

## **EN BANC**

**[ A.M. No. RTJ-10-2226 (Formerly A.M. No. 10-1-24-RTC), March 22, 2010 ]**

**RE: CASES SUBMITTED FOR DECISION BEFORE HON. MELITON G. EMUSLAN, FORMER JUDGE, REGIONAL TRIAL COURT, BRANCH 47, URDANETA CITY, PANGASINAN.**

### **R E S O L U T I O N**

**NACHURA, J.:**

Judge Meliton G. Emuslan, Regional Trial Court (RTC) Judge, Branch 47, Urdaneta, Pangasinan, applied for Compulsory Retirement Benefits under Republic Act No. 910, as amended, effective October 23, 2009. In the process of completing his Certificate of Clearance, however, his Branch Clerk of Court, Atty. Concepcion A. Macabitas, issued a certification that Judge Emuslan had forty-three (43) cases already submitted for decision that had remained undecided beyond the reglementary period. The judge did not indicate any reason for not acting on the forty-three (43) cases, except in Criminal Case No. U-9757, entitled "People v. Amor Pader," for Illegal Possession of Prohibited Drugs, wherein he attributed the delay to lack of transcript of stenographic notes.

Because of this, the Office of the Court Administrator (OCA), in a Memorandum dated January 11, 2010, withheld the Payment of Judge Emuslan's retirement/gratuity benefits.

In its report, the OCA found respondent liable for gross inefficiency, and recommended that he be fined P50,000.00, to be deducted from his retirement/gratuity benefits.

Under the circumstances, we find the OCA's recommendation in order.

Section 15, Article VIII of the 1987 Constitution mandates lower courts to decide or resolve cases or matters for decision or final resolution within three (3) months from date of submission. Failure to decide cases within the 90-day reglementary period may warrant imposition of administrative sanctions on the erring judge.

Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and to decide cases within the required period. Thus, all cases or matters must be decided or resolved by all lower courts within a period of three (3) months from submission.

Furthermore, the Court, in Administrative Circular No. 3-99 dated January 15, 1999, requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases, because failure to comply therewith violates the constitutional right of the parties to speedy disposition of their cases.