

## EN BANC

**[ A.M. No. RTJ-09-2181 [Formerly A.M. No. 09-4-174-RTJ], June 25, 2013 ]**

**OFFICE OF THE COURT ADMINISTRATOR COMPLAINANT, VS.  
RETIRED JUDGE GUILLERMO R. ANDAYA, RESPONDENT.**

### RESOLUTION

**LEONEN, J.:**

Before the Court is an administrative case for gross incompetence, inefficiency, negligence, and dereliction of duty against Judge Guillermo R. Andaya, of the Regional Trial Court, Branch 53, Lucena City, Quezon, who retired on March 27, 2009.

On January 19, 20, and 21, 2009, a judicial audit docketed as A.M. No. 09-4-174-RTC was conducted on the Regional Trial Court, Branch 53, Lucena City, Quezon, then presided by the respondent Judge Guillermo R. Andaya. In a Memorandum<sup>[1]</sup> dated April 14, 2009, then Court Administrator and now Hon. Associate Justice Jose P. Perez recommended that a fine be imposed on respondent Judge in the amount of Eighty Thousand Pesos (P80,000.00). The fine, which was to be deducted from his retirement or terminal leave benefits was recommended based on the findings that respondent Judge:

- i) Failed to take action on the following Civil Cases from the time of their filing: 94-122, SP-00-87, 01-47, 99-122, SP No. 03-54, 05-96, SCA 05-19, 07-45, 07-161, 08-93;
- ii) Failed to take appropriate action on Criminal Cases Nos. 01-294, 96-343, 96-344, 96-345, 96-346, 02-998, 03-1378, 02-673, 03-1235, 99-1097, 02-365, 05-232 and 07-01-A and Civil Cases Nos. 89-38, 96-78, 94-180, SP 01-40, 99-135, 01-96, MC-0196, MC 03-107, 05-41, SCA-06-31, 04-82, SP 07-43 and 06-201;
- iii) Failed to resolve the pending motions in Criminal Cases Nos. 08-1031, 01-503, 02-837, 02-838, 93-336, 98-92, 04-154, 04-1206, 95-327, 04-1068, 03-654, 06-342, 05-296, 05-1129, 05-1130, 05-797, 07-460, 05-270 and in Civil Cases Nos. 94-04, 98-177, 99-158, 93-145, 99-13, 02-13, 97-86, 93-41, 01-11, 02-149, 03-97, 02-05, 03-1, 03-143, 03-156, 04-40, 03-89, 04-73, 04-108, MC 02-77, 04-131, 03-19, 02-41, 05-72, 03-148, 98-149, 06-39, 96-60, 94-144, 92-81, 03-115, SCA 06-34, SCA 06-36, 05-28, SCA 06-32, 07-03, 07-08, 08-05, 00-84, 07-62, 08-34, 89-79, 90-124, MC 06-192, 07-68, 7677, 06-80, 06-102, 08-54, 96-159 and 89-02; and
- iv) Failed to decide Criminal Cases Nos. 99-1058, 97-284, 97-285, 98-734, 01-897, 02-1250, 93-982, 02-730, 02-555, 04-296, 04-297, 03-1225, 02-987, 03-418, 01-775, 02-330, 03-602, 04-1114, 03-404, 05-322, 04-483, 01-578, 01-579, 05-181, 02-382, 04-612, 05-894, 01-6 and 01-659 and Civil Cases Nos. 90-76, 91-141, 95-

09, 98-122, 91-48, 93-103, 0537-M, 01-8, 00-171, 94-107, SP 02-14, 01-3, MC 02-126, MC 02-127, 01-138, 91-132, 99-122, 01-136, 00-13, 04-131, 04-08, LRC-01-1, 04-20, 05-176, 06-09, 04-84, SCA 06-21, 00-84, MC 06-144, 98-167, MC-07-85, MC 08-26, SCA-08-09-A, SCA 08-02-A and MC 08-157.

In a Resolution<sup>[2]</sup> dated April 29, 2009, the Second Division of this Court resolved to docket the judicial audit report as an administrative complaint against respondent for gross incompetence, inefficiency, negligence, and dereliction of duty. Respondent Judge was required to manifest his willingness to submit the matter for resolution on the basis of the pleadings filed. Respondent Judge sent a letter<sup>[3]</sup> dated June 24, 2009 manifesting his willingness to do so, and sought the compassion of the Court in the resolution of his administrative case. He asked the Court to consider his deteriorating health condition which included a heart problem and cataracts in both eyes. The latter adversely affected his work efficiency despite an operation on his right eye. Respondent also asked the Court to consider his thirty-four (34) years of government service, twenty-two (22) of which were in the judiciary.

