SECOND DIVISION

[A.M. No. MTJ-11-1790 (Formerly A.M. No. 11-7-86-MTC), December 11, 2013]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE RAYMUNDO D. LOPEZ AND EDGAR M. TUTAAN, FORMER PRESIDING JUDGE AND CLERK OF COURT, RESPECTIVELY, MUNICIPAL TRIAL COURT, PALO, LEYTE, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

This administrative case arose from a Memorandum dated 20 July 2011 submitted by an audit team of the Office of the Court Administrator (OCA), reporting on the judicial audit conducted in the Municipal Trial Court, Palo, Leyte (trial court).[1]

The Facts

On 31 May 2011 and 1 June 2011, the OCA audit team conducted a judicial audit in connection with the compulsory retirement on 15 March 2011 of Judge Raymundo D. Lopez (Judge Lopez), former presiding judge of the trial court.

The audit team examined all pending cases as of 31 May 2011, and cases disposed during the first semester of 2011. Of the 133 cases audited, consisting of 89 criminal cases and 44 civil cases,[2] the audit team found that:

1. The trial court had 23 cases submitted for decision which had not been decided, despite the lapse of the 90-day reglementary period for deciding cases, to wit: Criminal Case Nos. 5411; 5532; 5637; 5774-09-94; 5717-4-94; 5891-3-96; 6323-10-99; 6073-11-97; 6127-3-98; 6431-12-00; 6459-12-00; 6803-01-04; 7107-7-06; 6386-4-00; and 7111-7-06; and Civil Case Nos. 375-9-96; 356-08-94; LRC-001-01; 493-7-07; SP-96-01; 464-9-05; 407-6-99; and 488-01-07;[3]

2. The trial court had pending motions and incidents in 16 cases that remained unresolved despite the lapse of the prescribed period, to wit: Criminal Case Nos. 5886-2-95; 6534-10-01; 6853-06-04; 6163-7-98; 6210-12-98; 6943-01-05; 7126-10-06; and 7171-7-07; and Civil Case Nos. 365-2-95; 374-9-96; 386-6-97; 427-1-02; 500-3-08; 505-6-08; 496-10-07; and 518-09-09;[4]

3. The trial court decided 9 cases beyond the 90-day reglementary period in March 2011;[5] and

4. The trial court had 18 cases which had not been acted upon for a considerable length of time since the last action taken thereon;[6] 2 cases which had not been acted upon since filing;[7] and 11 cases which had not been further set for a considerable length of time since the last settings made thereon.[8]

The audit team also observed that 14 criminal and 7 civil cases were not reflected in the trial court's Docket Inventory for the second semester of 2010 and in the list of cases submitted for decision in the Monthly Report for February 2011, to wit: Criminal Case Nos. 5411; 5532; 5637; 5774-09-94; 5717-4-94; 5891-3-96; 6163-7-98; 5467; 5563; 6286-2-99; 6079-11-97; 6236-3-99; 6723-5-03; and 6888-9-04; and Civil Case Nos. 375-9-96; 356-08-94; LRC-001-01; 464-9-05; 488-01-07; 501-04-08; and 479-3-2006.[9]

Finally, the audit team found that Judge Lopez submitted false Certificates of Service for the months of February 2010 to December 2010.[10]

The OCA submitted its Report on the judicial audit conducted in the trial court (Report)[11] to the Court on 2 August 2011, which was docketed as A.M. No. 11-7-86-MTC. The OCA adopted the findings and recommendations of the audit team, and further recommended that the matter be re-docketed as a regular administrative matter against Judge Lopez.

The Court in a Resolution dated 15 August 2011[12] resolved as follows:

1. **RE-DOCKET** this case as a regular administrative matter against Judge Raymundo D. Lopez, former Presiding Judge, Municipal Trial Court, Palo, Leyte;

2. Judge Lopez be **DIRECTED** to **EXPLAIN** within fifteen (15) days from notice why he should not be cited for:

   2.1. **gross dereliction of duty/gross inefficiency** for his:

   2.1.1. FAILURE TO DECIDE the following **fifteen (15) criminal and eight (8) civil cases** despite the lapse of the prescribed period to decide the same x x x.

