

**EN BANC****[ A.M. No. 97-6-182-RTC, March 19, 1999 ]****RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 68, CAMILING, TARLAC****D E C I S I O N****PURISIMA, J.:**

In view of the fact that Judge Prudencio V. L. Ruiz was due to retire from the service, as he did, on April 28, 1997, the Office of Court Administrator<sup>[1]</sup> caused to be conducted from February 25 to 27, 1997, a Judicial Audit and Physical Inventory of the cases then pending before Branch 68 of the Regional Trial Court in Camiling, Tarlac presided over by Judge Ruiz.<sup>[2]</sup>

The report, dated March 11, 1997, submitted by the team tasked to undertake the Judicial Audit and Physical Inventory of the cases involved, disclosed that as of February 27, 1997, subject Regional Trial Court had a caseload of 419 cases, consisting of 215 criminal cases and 204 civil cases. Of the aforesaid cases, there were three (3) criminal and fourteen (14) civil cases which ripened for disposition, as follows:<sup>[3]</sup>

	<b>CASE NUMBER</b>	<b>TITLE</b>	<b>DATE DEEMED SUBMITTED FOR DECISION</b>
	<b>CRIMINAL</b>		
1.	467	People vs. Fernando et. al.	2 - 23 - 97
2.	566	People vs. Riparip	2 - 01 - 97
3.	591	People vs. Andres	12 - 08 - 96
	<b>CIVIL</b>		
1.	307	Gabay, et. al. vs. Mangabay, et al.	1 - 30 - 97
2.	206	Tan vs. Chan	9 - 19 - 96
3.	283	De la Cruz vs. De la Cruz, et. al.	5 - 15 - 96
4.	289	Galtoc vs. Juan	2 - 04 - 97
5.	431	Jose et. al. vs. Luis et. al.	1 - 28 - 97
6.	480	Simon et. al. vs. de la Cruz	8 - 09 - 96
7.	96-07	Sps. Subiate et. al. vs Sps. de la Cruz et. al.	6 - 26 - 96
8.	97-06	Fernandez vs. Dr. Bengzon	1 - 26 - 97
9.	397	Molina vs. Tolentino et. al.	1 - 20 - 97
10.	419	Vda. de Quidez vs. Quidez	2 - 21 - 97

11.	96-22	Rural Bank, Sta Ignacia vs. Sps. Soliven	1 - 27 - 97
12.	SP-221	Adoption of Minor Bautista - Sps. Bautista, Petitioner	2 - 17 - 97
13.	SP-209	Adoption of Minor Pabilona - Sps. Abad, Petitioner	2 - 04 - 97
14.	SP-229	Correction of Entry on Birth Certificate - J. Agustin, Petitioner	12 - 26 - 96

Of the above-mentioned cases Civil Case Nos. 206, 283, 480, and 96-07 were pending decision beyond the 90-day period prescribed for deciding the same.<sup>[4]</sup>

The same report also indicated that there were fifteen (15) cases, one criminal and fourteen (14) civil, appealed from various Municipal Trial Courts or Municipal Circuit Trial courts under the jurisdiction of the Regional Trial Court in Camiling, Tarlac. Of the said cases, three (3) civil cases were awaiting further hearings. In Civil Case No. 97-10, entitled *Sagun et al. vs. Sps. Palaganas et al.*, no action had been taken thereon since it was instituted on January 29, 1997. The following cases were considered submitted for resolution, to wit:<sup>[5]</sup>

	<b>CASE NUMBER</b>	<b>TITLE</b>	<b>DATE DEEMED SUBMITTED FOR RESOLUTION</b>
1.	96-69	People vs. Neri	12 - 12 - 96
2.	96-33	Villegas Sr. vs. Sabangan et. al.	9 - 13 - 96
3.	96-56	Juan vs. Concepcion	1 - 11 - 97
4.	96-53	Alipio et. al. vs. Cabungan et. al.	12 - 23 - 96
5.	96-47	Marcos et. al. vs. Gragasin et. al.	1 - 02 - 97
6.	95-08	Robinos et. al. vs. Felix et. al.	5 - 11 - 95
7.	97-08	Bueno vs. Sanchez	2 - 22 - 97
8.	95-75	Dacayanan vs. Martin	9 - 09 - 95
9.	96-08	Villegas vs. Velasco et al.	3 - 23 - 96
10.	97-03	Dr. Bengzon vs. Celario	2 - 13 - 97
11.	96-57	Dancel vs. Sps. Bartolo et al.	1 - 17 - 97

Of the said appealed cases, Civil Case Nos. 96-33, 95-08, 95-75 and 96-08 were undecided or unresolved beyond the 90-day period within which to decide or resolve the same.<sup>[6]</sup>

The same judicial audit and investigation report noted that the decision dated November 8, 1994 in Criminal Case No. 492 (*People vs. Acosta*) could not be

promulgated because of the flight of the accused, whose cash bond was consequently confiscated and who was then ordered arrested. In Criminal Case No. 95-82, (*People vs. Oriente*) there was presented on January 6, 1997 a motion to dismiss the case on the ground that the accused was dead. A draft Order dated February 25, 1997 was prepared for the dismissal of the said case. There were also two civil cases with pending motions. In Civil Case No. 94-26 (*Tarlac Agro, etc. vs. Loquiao*) a motion to declare the defendant in default was filed on February 17, 1997 but the motion remained unresolved. In Civil Case No. 96-48 (*De Leon Sr., et al. vs. De Leon, et. al.*).<sup>[7]</sup> a motion to lift order of default was filed after the plaintiff had sent in the comment on February 18, 1997 but the incident was also unacted upon.

