

FIRST DIVISION

[A.M. No. RTJ-13-2355 (Formerly A.M. No. 13-7-128-RTC), September 02, 2013]

RE: CASES SUBMITTED FOR DECISION BEFORE HON. TEOFILO D. BALUMA, FORMER JUDGE, BRANCH 1, REGIONAL TRIAL COURT, TAGBILARAN CITY, BOHOL

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Before the Court is the request for Certificate of Clearance of Judge Teofilo D. Baluma (Baluma), former Presiding Judge, Regional Trial Court (RTC), Branch 1, of Tagbilaran City, Bohol, in support of his application for Retirement/Gratuity Benefits under Republic Act No. 910,^[1] as amended.

Judge Baluma availed himself of optional retirement on July 22, 2011.

According to the Certification^[2] dated August 19, 2011 of Juan J. Lumanas, Jr. (Lumanas), Officer-in-Charge, RTC, Branch 1, Tagbilaran City, Bohol, there were 23 cases submitted for decision/resolution which were left undecided by Judge Baluma. All 23 cases were already beyond the reglementary period for deciding them by the time Judge Baluma retired. Lumanas listed the 23 cases as follows:

CASES SUBMITTED FOR DECISION

Case Number	Accused/Parties/Nature of the Case	Date Submitted for Decision	Due Date of Decision
CRIMINAL CASES			
1. 13161	Bernard I. Escarpe for Viol. of Sec. 5, R.A. 9262	08-16-10	11-14-10
2. 13162	Bernard I. Escarpe for Viol. of Sec. 12, R.A. 9262	08-16-10	11-14-10
3. 13459	Cyrus Keene "LA" D. Apale for Rape	12-30-10	03-29-11
4. 13613	Gualberto Mangala for Viol. of R.A. 9165	04-08-10	04-23-10
5. 14043	Melvin Capa for Frustrated Murder	07-20-10	10-18-10
6. 10515	Merlyn Fabroa, et al. for Rebellion	05-12-10	08-10-10
7. 14853	Ernesto Pudalan for Estafa	01-30-11	04-28-11
8. 14892	Ernesto Pudalan for Estafa	02-17-11	05-15-11
9. 14992	Ernesto Pudalan for Estafa	02-15-11	05-15-11

10. 14993	Ernesto Pudalan for Estafa	02-15-11	05-15-11
11. 12766	Bernard Marc Romea for Rape	09-07-10	12-06-10
12. 12767	Bernard Marc Romea for Rape	09-07-10	12-06-10

CIVIL CASES

13. 7243	Rosalinda Gabronino vs. Sps. Germiniana and Gaudioso Guibone, et al. for Review, Annulment and Cancellation of Title	07-13-10	10-11-10
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CASES SUBMITTED FOR RESOLUTION

Case Number	Accused/Parties/Nature of the Case	Date Submitted for Resolution	Due Date of Resolution
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CRIMINAL CASES

14. 14692	Adison Uchang for Viol. of COMELEC Gun Ban	03-18-11	06-16-11
15. 14696	Gabriel Lopez for R.A. 9165	11-11-10	11-26-10
16. 14697	Gabriel Lopez for R.A. 9165	11-11-10	11-26-10
17. 14881	Alberto Dagamac for Viol. of Sec. 11, R.A. 9165	01-15-11	01-30-11
18. 14882	Alberto Dagamac for Viol. of R.A. 8294	01-15-11	04-14-11
19. 14889	Jonas Manzanilla for Viol. of Sec. 11, Art. II, R.A. 9165	01-21-11	02-05-11
20. 14890	Jonas Manzanilla for Viol. of Sec. 12, Art. II, R.A. 9165	01-15-11	01-30-11

CIVIL CASES

21. 4986	Valerio Nalitan vs. Fortunato Cagas for Annulment of OCT 9958	12-11-09	03-11-09
22. 7528	Teresita Aranton vs. Heirs of Marcial Oñada for Reformation of Instrument and Specific Performance	08-18-10	11-16-10
23. OCT (6055) 3239	Heirs of Fabia Jumarito (nature of the case not indicated)	02-03-11	05-03-11 ^[3]

The aforementioned 23 cases were the subject matter of a Memorandum dated July 22, 2011, *Re: Report on the Judicial Audit and Physical Inventory of Pending Cases Conducted at Branch 1, RTC, Tagbilaran City, Bohol*, issued by an audit team of the

Office of the Court Administrator (OCA). Deputy Court Administrator Raul Bautista Villanueva required Judge Baluma to explain his failure to act on the 23 cases. However, Judge Baluma failed to comply with said directive.

The processing of Judge Baluma's Application for Clearance has been put on hold pending clearance from the OCA.

In a letter^[4] dated April 4, 2013, Judge Baluma's son, Atty. Cristofil D. Baluma, averred that his father was suffering from depression and requested for the early release of Judge Baluma's retirement pay and other benefits. Atty. Baluma appealed that if any amount needs to be withheld from Judge Baluma's retirement benefits due to the undecided cases, Judge Baluma's health condition be taken into consideration.

On June 7, 2013, the OCA submitted its report with the following recommendations:

In view of the foregoing, it is respectfully recommended that: (a) this matter be re-docketed as a regular administrative matter against Hon. TEOFILO D. BALUMA, former Presiding Judge, Branch 1, Regional Trial Court, Tagbilaran City, Bohol; (b) Judge Baluma be **FINED** in the total amount of **FORTY-SIX THOUSAND PESOS (P46,000.00)** for gross inefficiency for failure to decide the twenty-three (23) cases submitted for decision before him within the reglementary period prior to his retirement, the **amount to be deducted from his retirement benefits**; and (c) considering that retired Judge Baluma is suffering from depression, the equivalent value of his terminal leave be released pending resolution of this Administrative Matter.^[5]

The Court agrees with the findings of the OCA, except as to the recommended penalty.

Article VIII, Section 15(1) of the 1987 Constitution provides that lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Moreover, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. In addition, this Court laid down guidelines in SC Administrative Circular No. 13 which provides, *inter alia*, that "[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so." The Court has reiterated this admonition in SC Administrative Circular No. 3-99 which requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases and the failure to comply therewith is considered a serious violation of the constitutional right of the parties to speedy disposition of their cases.^[6]

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,