

## **SECOND DIVISION**

**[ A.M. No. RTJ-08-2152 (Formerly A.M. OCA IPI  
No. 08-2846-RTJ), January 18, 2010 ]**

**LUMINZA DELOS REYES, COMPLAINANT, VS. JUDGE DANILO S.  
CRUZ AND AND CLERK OF COURT V GODOLFO R. GUNDRAN, OF  
THE REGIONAL TRIAL COURT, BRANCH 152, PASIG CITY,  
RESPONDENTS.**

### **D E C I S I O N**

#### **DEL CASTILLO, J.:**

Courts exist to administer justice fairly and without delay. Our overriding concern is to eradicate the impression formed in the minds of the litigants that the wheels of justice grind ever so slowly. We have always reminded the judges to dispose of the cases within the prescribed period of time because we do not want the truism - justice delayed is justice denied - to lose its meaning or relevance. In the same context, we have constantly exhorted all court employees to be conscientious of their duties and responsibilities considering that any indiscretion or transgression on their part would impact negatively on the Court as an institution.

The instant administrative case stemmed from a letter-complaint filed by complainant Luminza Delos Reyes (Delos Reyes) against respondents Judge Danilo S. Cruz (Judge Cruz) and Clerk of Court V Godolfo R. Gundran (Clerk of Court Gundran), both of the Regional Trial Court of Pasig City, Branch 152, for dereliction of duty. Specifically, Judge Cruz is charged with delay in the disposition of LRC Case No. R-5740<sup>[1]</sup> while Clerk of Court Gundran is charged with failure to timely transmit the records of said case.

In her letter-complaint dated March 13, 2008, complainant alleged that she is the defendant in LRC Case No. R-5740 pending before Branch 152 of the Regional Trial Court of Pasig City. She claimed that on March 25, 2004, Judge Cruz issued an Order giving the parties 15 days within which to file their respective memorandum after which the case would be deemed submitted for decision. The parties complied; hence, on April 9, 2004 the case was deemed submitted for decision.

However, it was only on July 30, 2007, or more than three years since the case was submitted for resolution, that a decision in the said case was rendered. Consequently, complainant argued that Judge Cruz incurred delay in disposing the case thus should be held administratively liable therefor.

Complainant also alleged that after receipt of the adverse decision, she timely filed on September 6, 2007 a notice of appeal and paid the corresponding appeal and docket fees. However, despite the lapse of more than six months from the time the appeal was filed, respondent Clerk of Court Gundran still failed to transmit the records to the appellate court in violation of Section 10, Rule 41 of the Rules of

Court.

On April 11, 2008, then Court Administrator Zenaida N. Elepaño required Judge Cruz and Clerk of Court Gundran to file their respective comment on the complaint. Both respondents complied.

In his Comment, Judge Cruz did not deny that he incurred delay in the disposition of LRC Case No. R-5740. Instead, he begged the indulgence of the Court and claimed that he was indisposed since the latter part of 2004. He narrated that in January 2005, he was diagnosed of diabetes; on November 3, 2005, the cataract on his left eye was removed while that on his right eye was extracted on April 4, 2006; and on October 26-28, 2007, he was hospitalized due to heart complications. Judge Cruz also explained that the delay was partly due to heavy pressure of work.

On the other hand, Clerk of Court Gundran denied being remiss in his duties. He claimed that in October 2007, he already instructed the clerk-in-charge to complete the records of the case and to prepare the transmittal letter. Apparently, the clerk-in-charge encountered some difficulty in completing the records. He signed the transmittal letter on February 28, 2008 only to discover that Judge Cruz has not yet issued an order giving due course to the appeal. The records were eventually transmitted on March 28, 2008, or on the same day the order giving due course to the appeal was issued by Judge Cruz. Clerk of Court Gundran also claimed that he found it difficult to personally examine if the records have been completed and transmitted on time due to the heavy court docket and the numerous reports that needed to be prepared and submitted. Finally, he insisted that there was no deliberate intention to delay the transmittal of the records or to cause damage to the complainant.

In its Report and Recommendation dated October 13, 2008, the Office of the Court Administrator stated that:

EVALUATION: Evidently, there were two delays incurred in this case. First is the delay in deciding the subject case and the second is the delay in the transmittal of the record of the case to the Court of Appeals.

The delay in deciding the case is attributable solely to Judge Cruz. While we do not condone such delay, we are inclined to consider in the instant matter his physical condition the deterioration of which is supported by several medical certificates and hospital records. He even availed of the Health and Welfare Plan of the Supreme Court.

The case of respondent Gundran, should, however, be treated differently. As Branch Clerk, it is his duty to verify the completeness of the records that will be transmitted to the appellate court within thirty (30) days after perfection of the appeal. He cannot transfer the blame to his staff. Had he followed up his verbal instruction, if there was any, he would not have incurred the delay.

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RECOMMENDATION: Respectfully submitted for the consideration of the

Honorable Court are our recommendations that:

1. this case be RE-DOCKETED as a regular administrative matter;
2. the charges against Judge Danilo S. Cruz be DISMISSED with WARNING however that he should be cautious in observing periods for rendition of judgment; and
3. respondent Clerk of Court Godofredo Gundran be SUSPENDED for one (1) month and one (1) day for simple neglect of duty.

We find both respondents to be remiss in their duties.

As regards Judge Cruz, we find him grossly inefficient in failing to decide LRC Case No. R-5740 within 90 days from the time it was submitted for decision. He should be mindful that failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to the speedy disposition of their cases.<sup>[2]</sup> Article VIII, Section 15(1) of the Constitution succinctly provides that:

SEC. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

As such, lower courts are given a period of 90 days only within which to decide or resolve a case from the time it is submitted for decision.<sup>[3]</sup> In this case, it is undisputed that LRC Case No. R-5740 was submitted for decision on April 9, 2004 but the decision was rendered only on July 30, 2007 or more than three years beyond the 90-day reglementary period.

The reasons proffered by Judge Cruz for incurring delay in deciding the case within the prescribed period fail to persuade us. He claims that his illness primarily caused the delay in the disposition. However, it has not escaped our attention that the case was submitted for decision as early as April 2004 while Judge Cruz claimed to be indisposed only towards the end of 2004. There was also no showing that respondent judge was constantly ill from the time the case was submitted for resolution in April 2004 until the promulgation of the judgment in July 2007. He did not present any proof to show that he was absent from work for a prolonged period of time. Moreover, removal of cataract from both eyes does not entail prolonged confinement. In fact, Judge Cruz claimed that he was admitted to the hospital only on October 26-28, 2007. At any rate, this confinement occurred long after the rendition of the judgment in LRC Case No. R-5740.

Besides, granting that his illness hindered the efficient performance of his functions, all respondent judge had to do was to request for an extension of time within which to decide the case. Judge Cruz, however, made no such request. In a similar case,<sup>[4]</sup>