The same report disclosed further that aside from the appealed Civil Case No. 97-10 earlier referred to, there were two (2) land registration cases on which no action was taken since the institution of the same. These were LRC Case Nos. 95-33 and 96-08 for Judicial Reconstitution, filed by the Department of Agrarian Reform, Tarlac office, on December 5, 1995 and November 21, 1996, respectively. Officer-in-charge Noel M. Subiate explained that the Department of Agrarian Reform did not follow up the said cases and as a result, the corresponding summons had not been issued because the required fee for service of summons was not paid.

Then, too, there were forty-seven (47) cases, twelve (12) criminal and thirty-five (35) civil cases, which were never called or heard for a considerable length of time.

On the aforesaid report derogatory to him, Judge Ruiz sent in his comment. He explained that the lack of action on the cases in question, was due to his recurring illness and hospitalization, as reflected in the records of the Leave Section of the Court.<sup>[8]</sup>

As regards pending special proceedings, most of the adoption cases have been idle, some for as long as five years, by reason of the absence of a Social Case Study Report.<sup>[9]</sup> On August 31, 1998, the Court received Noel M. Subiate's letter dated August 12, 1998, together with pertinent records<sup>[10]</sup>.

On November 4, 1998, there was received from the Court Administrator his final report and recommendation dated October 19, 1998, for the exoneration of Officer-in-Charge Noel M. Subiate of administrative liability and for the imposition of a fine of Ten Thousand (P10,000.00) Pesos on Judge Prudencio V. L. Ruiz for failure to decide and/or resolve seven (7) cases within the 90-day reglementary period.<sup>[11]</sup>

The aforementioned finding, report and recommendation of the Court Administrator on the absence of any administrative liability of Officer-in-Charge Noel M. Subiate, after satisfactory compliance with the resolutions of this Court, merit approval.

With respect to Judge Prudencio V. L. Ruiz, however, considering the attendant facts and circumstances. Particularly his entire service record, we believed that the recommended fine of P10,000.00 is too severe, a fine of P2,000.00 should suffice.

As earlier alluded to, Judge Ruiz retired from the service on April 28, 1997 but after the judicial audit was completed, he immediately sent his letter dated March 20, 1997 to the Court Administrator, including copies of his Decisions and Orders in Civil

Case Nos. 206, 210, 307, 312, 480, 95-08, 95-25, 96-07, 96-08, 96-33, 96-53, 96-56 and 96-69. As regards the cases submitted and pending decision within the 90-day period, Judge Ruiz decided almost all of such cases except Civil Case Nos. 289 and 419 which remained undecided, as indicated in the status report.<sup>[12]</sup> The sincere effort of the respondent Judge to clear his docket before retirement is unmistakably gleanable from the certification under oath dated August 12, 1998 of OIC Clerk of Court Noel M. Subiate, to the effect that Judge Ruiz decided and resolved the pending incidents in the cases listed in said document. (Annex A-C *ibid.*, pp. 214-216)

Rule 3.05 of Canon 3 enjoins all judges to attend promptly to the business of the court and decide cases within the time fixed by law.<sup>[13]</sup> A Judge is mandated to render judgment not more than ninety (90) days from the time the case is submitted for decision. We have held that the failure of a judge to render the decision within the prescribed period of ninety (90) days from submission of a case for decision constitutes serious misconduct, to the detriment of the honor and integrity of his office and in derogation of speedy administration of justice.<sup>[14]</sup> Inability to decide a case within the required period is not excusable and constitutes gross inefficiency.<sup>[15]</sup> We cannot countenance such undue delay by a judge, especially at a time when clogging of court dockets is still the bane of the judiciary, whose present leadership has launched an all out program to minimize, if not totally eradicate, docket congestion and undue delay in the disposition of cases. Judges are called upon to observe utmost diligence and dedication in the performance of their judicial functions and duties.<sup>[16]</sup> It is thus decisively clear that the failure or inability of a judge to decide a case within the period fixed by law subjects him to administrative sanctions.<sup>[17]</sup>

Taking into account, however, the explanation of Judge Ruiz for his failure to decide or dispose on time subject cases and his quick response and action thereon, before his compulsory retirement on April 28, 1997, after he was reminded by the audit team to decide said cases, let alone his letter of March 20, 1997 to the Court Administrator, addressed less than a month after completion of the judicial audit, to the effect that he had already decided the aforesaid cases, we can indeed perceive a determined effort on the part of Judge Ruiz to attend to his duties with greater concern and zeal. Then, too, as observed by the Court Administrator, worthy of appreciation was the determination of Judge Ruiz to decide not only cases pending decision beyond the 90-day period but even those not yet overdue for decision. Certainly, the said accomplishments of respondent judge made up for his past shortcomings and failure to decide the seven (7) cases within the 90-day period, and should serve to mitigate his administrative liability.

**WHEREFORE**, Judge Prudencio V. L. Ruiz, former Presiding Judge of Branch 68 of the Regional Trial Court in Camiling, Tarlac, is adjudged administratively liable for delay in deciding subject cases and is **FINED** Two Thousand (P2,000.00) Pesos, which amount may be deducted from whatever retirement benefits due him.

**SO ORDERED.**

*Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, and Gonzaga-Reyes, JJ., concur.*