

SECOND DIVISION

[A.M. No. 00-1-48-RTC, October 12, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC- BRANCH 20, MANILA.

R E S O L U T I O N

BUENA, J.:

Before the Court is an administrative matter borne by the non-resolution of several civil cases within the 90-day reglementary period and failure to act upon several other cases for a considerable length of time, by Judge Virgilio D. Quijano^[1] of the Regional Trial Court (RTC) of Manila, Branch 20.

A retrospection of events and proceedings is in order.

On 22 November 1999, a Judicial Audit Team of the Office of the Court Administrator (OCA), Supreme Court, conducted a physical inventory and audit of cases in RTC-Manila, Branch 20, then presided by Judge Virgilio Quijano. The Judicial Audit Report, dated 06 January 2000, submitted to Court Administrator Alfredo Benipayo, revealed that Judge Quijano failed to resolve within the 90-day reglementary period a total of eight (8) civil cases, to wit:

"a) Civil Case No. 95-73415 entitled 'Praxedes F. Pasicolan and Carlos P. Garcia vs. Angelina de Chavez' for Unlawful Detainer (Appealed). Case was submitted for decision on January 7, 1997;

"b) Civil Case No. 94-70306 entitled 'BPI Savings Bank vs. Changes Garments Mfg., Inc. et. al.' For Replevin and Damages. Submitted for resolution on August 21, 1998;

"c) Civil Case No. 89-51404 entitled 'Flora Garcia vs. Land Bank of the Philippines' for Declaration of Nullity of OCT's. Motion to investigate title was submitted for resolution on September 25, 1998;

"d) Civil Case No. 93-68481 entitled 'Jose Gotanco vs. Solomon Sia, et al.' For Damages. Case was submitted for Resolution on May 17, 1999;

"e) Civil Case No. 93-66416 entitled 'Asian Traders Insurance Corp. vs. Herminigildo Tiongson' for Damages. Submitted for decision on May 20, 1999;

"f) Civil Case No. 98-89167 entitled 'Filipino Financial Corporation vs. Sps. Cecilio Ramos, et. al.' For Delivery of Personal Property with Prayer for Issuance of Writ of Replevin. Motion to declare defendant in default was submitted for resolution on June 9, 1999.

"g) Civil Case No. 98-90244 entitled 'A.C. Corporation vs. Benguet Corporation' for Sum of Money. Submitted for resolution on July 28, 1999;

"h) Civil Case No. 98-87354 entitled 'BPI vs. Raquel A. Rodriguez, et. al.' For Replevin and Damages. Formal Offer of Exhibits submitted for resolution on August 10, 1999."

Similarly, the Judicial Audit Report showed that respondent judge failed to act upon eight (8) other civil cases^[2] pending before RTC-Manila, Branch 20, for a considerable length of time.

In a Resolution dated 08 March 2000, the Supreme Court, Second Division, required respondent judge to explain within ten (10) days from notice his failure to decide or resolve within the prescribed period the abovementioned civil cases and his failure to act upon for a considerable length of time other cases pending before RTC-Manila Branch 20. In the same Resolution, the Court likewise ordered the Fiscal Management Office, OCA to retain from the retirement benefits of Judge Quijano the sum of Twenty Thousand Pesos (P20,000.00), to answer for any administrative liability that may be imposed upon respondent judge.

On 05 May 2000, respondent judge submitted to the OCA, a two-page Explanation averring therein that " if indeed there were delays in the resolution/decision of cases as alleged, the delay were (sic) not committed intentionally but merely thru inadvertence and/or oversight."

In a Memorandum dated 21 August 2000, the OCA recommended, among others, that a fine of Twenty Thousand Pesos (P20,000.00) be imposed on respondent judge, on the ground of undue failure to decide and/or act upon the subject cases within the reglementary period provided by law.

Except for the amount of fine, the recommendation of the OCA is well-taken.

The Constitution,^[3] no less, mandates that all cases or matters filed before all lower courts shall be decided or resolved within three months from date of submission thereof. In the same vein, 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 periods fixed by law, that is three (3) months from the filing of the last pleading, brief or memorandum.^[4]

In the instant case, we find unsatisfactory the Explanation of respondent judge as to his undue delay in the disposition and resolution of the subject cases within the reglementary period prescribed by law. Thus, with respect to Civil Case Nos. 95-73415, 94-70306, 93-68481, 93-66416, and 89-51404, respondent judge, in his Explanation, merely mentioned or specified the dates when said cases were supposedly promulgated without however apprising this Court of any valid explanation as to the delay in the disposition and resolution thereof.

Moreover, a verification of the records of the subject cases assigned to respondent judge revealed the following findings: Civil Case No. 95-73415, which was submitted