, after the lapse of the sixty-day period, Judge Andaya failed to report on whether he has rendered his decisions on the 24 cases or resolved the 8 pending motions. Consequently, the Court issued a resolution dated March 5, 2001 directing Judge Andaya to decide his 24 cases within sixty days from notice and, within one month from notice, to resolve his pending motions and to submit copies of the decisions and resolutions to the Office of the Court Administrator. Judge Andaya received the resolution on March 27, 2001. In a letter dated May 28, 2001, two days after the expiration of the 60-day period, Judge Andaya requested an extension of time until June 20, 2001 to decide the cases due to the death of his mother which necessitated him to be in Ilocos Norte for her burial. He, however, submitted copies of his resolutions on the 8 pending motions. The request was followed by two other requests for extension, the last one praying that he be given until July 14, 2001 to submit his complete report on the matter. On July 11, 2001, Judge Andaya submitted copies of his decisions pertaining to the rest of the undecided cases.

In a resolution dated February 18, 2002, the Court docketed the matter as an administrative complaint against Judge Andaya entitled "Re: Failure of Judge Guillermo R. Andaya to decide cases within the reglementary period and for submitting falsified Certificate of Service for September 1997." The same resolution required Judge Andaya to Manifest within ten days from notice if he is willing to submit the case for resolution on the basis of the pleadings filed, authorized Judge Andaya to resume his duties as presiding judge of Branch 53, and authorized the release of all of Judge Andaya's salaries and allowances.

In a letter dated March 21, 2002, Judge Andaya manifested his willingness to submit his case for resolution, with a plea for kindness.

For his failure to decide cases and resolve motions within the mandatory period and for certifying in his Certificate of Service for September 1997 that all cases