

EN BANC

[A.M. No. 12-8-59-MCTC, April 12, 2016]

**RE: FINDINGS ON THE JUDICIAL AUDIT CONDUCTED AT THE 7TH
MUNICIPAL CIRCUIT TRIAL COURT, LILOAN-COMPOSTELA,
LILOAN, CEBU.**

RESOLUTION

PERLAS-BERNABE, J.:

The instant administrative case arose from the judicial audit and physical inventory of court records conducted in the 7th Municipal Circuit Trial Court of Liloan-Compostela, Liloan, Cebu (MCTC), presided by Judge Jasper Jesse G. Dacanay (Judge Dacanay).

The Facts

Following a judicial audit of the MCTC presided by Judge Dacanay, which was conducted on July 17 and 18, 2012, the judicial audit team of the Office of the Court Administrator (OCA) issued its Findings on the Judicial Audit Conducted at the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu^[1] and Report on the Judicial Audit Conducted in the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu^[2] both dated August 1, 2012, revealing that the MCTC had a caseload of 663 cases (415 criminal cases and 248 civil cases) with 103 cases submitted for decision and 93 cases with pending incidents submitted for resolution.^[3] 99 out of the 103 cases submitted for decision were all beyond the 90-day reglementary period to decide;^[4] and 91 out of the 93 cases with pending incidents were also beyond the required period to act upon.^[5] The judicial audit team also disclosed that there were also a number of cases where no initial action had been taken since their filing, while there were others which failed to progress after a considerable length of time.^[6] In view of the foregoing, the judicial audit team recommended that: (a) Judge Dacanay be directed to cease and desist from conducting hearings and to devote his time in deciding and resolving the matters pending before his court, instructed to furnish the Court with copies of the decisions related thereto, and pending full compliance thereof, his salaries, allowances, and other benefits be ordered withheld; (b) Judge Dacanay be directed to explain in writing why no administrative sanction should be taken against him for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents which were all beyond the reglementary period to decide and act upon; (c) Judge Jocelyn G. Uy Po be designated as acting presiding judge of the MCTC; and (d) MCTC Clerk of Court II Henry P. Cañete, Jr. (MCTC Clerk of Court Cafiete, Jr.) be directed, among others, to submit a monthly report of cases for the MCTC.^[7] In a Resolution^[8] dated November 12, 2012, the Court adopted the recommendations of the judicial audit team.

In his letter-explanation dated January 23, 2013,^[9] Judge Dacanay claimed that his failure to decide and resolve cases on time was not brought about by his laziness, willful neglect of duty or complacency, but was due to the heavy workload in his court which is a circuit court composed of two (2) municipalities with the highest number of cases received every month. He explained that he spends most of his time hearing cases in court and issuing orders^[10] and, thus, lacks time to write decisions. Such delay is further compounded by insufficient staff and cases that lacked stenographic notes.^[11] In addition, he likewise claimed that he was suffering from cardiovascular disease, hypertension, impaired glucose tolerance, and chronic back pains; and, in the year 2008, he suffered a stroke while he was attending to his court duties. In this light, Judge Dacanay revealed his plans of retiring early and requested for the release of the withheld salary which he needs to sustain his daily maintenance medicines and travelling expenses.^[12]

In its Memorandum,^[13] the OCA denied Judge Dacanay's request for the release of his withheld salaries, finding his reasons to be flimsy and irrelevant. Considering that a majority of the cases docketed in Judge Dacanay's *sala* were submitted for decision and resolution even before the year 2008, when he claimed to have suffered a stroke, the OCA concluded that his heavy workload was due to his inefficiency and judicial indolence. In this regard, the OCA noted that from the time the judicial audit was conducted in July 2012 and up to the time he submitted his letter-explanation in January 2013, Judge Dacanay has not submitted a single decision or resolution to show at least partial compliance and proof of his good faith, and neither did he request for any extension of time for the disposition of his cases. Consequently, the OCA directed Judge Dacanay to fully comply with the Court's Resolution dated November 12, 2012 by deciding and resolving the pending cases and resolutions in his *sala* within a non-extendible period of one (1) month from notice and, afterwhich, an evaluation shall be made on his administrative liability.^[14]

In connection with a subsequent Resolution^[15] dated July 10, 2013 of the Court, MCTC Clerk of Court Cañete, Jr. submitted various letters of Compliance dated August 30, 2013,^[16] February 3, 2014,^[17] and May 23, 2014,^[18] updating the OCA of the status of cases pending before the MCTC, with copies of the decisions, resolutions, and orders related thereto.

The OCA's Report and Recommendation

In a Memorandum^[19] dated July 7, 2015, the OCA recommended, *inter alia*, that Judge Dacanay be found guilty of gross inefficiency and, accordingly, be meted a fine in the amount of P75,000.00 with a warning that a similar infraction would be dealt with more severely.^[20]

While the OCA noted that Judge Dacanay had fully complied with the Court's Resolution dated November 12, 2012 directing him to resolve the pending cases and incidents in his *sala*, it nevertheless found him administratively liable for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents for resolution within the reglementary period provided for by law. The OCA concluded that such judicial indolence on the part of Judge Dacanay is considered

gross inefficiency in the performance of duties, and as such, administrative sanctions should be imposed upon him.^[21]

The Issue Before the Court

The sole issue presented for the Court's resolution is whether or not Judge Dacanay should be held administratively liable.

The Court's Ruling

After a careful perusal of the records, the Court agrees with the findings and recommendation of the OCA, and resolves to adopt the same in its entirety.

Article VIII, Section 15 (1) of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of ninety (90) days. The Code of Judicial Conduct under Rule 3.05 of Canon 3^[22] likewise directs judges to administer justice without delay and dispose of the courts' business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is mandatory.^[23] In *Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal*,^[24] the Court stressed the importance of deciding cases within the periods prescribed by law and, at the same time, reiterated that a judge's failure to decide a case within the prescribed period constitutes gross inefficiency warranting the imposition of administrative sanctions, to wit:

Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of their cases.

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. **Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.**^[25] (Emphasis and underscoring supplied)

The foregoing notwithstanding, the Court is not unmindful of the heavy dockets of the lower courts. Thus, upon their proper application for extension, especially in meritorious cases involving difficult questions of law or complex issues, the Court grants them additional time to decide beyond the reglementary period. In these situations, the judge would not be subjected to disciplinary action.^[26]

In this case, Judge Dacanay clearly failed to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents in his *sala* within the