

EN BANC

[A.M. No. MTJ-99-1216, October 20, 1999]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LEONARDO F. QUIÑANOLA AND BRANCH CLERK OF
COURT RUBEN B. ALBAYTAR, MUNICIPAL TRIAL COURT OF SAN
PEDRO, LAGUNA (BRANCH 1), RESPONDENTS.**

DECISION

PANGANIBAN, J.:

The Code of Judicial Conduct requires judges to decide cases and matters pending before them within the period fixed by law. Their failure to do so constitutes gross inefficiency and warrants administrative sanctions. A heavy case load and a poor health may partially excuse such lapses, only if the judges concerned request reasonable extensions. In the present case, however, the respondent made no effort to inform this Court of his reasons for the delay, much less to request any extension. Worse, he signed certifications that all cases and motions pending before him had been attended to within the prescribed period.

The Case and the Facts

From October 28 to 31, 1996, the Office of the Court Administrator (OCA) conducted a judicial and physical inventory of cases pending before the Municipal Trial Court (MTC) of San Pedro, Laguna, in view of the then impending compulsory retirement of its presiding judge, Leonardo F. Quiñanola, on November 6, 1996.

On November 16, 1996, the OCA's Judicial Audit Team^[1] reported that as of October 28, 1996, there were one thousand two hundred and sixty-eight (1,268) pending cases before the sala of Judge Quiñanola. Seventeen (17) cases had been submitted for decision, twelve (12) of which were pending beyond the 90-day reglementary period. They also found forty-seven (47) cases with interlocutory matters awaiting resolution, 41 of which had been pending beyond the reglementary period.

The audit also disclosed that one hundred and thirty-seven (137) cases had not been acted upon or set for hearing even after the lapse of a considerable time, and fifty-three (53) had not been acted upon from the time they were filed.

On December 17, 1996, the OCA submitted its Report to this Court. Subsequently, in an *en banc* Resolution dated February 4, 1997, this Court issued the following resolutions:

"1. Direct the Chief of the Employees Welfare and Benefits Division of this Court to process the claim for retirement benefits of Judge Quiñanola's retirement benefits;

"2. Require the Fiscal Management and Budget Officer of this Court to withhold the amount of Fifty Thousand Pesos (P50,000.00) from Judge

Quiñanola's retirement benefits;

"3. Designate Judge Alden V. Cervantes, MTC, Alaminos, Laguna as Acting Judge of MTC, Branch 1, San Pedro, Laguna until the appointment of a new Judge thereat;

"4. Direct Judge Cervantes to take cognizance of the sixty-three (63) cases left undecided/unresolved by Judge Quiñanola;

"5. Direct Branch Clerk of Court Ruben B. Albaytar, MTC, Branch 1, San Pedro, Laguna to:

a) cause the completion and attaching to the respective records of the transcripts of stenographic notes of the fifty-three (53) cases left undecided/unresolved within the reglementary period;

b) apprise Judge Cervantes of the sixty-three (63) cases submitted for decision/resolution left by retired Judge Quiñanola and fifty-three (53) cases not acted upon since these were filed;

c) set in the court calendar the one hundred and thirty-seven (137) cases which were not acted upon after the lapse of a considerable length of time;

d) exercise utmost care with regard to bail bonds so that all the requirements are complied with before the same are submitted for approval by the presiding judge, otherwise, such negligence in the future will be dealt with severely;

e) require the Court Aide/Utility Worker, same court, to sew the original copies of records, pleadings and/or documents in the strict order of dates received in the correct expediente;

f) adopt separate docket books for criminal, civil and other cases in the prescribed forms, pursuant to Rule 136 of the Rules of Court;

g) cause the posting of cases submitted for decision at a conspicuous place in their office, pursuant to Administrative Circular No. 10-94 dated 29 June 1994; and

h) *explain in writing why no administrative sanction should be imposed on him for not complying with the rules and regulations aforesaid;* and

"6) Direct Clerk of Court Miguel Almeida, MTC, San Pedro, Laguna to exercise diligence with regard to complaints filed in his office, checking that each complaint is first verified before receiving the same; and that the date and time of filing be indicated on the first page thereof with [a] warning that a repetition of the same act will be dealt with severely."^[2]

In response, Branch Clerk of Court Albaytar submitted a Report on March 19, 1997, stating that he had immediately circulated a copy of the February 4, 1997

Resolution to the court staff and directed the court stenographers concerned to transcribe the stenographic notes of the cases that Judge Quiñanola failed to decide or resolve within the reglementary period. He likewise instructed the other members of the staff to schedule for hearing the cases that had not been acted upon for a considerable length of time. He further reported that when acting Presiding Judge Alden V. Cervantes reported for work on March 17, 1997, the former apprised the latter of the sixty-three (63) cases pending decision or resolution.

Commenting on his failure to comply with Administrative Circular (AC) 10-94,^[3] Albaytar explained that he "was at a loss and was [misled] by paragraph 2-b of the said circular wherein it is stated that 'the tabulation shall end with a certification by the trial judge that he/she has *personally undertaken an inventory of the pending cases.*'"^[4] He was under the wrong impression that the task of preparing the semi-annual report as prescribed in AC 10-94 was exclusively that of the presiding judge. He alleged that the matter regarding the inventory had completely slipped off his mind, because of the stroke suffered by Judge Quiñanola that forced the latter to take a long leave of absence and to report for duty irregularly. Albaytar claimed, however, that he had already listed and posted at the door of their office the cases submitted for decision. Stating that he had no intention of ignoring the Circular, he promised to strictly comply with the regulations and directives of this Court.

