

FIRST DIVISION

[A.M. NO. RTJ-04-1869 (FORMERLY A.M. NO. 04-6-300-RTC), January 31, 2005]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LETICIA QUERUBIN ULIBARRI, RESPONDENT.**

RESOLUTION

QUISUMBING, J.:

This administrative matter treats of the report on the judicial audit and physical inventory of cases conducted from September 1 to 5, 2003, at Branch 168 of the Pasig City Regional Trial Court.

The audit team's report disclosed that at the time of the audit, Branch 168, presided by respondent Judge Leticia Querubin Ulibarri, had a caseload of 390 cases, consisting of 231 criminal cases and 159 civil cases. Only 30 cases were submitted for decision, but 26^[1] of them had remained undecided beyond the 90-day period, while the remaining 4 cases^[2] had to be decided soon to avoid breaching said reglementary period. In addition, there were 39 cases^[3] in which no further action had been taken despite the lapse of a considerable time, and 10 cases^[4] were with pending motions.

The audit team also reported that the Clerk of Court, Atty. Peter Paul A. Matabang, submitted the semestral docket inventory late and failed to properly supervise the clerks in charge of updating entries in the criminal and civil docket books of the court.^[5] It likewise appeared that there were orders issued for the forfeiture of the bonds in 5 criminal cases,^[6] but there was no record on steps taken thereafter.

Conformably with the report, the Office of the Court Administrator issued on October 29, 2003, a memorandum order to Judge Ulibarri, Atty. Matabang, Ms. Seninia* Y. Santos, in-charge of the docket books for criminal cases, and Ms. Crisanta C. Tiuseco, who maintained the docket books for civil cases. The OCA ordered Judge Ulibarri: (1) to explain why she failed to timely decide the 26 cases, (2) to decide with dispatch the 4 other cases that had been submitted for decision, (3) to resolve said cases within 60 days from notice of the memorandum order, (4) to resolve with dispatch the pending motions in 10 cases, and (5) to submit copies of her decisions and resolutions to the Court Management Office, OCA, within 10 days after their promulgation. In addition, the OCA ordered Judge Ulibarri to take appropriate action on the 39 cases that remained unacted upon for a considerable length of time.^[7]

Further, the OCA issued also the following orders:

II. Atty. Peter Paul A. Matabang, Branch Clerk of Court, Regional Trial Court, Branch 168, Pasig City [was] **DIRECTED** to:

- (a) **APPRISE** the Presiding Judge from time to time of the cases/motions submitted for decision/resolution and those cases that require immediate action;
- (b) **REGULARLY SUPERVISE** the updating of the entries in the criminal and docket books with a **WARNING** that a repetition of the same shall be dealt with more severely;
- (c) **EXPLAIN**, within ten (10) days from receipt, the delay in the submission of the semestral docket inventory of criminal cases and the non submission of the semestral docket inventory of civil cases for the first semester of 2003; and
- (d) **INFORM** this Court within fifteen (15) days from receipt whether [or] not the judgment on the bond in Criminal Cases Nos. 112566, 116231, 5808-D, 119554, and 122680 had been duly executed and submit copies of the order and writ of execution and report of satisfaction of judgment.

III. Ms. [Seninia] Santos (Clerk in-charge of criminal cases) and **Ms. Crisanta Tiuseco** (Clerk in-Charge of civil cases) [were] **DIRECTED** to **UPDATE** the entries in the respective docket books assigned to them and **SUBMIT COMPLIANCE** therewith within sixty (60) days from notice hereof, with **WARNING** that a repetition of the same shall be dealt with more severely.^[8]

On November 28, 2003, the OCA received the explanations^[9] of Judge Ulibarri and the separate compliance letters^[10] of Atty. Matabang, Ms. Santos, and Ms. Tiuseco. Atty. Matabang likewise submitted his report, where he stated that the judgment on the bonds in the four criminal cases stated above have not yet been executed because the bonding companies have not yet received the orders for the forfeiture of bonds.

On March 12, 2004, while the OCA was evaluating this case, Judge Ulibarri reached age 70 and retired compulsorily.^[11]

On May 25, 2004, the OCA found Judge Ulibarri liable for gross inefficiency. In its memorandum to this Court, the OCA reported that Judge Ulibarri managed to decide only 6 cases^[12] and resolved only 4 pending incidents.^[13] She did not dispose of the 4 civil cases^[14] that the OCA had directed her to decide with dispatch. Instead she allowed those 4 cases to go beyond the 90-day period. She failed to resolve 9 of the 10 pending motions,^[15] and neglected the 39 cases that have not been acted upon for a considerable time. For her gross inefficiency, the OCA recommended that the Court impose on Judge Ulibarri a fine of P15,000, to be deducted from her retirement benefits.

In the same memorandum, the OCA also recommended that Atty. Matabang report if the bonding companies in Criminal Cases Nos. 112566, 116231, 5808-D, 119554,

and 122680 had received and complied with the orders forfeiting the bonds, and to explain why he failed to submit the monthly report of cases for February and March 2004.

Ms. Santos and Ms. Tiuseco both sufficiently explained their failure to update the docket books and adequately complied with the OCA's directives.

On August 30, 2004, a regular administrative complaint was filed against Judge Ulibarri for gross inefficiency. Meantime, Atty. Matabang was ordered anew to submit the report and explanation mentioned above.

In answer to the administrative charge against her, Judge Ulibarri wrote the OCA on October 18, 2004, requesting that no penalty be imposed on her. She reiterated that she had valid reasons for failing to timely decide the 26 reported cases, and alleged that she had accomplished before her retirement all that the OCA had required of her. The delay, according to Judge Ulibarri, was explainable. First, the former presiding judge left her a heavy caseload. Second, upon her assumption to office, she first devoted her time to disposing of the court's backlog and to hearing cases that had been heard by the pairing judge only occasionally. Third, majority of the proceedings for most of the 26 cases she failed to timely decide were conducted by the former judge or the pairing judge. By the time those cases were submitted to her for resolution, the records of those cases had become voluminous and it became difficult to decide the cases with dispatch. And fourth, the added responsibilities attendant to the designation of her court as a family court in January 2003 left her overwhelmed and struggling with deadlines, especially since neither she nor her staff received additional training to cope with the added responsibilities.

[16]

We find Judge Ulibarri's explanations far from satisfactory.

As repeatedly held by this Court, the existence of a heavy caseload or the assignment of additional functions do not make a judge less liable for delay.^[17] If her caseload prevented her from disposing of cases within the reglementary period, all she had to do was to inform this Court of the reasons for the delay and ask for a reasonable extension of time to dispose of her cases.^[18] The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, remains sympathetic to their requests for extension of time. Here, however, Judge Ulibarri made no such request. Her failure to decide cases and resolve motions in time therefore merits administrative sanction.^[19]

We cannot overemphasize the Court's policy on prompt resolution of disputes. A judge's failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the right of the litigants to speedy disposition of their cases.^[20] If public confidence in the judiciary is to be preserved, judges must perform their official duties with utmost diligence. There is no excuse for delay nor negligence in the performance of judicial functions.

Under Section 11 (B), Rule 140 of the Rules of Court, undue delay in the rendition of judgments, classified as a less serious offense, is punishable by suspension from office without salary and other benefits for not less than 1 month but not more than 3 months, or a fine of more than P10,000 but not exceeding P20,000.^[21]