   2.1.2. FAILURE TO RESOLVE pending motions/incidents in the following **eight (8) criminal and eight (8) civil cases**, despite the lapse of the prescribed period to resolve the same x x x.

   2.1.3. DELAY IN DECIDING the following **seven (7) criminal and two (2) civil cases** x x x.

   2.2. **serious misconduct** for:

   2.2.1. Declaring in his Certificates of Service for the months of February to December 2010 that he has decided all cases and resolved all incidents within ninety (90) day period from the date of submission for decision/resolution even when there were several cases/incidents which remained undecided/unresolved beyond the reglementary period.

2.2.2. Failing to reflect in the Docket Inventory and/or in the Monthly Report of Cases, particularly in the List of Cases Submitted for Decision, the following **fourteen (14) criminal and seven (7) civil cases** that have long been submitted for decision/resolution x x x.

3. **DIRECT** Mr. Edgar M. Tutaan, Clerk of Court, MTC, Palo, Leyte, to **SHOW CAUSE** why he should not be administratively dealt with for submitting false Monthly Report of Cases and Docket Inventory in relation to Item No. 2.2.2 above;

x x x x

5. And, **ORDER** the Fiscal Management Office, OCA, to retain from the retirement benefits of Judge Lopez the sum of Two Hundred Thousand Pesos (P200,000.00), to answer for any administrative liability that may be imposed upon him in connection with the instant administrative matter.[13] (Boldfacing in the original)

The Court likewise ordered the Acting Presiding Judge, Judge Sarah L. Dapula (Judge Dapula) to resolve the cases and incidents left unresolved by Judge Lopez and to take appropriate action on the cases that have not been acted upon, or set for hearing, for a long time. Judge Dapula, in her compliance dated 28 September 2011,[14] reported having acted upon all the cases which had not been acted upon for a considerable length of time, which had not been acted upon since filing, and which had not been set for a considerable length of time. However, she requested the Court for an extension of the 90-day period to decide the cases and resolve the pending incidents left by Judge Lopez.

Judge Dapula also reiterated her request that an assisting judge be appointed, or in the alternative, to relieve her as Acting Presiding Judge and designate another judge with less heavy load. In support of her request, Judge Dapula cited her failing health and reasoned that her own sala[15] had an equally heavy caseload.

Judge Lopez in his letter dated 30 September 2011[16] set forth the following reasons:

1. His failure to decide the cases and resolve the pending incidents within the reglementary period was caused by the following health problems and personal circumstances:

    a) He suffered from acute myocardial infarction in 1998, a triple bypass operation in 1999, fluctuating blood pressure from 1999 onwards and an enlarged heart, and underwent extracorporeal shock wave lithotripsy of his right ureterolithiasis in September 1999;
    b) When his wife was diagnosed with cancer, he personally attended to her;
    c) He underwent hemorrhoidectomy in February 2010;
    d) His wife succumbed to cancer on 13 July 2010; and
    e) Two months before his retirement from the judiciary, he was hospitalized for severe hyperkalemia, chronic kidney disease and

> hypoalbuminemia, hypertensive cardiovascular disease, cardiomegaly, and CHF II.

2. He ascribed to pure inadvertence, brought about by the same health and personal problems, his false declarations in his Certificates of Service for the months of February 2010 to December 2010; and

3. He suffered much emotional and physical stress, due to his health problems and the death of his wife, which gravely affected his work that he lacked the time to review the monthly reports and docket inventory.