On June 10, 1997, the Court referred Albaytar's letter to the OCA, which thereafter submitted its Report on February 12, 1998. The Court then issued on March 17, 1998, a Resolution instructing the OCA to "formally charge [Albaytar and Judge Quinanola] administratively, give them an opportunity to explain or comment, and otherwise afford them the essentials of due process before recommending any penalty."^[5]

Subsequently, the OCA required Judge Quiñanola to comment on the following allegations:

1. He failed to decide nine (9) criminal cases^[6] and three (3) civil cases^[7] within the 90-day reglementary period.
2. He failed to resolve within the reglementary period thirty (30) criminal cases^[8] and eleven (11) civil cases.^[9]
3. For a considerable length of time, he failed to take appropriate court action on eighty-six (86) criminal cases^[10] and fifty (50) civil cases.^[11]
4. He failed to take initial action on fifty-one (51) criminal cases^[12] and two (2) civil cases.^[13]
5. He submitted Certificates of Service stating that all proceedings, applications, petitions, motions, and civil and criminal cases had been determined and decided within the reglementary period, despite the fact that cases that had been submitted for decision for more than three (3) years remained undecided, and several others had not been acted upon for a considerable length of time.
6. He failed to comply with Administrative Circular No. 10-94 dated June 29, 1994, directing all trial judges to conduct a physical inventory of their

dockets every semester.^[14]

Branch Clerk of Court Albaytar was also required to comment on these charges:

1. He failed to submit to the OCA semi-annual reports on all cases pending with the MTC (Branch 1) of San Pedro, Laguna, and to post at a conspicuous place on the door of the court a list of cases submitted for decision as required by Administrative Circular 10-94.
2. He submitted an inaccurate monthly report of cases for September 1996 by indicating therein that only one (1) case was submitted for decision,^[15] when actually there were twelve (12) cases -- five (5) criminal^[16] and seven (7) civil.^[17]

Judge Quiñanola and Branch Clerk of Court Albaytar were also required to manifest if they were amenable to have the respective cases against them submitted for resolution based on the pleadings received, without need of further proceedings. In their respective Comments, both signified their agreement.

In his Comment dated June 15, 1998, Judge Quiñanola invoked the heavy docket of his court, particularly in 1993, as reason for his failure to decide cases on time and to promptly resolve other pending matters. He also pointed out that he suffered from cerebral hematoma and stroke in 1994 as shown by a Medical Certificate issued by Dr. Mayvelyn de Dios-Gose.

Albaytar, for his part, reiterated that he had not been submitting inventory reports of cases pending in their court, because of his misapprehension of paragraph 2-b of Administrative Circular 10-94. As to the alleged inaccurate monthly report of cases for the month of September 1996, which indicated that only one case had been submitted for decision when actually there were twelve (12) cases, he explained that he had no intention of giving the impression that only one case had been submitted for decision. In sum, what he reported was the number of cases submitted for decision *during* the month of September, instead of the number of cases submitted for decision as of September. He also informed this Court of the status of the twelve (12) cases that had been submitted for decision as of the said month.

On October 27, 1998, incumbent Judge Carmelita Manahan submitted a Progress Report^[18] on the cases mentioned in our February 4, 1997 Resolution.

The OCA's Recommendation

In its Memorandum which we quote below, the OCA, through Deputy Court Administrator Zenaida N. Elepaño, recommended that respondent judge be fined in the amount of P40,000 and respondent clerk of court be reprimanded.

"An examination of the records shows that Judge Leonardo F. Quiñanola was remiss in the performance of his duties when he failed to decide twelve (12) cases and to resolve forty-one (41) other cases with matters pending resolution within the reglementary period of ninety (90) days. This is aside from the fact that numerous cases were unacted upon for a considerable length of time.

The excuses proffered by Judge Quiñanola that he was burdened by a heavy caseload and he suffered from intracerebral hematoma deserve consideration, although these should not completely obliterate his administrative liability. 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 period fixed by law. It is the duty of a judge to take note of the cases submitted for his decision and see to it that the same are decided within the 90-day period fixed by law. Failure to decide a case within the required period constitutes gross inefficiency.

If it is true that a heavy caseload and his poor health prevented him from disposing cases within the period prescribed by law, Judge Quiñanola should have requested the Court for reasonable extensions of time to decide the cases involved. However, it appears that there was no attempt whatsoever on his part to inform this Court of his alleged predicament and to make such a request.

Regrettably, Judge Quiñanola did not refute [or] interpose any defense to the charge of falsification of Certificates of Service. In this respect, we secured copies of Judge Quiñanola's Certificates of Service for the months of July, August, and September 1996 and discovered that he continued to certify that ' x x x all proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission or determination for a period of ninety (90) days or more have been determined and decided,' despite the fact that cases submitted for decision for more than (3) years remained undecided and several cases also remained unacted upon for a considerable length of time.

A judge who fails to decide cases within the reglementary period and continues to collect his salaries upon his certification that he has no pending matters to resolve, transgresses the constitutional right of the people to the speedy disposition of their cases, and if he falsifies his Certificate of Service, he is not only administratively liable for serious misconduct under the Rules of Court but is also criminally liable under the Revised Penal Code.

Considering the foregoing circumstances and the fact that Judge Quiñanola was compulsorily retired from government service on 6 November 1996 and taking into account his age and failing health, this Office recommends that he be fined Forty Thousand Pesos (P40,00.00), the same to be taken from the amount withheld from his retirement benefits.

As to the administrative liability of Branch Clerk of Court Ruben B. Albaytar, we find his contention that he has not been submitting inventory reports of cases pending in their court because he was 'at a loss and misled' unavailing and unacceptable. If he was truly in doubt as to how [a] physical inventory of cases should be conducted, he could have easily consulted the Office of the Court Administrator or asked assistance therefrom. He did not.

Regarding the charge that he submitted an inaccurate Monthly Report of Cases, it is worth to note that no bad faith or deliberate intent to deceive