

EN BANC

[A.M. No. 08-5-305-RTC, July 09, 2013]

**RE: FAILURE OF FORMER JUDGE ANTONIO A. CARBONELL TO
DECIDE CASES SUBMITTED FOR DECISION AND TO RESOLVE
PENDING MOTIONS IN THE REGIONAL TRIAL COURT, BRANCH
27, SAN FERNANDO, LA UNION.**

R E S O L U T I O N

BERSAMIN, J.:

This administrative case originates from the judicial audit conducted by the Office of the Court Administrator (OCA) on March 3 and 4, 2008 in the Regional Trial Court of San Fernando, La Union, Branch 27, in view of the disability retirement of Presiding Judge Antonio A. Carbonell on December 31, 2007.

According to the Audit Team's Report, Branch 27 had a total caseload of 231 cases, consisting of 147 criminal cases and 84 civil cases, and Judge Carbonell failed to decide 41 criminal cases (one inherited) and 22 civil cases (four inherited), namely: Criminal Case Nos. 1183, 4559, 5117, 3532, 3672, 5165, 5007, 5946, 6934, 5763, 7014, 5991, 4724, 6311, 6076, 4789, 6297, 5424, 4928, 6403, 6816, 5635, 5666, 5134, 5865, 6284, 6454, 5394, 6770, 5375, 5356, 7557, 5940, 6311, 6333, 7729, 7111, 6325, 6068, 6517, and 7766; and Civil Case Nos. 3009, 4564, 4563, 4714, 3647, 4362, 6041, 4798, 4561, 6989, 2882, 6185, 7153, 7163, LRC 2332, SCA 7198, 7310, 3487, 7327, 7331, 7298, and 7323.^[1]

Judge Carbonell was also reported to have failed to resolve pending motions or incidents in four criminal cases and 12 civil cases, to wit: Criminal Case Nos. 7559, 6409, 7787, and 7788; and Civil Case Nos. 4793, LRC 1308, 7064, 4973, SP 2901, SP 2952, AC 1797, 7100, 7152, 7060, SP 2986, and SP 2987.^[2]

In a Memorandum dated May 15, 2008, the OCA recommended to the Court that a fine of P50,000.00 be imposed upon Judge Carbonell for gross inefficiency for failing to promptly decide the cases and to resolve pending motions and incidents.^[3]

On June 17, 2008, the Court directed the Clerk of Court to furnish Judge Carbonell with a copy of the Audit Team's Report, and ordered him to submit his comment on the report within ten days from notice.^[4]

Not having received the comment from Judge Carbonell despite the lapse of the time given, the Court resolved on September 21, 2010 to require him to show cause why he should not be disciplinarily dealt with or held in contempt.^[5]

Judge Carbonell replied,^[6] stating that he had incorporated his comment/compliance to the June 17, 2008 resolution in the letter dated July 17,

2008 (*Re: Very Urgent Request for Release of Disability Retirement Benefits and Money Value of Accrued Leave Credits*) he had sent to Chief Justice Reynato S. Puno.^[7] He remarked that the Court had actually granted his request for the payment of his disability retirement benefits subject to the retention of P200,000.00 pending resolution of the pending administrative cases against him.^[8]

In his July 17, 2008 letter to Chief Justice Puno, Judge Carbonell surmised that the Audit Team might have overlooked the fact that he had inherited some of the undecided cases from the predecessor judge; that said cases had no transcripts of stenographic notes, because of which he was impelled to require the parties to submit their respective memoranda; that the cases would only be considered submitted for decision after the parties would have filed their respective memoranda; and that he had undergone a quadruple heart bypass operation in 2005 that had adversely affected his pace in deciding the cases.

On November 23, 2010, the Court referred Judge Carbonell's letter to the OCA for evaluation, report, and recommendation.^[9]

In its Memorandum dated February 2, 2011,^[10] the OCA reiterated its recommendation to impose a fine of P50,000.00 on Judge Carbonell, noting that he had failed to render any valid reason for his delay in deciding the cases submitted for decision and in resolving the pending motions or incidents in other cases. The OCA noted that only five cases submitted for decision had been inherited; and that the case records did not bear any requests for extension of time or any directive for the transcription of stenographic notes. It stressed that heavy caseload would not justify the failure to promptly decide and resolve cases because he could have simply asked the Court for an extension of time.

The recommendation of the OCA is well-taken, subject to the modification of the penalty to be imposed.

As a frontline official of the Judiciary, a trial judge should at all times act with efficiency and probity. He is duty-bound not only to be faithful to the law, but also to maintain professional competence. The pursuit of excellence ought always to be his guiding principle. Such dedication is the least that he can do to sustain the trust and confidence that the public have reposed in him and the institution he represents.^[11]

The Court cannot overstress its policy on prompt disposition or resolution of cases.^[12] Delay in the disposition of cases is a major culprit in the erosion of public faith and confidence in the judicial system, as judges have the sworn duty to administer justice without undue delay.^[13] Thus, judges have been constantly reminded to strictly adhere to the rule on the speedy disposition of cases and observe the periods prescribed by the Constitution for deciding cases, which is three months from the filing of the last pleading, brief or memorandum for lower courts.^[14] To further impress upon judges such mandate, the Court has issued guidelines (Administrative Circular No. 3-99 dated January 15, 1999) that would insure the speedy disposition of cases and has therein reminded judges to scrupulously observe the periods prescribed in the Constitution.