For his part, the Clerk of Court, Edgar M. Tutaan (Mr. Tutaan), reasoned in his letter dated 26 September 2011[17] that:

1. Prior to 1994, the monthly report form required only a list of cases submitted for decision, and did not specifically require a list of the cases still undecided but previously submitted for decision. The form was changed in 1994; however, he continued his old practice since nobody corrected him;

2. Some of the cases cited by the OCA audit team were in fact reflected in the Docket Inventory;

3. Some cases were not reflected in the monthly reports as submitted for decision due to lack of any order by the judge to that effect;

4. For 12 of the cases not included in the monthly reports, he merely acceded to Judge Lopez's request to exclude the same out of sympathy for Judge Lopez's health and personal circumstances; and

5. He did not intend to submit false reports of cases.

In compliance with the Court's Resolution dated 19 October 2011,[18] the OCA, in a Memorandum dated 12 January 2012,[19] commented on Judge Dapula's compliance, recommending that Judge Dapula be relieved as Acting Presiding Judge, and named another judge[20] to replace her. The OCA also evaluated the explanations of Judge Lopez and Mr. Tutaan and expressed its recommendations.

Meanwhile, the case docketed as A.M. No. MTJ-12-1803, entitled *Office of the Court Administrator v. Hon. Raymundo D. Lopez, former Judge, Municipal Trial Court, Palo, Leyte*, involved two cases that were inadvertently not included in the judicial audit. Those cases were also left undecided beyond the reglementary period. The Court in a Resolution dated 18 January 2012[21] imposed a fine of P4,000.00 upon Judge Lopez. The Resolution further ordered A.M. No. MTJ-12-1803 to be consolidated with this case.

In a Resolution dated 17 September 2012,[22] the Court required the OCA to comment on the possible de-consolidation of the instant case and A.M. No. MTJ-12-1803. The OCA recommended the de-consolidation of the cases in its Memorandum dated 25 February 2013,[23] since A.M. No. MTJ-12-1803 had already been resolved. In the same Memorandum, the OCA reiterated its recommendations contained in its 12 January 2012 Memorandum, with some modifications, as Judge

Jeanette Ngo Loreto had already been appointed Presiding Judge of the trial court.[24]

In the interim, Judge Lopez, in a letter dated 30 October 2012, requested the release of his retirement benefits, which he needed for his maintenance medicines and for hospitalization and medical expenses, pending resolution of this case.

The OCA's Report and Recommendations

The OCA's recommendations in the Memorandum dated 12 January 2012[25] read, in part:

> **WHEREFORE**, in view of the foregoing, it is respectfully recommended that:
>
> > 1. **Mr. Edgar M. Tutaan, Clerk of Court, Municipal Trial Court, Palo, Leyte** be INCLUDED as respondent in the instant administrative case;
> >
> > 2. **Retired Judge Raymundo D. Lopez, former Presiding Judge, MTC, Palo, Leyte** be found GUILTY of **gross dereliction of duty/gross inefficiency** and be FINED in the amount of two hundred thousand pesos (P200,000.00) to be taken from the two hundred thousand pesos (P200,000.00) ordered withheld from his retirement benefits pursuant to the Resolution of 15 August 2011;
> >
> > 3. **Mr. Edgar M. Tutaan, Clerk of Court, Municipal Trial Court, Palo, Leyte**, be found guilty of misconduct and be **FINED** in the amount of ten thousand pesos (P10,000.00) with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely; x x x. (Boldfacing in the original)

The Court's Ruling

The Court finds the report of the OCA well taken except as to the penalty.

On the Delay in Rendering Judgment

Judges have the sworn duty to administer justice and decide cases promptly and expeditiously because justice delayed is justice denied.[26] The 1987 Constitution mandates that all cases or matters be decided or resolved by the lower courts within three months from date of submission.[27] Judges are expected to perform all judicial duties, including the rendition of decisions, efficiently, fairly, and with reasonable promptness.[28]

In this case, Judge Lopez failed to decide a total of 32 cases and resolve pending incidents in 16 cases within the 90-day reglementary period.

Time and again, this Court reminds judges to decide cases with dispatch. The Court has consistently held that the failure of a judge to decide a case within the required