Meanwhile, another administrative case, docketed as A.M. No. 09-11-477-RTC, arose in relation to the Certificate of Clearance that the respondent Judge filed in relation to his application for Compulsory Retirement Benefits. In a Memorandum<sup>[4]</sup> dated November 9, 2009, then Court Administrator and now Hon. Associate Justice Jose P. Perez recommended the imposition of a fine, to be deducted from his retirement/gratuity benefits, in the amount of Fifty Thousand Pesos (P50,000.00). The recommendation was made upon the finding that the respondent Judge had failed to decide forty-five (45) cases submitted for decision beyond the reglementary period of three (3) months as per the March 2009 Monthly Report of Cases.<sup>[5]</sup>

In a Resolution<sup>[6]</sup> dated November 24, 2009, the Court resolved to re-docket A.M. No. 09-11-477-RTC as A.M. No. RTJ-09-2208 and impose a fine of Fifty Thousand Pesos (P50,000.00) on the respondent Judge for his failure to decide forty-five (45) cases submitted for decision, with the amount to be deducted from his retirement/gratuity benefits. A subsequent Resolution<sup>[7]</sup> dated January 26, 2010 was issued by the Court, directing Acting Presiding Judge Rodolfo D. Obnamia, Jr. to decide with dispatch the forty-five (45) cases.

The respondent Judge sent a letter<sup>[8]</sup> dated March 4, 2010 addressed to then Chief Justice Reynato S. Puno, manifesting that: (a) both A.M. No. RTJ-09-2208 and A.M. No. RTJ-09-2181 involves the charge of gross inefficiency; and (b) that "the Court had not been given the opportunity to appreciate his explanation regarding his health conditions"<sup>[9]</sup> since he did not know about A.M. No. RTJ-09-2208 until he received a copy of the Resolution of this Court dated November 24, 2009. Respondent prayed for the Court to take cognizance of: (a) his health problems; (b) the fact that he had already been fined Fifty Thousand Pesos (P50,000.00) for gross inefficiency in A.M. No. RTJ-09-2208; (c) that he has not received any benefit since he retired on March 27, 2009; and (d) that he had served the government for thirty-four (34) years, twenty-two (22) of which were in the judiciary.

In a letter<sup>[10]</sup> dated March 27, 2010 addressed to Court Administrator Jose Midas P. Marquez, respondent Judge claimed that he should not be penalized for gross

inefficiency in A.M. No. RTJ-09-2181 because it would be akin to splitting the complaints against him. Attached to the letter was the March 4, 2010 letter addressed to then Chief Justice Puno.

On April 27, 2010, a Resolution<sup>[11]</sup> was issued by the Court in A.M. No. RTJ-09-2208 noting the Certification<sup>[12]</sup> of the SC Chief Judicial Staff Officer Cleofe R. Norberte that respondent Judge had paid the amount of Fifty Thousand Pesos (P50,000.00) as court fine, which was deducted from his terminal leave benefits, and duly receipted under O.R. No. 6066167.

In a Memorandum<sup>[13]</sup> dated June 11, 2010 signed by Court Administrator Marquez, the Office of the Court Administrator ("OCA" for brevity) noted that the respondent Judge paid the Fifty Thousand Pesos (P50,000.00) fine in the other complaint on April 14, 2010. The OCA also noted that twenty-three (23) criminal cases and nine (9) civil cases included in the March 2009 Monthly Report of Cases<sup>[14]</sup> in A.M. No. RTJ-09-2208 were included in the present complaint. The OCA then reiterated its recommendation that respondent Judge be fined, but that the amount be reduced from Eighty Thousand Pesos (P80,000.00) to Fifty Thousand Pesos (P50,000.00).

Respondent then sent a letter<sup>[15]</sup> dated August 17, 2010 reiterating his manifestations in the letter dated March 4, 2010. Respondent prayed for the dismissal of the present case for the sake of justice tempered by leniency on the following grounds: (a) his serious health problems that affected his work efficiency in the last months of his service; (b) the penalty in A.M. No. RTJ-09-2208 was imposed without him being given a chance to explain; and (c) he has served twelve (12) years as an assistant city prosecutor, three (3) years as a Municipal Trial Court judge, and nineteen (19) years as a Regional Trial Court judge.

In a subsequent letter<sup>[16]</sup> dated February 7, 2011, respondent Judge pointed out an apparent overlap between A.M. No. RTJ-09-2208 and the present complaint and prayed that the two not be considered as separate complaints because to do so would be akin to splitting the causes of a complaint. Respondent also prayed for the early resolution of the present case.

In response to the letter, the OCA sent a Memorandum<sup>[17]</sup> dated February 16, 2011, bringing to the attention of the Court what respondent claimed as a similarity in the offenses involved in A.M. No. RTJ-09-2208 and A.M. No. RTJ-09-2181 and the possibility that he may be penalized twice for the same offense. The OCA noted that it was not accurate for respondent Judge to conclude that he stands to be penalized twice for the same lapses since the judicial audit in the present complaint was more comprehensive in scope than the Monthly Report of Cases submitted in A.M. No. RTJ-09-2208. They further noted that the Monthly Report of Cases only covered forty-five (45) cases for the month of March, and despite the overlap of the cases, there were still numerous decisions and motions left unresolved that respondent Judge should be held accountable for. Nevertheless, the OCA reiterated its recommendation that the penalty imposed be reduced from Eighty Thousand Pesos (P80,000.00) to Fifty Thousand Pesos (P50,000.00) in view of the previous penalty imposed on him.

In a Resolution<sup>[18]</sup> dated January 17, 2012, the Court resolved to approve the