

SECOND DIVISION

[A.M. No. 06-3-112 MeTC, March 04, 2009]

RE: CASES LEFT UNDECIDED BY FORMER JUDGE RALPH S. LEE, METC, BRANCH 38, QUEZON CITY, AND REQUEST OF NOW ACTING JUDGE CATHERINE D. MANODON, SAME COURT, FOR EXTENSION OF TIME TO DECIDE SAID CASES, PETITIONER.

D E C I S I O N

BRION, J.:

We resolve the present administrative matter involving a judge who left several cases undecided when he assumed a higher position in the judiciary.

FACTUAL BACKGROUND

On May 2, 2006, this Court issued a Resolution^[1] (a) granting the request of Acting Presiding Judge Catherine D. Manodon (*Judge Manodon*) of the Metropolitan Trial Court (*MeTC*), Branch 38, Quezon City for a 90-day extension within which to decide Criminal Case No. 84543 and forty-one (41) other cases submitted for decision during the incumbency of Judge Ralph S. Lee (*Judge Lee*) in the same court, (b) directing Judge Lee, now Presiding Judge of the Regional Trial Court (*RTC*), Branch 83, Quezon City, to explain (1) why he certified that he had no pending undecided cases at the time he assumed office as RTC judge, when in fact there were some cases submitted to him for decision and remained undecided beyond the reglementary period, (2) why he failed to decide the cases, (3) why the cases submitted for decision were not indicated in the Monthly Report of Cases submitted to the Office of the Court Administrator (*OCA*); and (c) requiring Judge Manodon to furnish the Court, through the *OCA*, copies of her decision.

In another Resolution dated November 13, 2006, the Court, noting that Judge Manodon had decided several civil and criminal cases, granted her a second extension of ninety (90) days within which to decide the remaining cases. In still another Resolution dated June 13, 2007, the Court required Judge Lee to comply with the Resolution dated May 2, 2006 and to file the required explanation within a non-extendible period of fifteen (15) days from notice.^[2]

Thereafter, Judge Lee filed a Manifestation dated July 12, 2007 where he informed the Court that he had already complied with the May 2, 2006 Resolution, with the submission of his Explanation dated June 20, 2006 to the Office of the Chief Justice on June 22, 2006.

Judge Lee explained that from January 4, 2006 to the present day, the *MeTC*, Branch 38 had no regular Branch Clerk of Court. Upon thorough perusal of the November 2005 monthly report, in consultation with Officer-in-Charge (*OIC*) Danver Buena of the same court, he discovered that thirty-one (31) cases should not have

been reported as ripe for decision because the transcripts of stenographic notes (TSN) were incomplete; the documentary exhibits were either misplaced or lacked formal offer of exhibits from the parties; there were no orders declaring them submitted for decision; the parties failed to retake testimonies of witnesses either because of lack of TSN or because they were awaiting for developments from other related incidents.

Of the remaining eleven (11) cases, three (3) of those were reported by him in his August 2005 monthly report as submitted for decision with the notation that they remained undecided because the 90-day period had not yet fully lapsed; he could not decide them because he had been appointed RTC judge at the time and had already officially qualified. He provided close supervision to have the records/orders of the cases completed and the cases were subsequently decided by Judge Manodon.

Judge Lee attached to his explanation the affidavit of OIC Clerk of Court Danver Buena. In the affidavit, Buena alleged that some of the cases included in the inventory for November 2005 were inadvertently placed in the cabinets containing archived cases; the MeTC, Branch 38 staff had difficulty in monitoring the physical location of the case records because the court was handling more than two thousand (2,000) cases and had no adequate storage for those cases; after physical inspection of the records, they realized that the cases had incomplete TSNs or orders. Clearly, the eight (8) remaining cases could not have been reported earlier in the corresponding monthly reports as ripe for decision, since the records of those cases were "*inadvertently commingled with the archived cases.*"

In a Resolution dated August 8, 2007,^[3] the Court (a) noted Judge Lee's Manifestation of July 12, 2007 with his explanation, as required by the Court's Resolution dated May 2, 2006; and (b) referred Judge Lee's explanation to the OCA for evaluation, report and recommendation within thirty (30) days from receipt of the records.

The Report/Recommendation of the OCA

By way of a Memorandum/Report dated October 24, 2007,^[4] the OCA found Judge Lee administratively liable for undue delay in deciding cases, submission of false monthly report, and misrepresentation. The OCA noted that Judge Lee's report for August 2005 contained a false or inaccurate entry. He indicated in the report that there were only three (3) undecided cases for August 2005, when in reality, there were eight (8) other cases which he failed to decide despite the expiration of the mandatory period of 90 days. The OCA found unacceptable Judge Lee's justification for the false report that the records of these cases "*were inadvertently commingled with the archived cases.*" It opined that although the explanation was corroborated by OIC Clerk of Court Danver Buena, it cannot exonerate him from non-compliance with the constitutional mandate to dispose of the court's business promptly.

The OCA pointed out that paragraph 8 of Administrative Circular No. 4-2004, authorizes the withholding of salaries of judges and clerks of courts who are responsible for inaccurate entries in their monthly reports.^[5] It opined, however, that because Judge Lee committed the more serious offense of misrepresentation, the mere withholding of his salary would not be commensurate with his

transgression. Judge Lee's misrepresentation, the OCA found, occurred when he stated in his November 21, 2005 certification that he had no pending cases submitted for decision before the MeTC, Branch 38, Quezon City at the time of his assumption to office as RTC judge.^[6] The OCA reasoned out that without the questioned certification, Judge Lee could not have assumed his new post pursuant to OCA Circular No. 90-2004 which requires "*a judge who applies for transfer to another branch or for a promotion shall submit to the Judicial and Bar Council a certification that he has no pending undecided cases submitted for decision at the time of filing of his application. In no case shall a promoted judge be allowed to take his oath of office and assume his new responsibilities unless and until he shall have issued another certification manifesting that he has decided or disposed of all cases assigned to him from his previous position.*"

The OCA noted that misrepresentation, a form of dishonesty, is a serious charge under Section 8, Rule 140 of the Rules of Court.^[7] Rule 140 prescribes the following penalties: dismissal from the service with the forfeiture of all or part of the judge's benefits coupled with disqualification; suspension from office without salary and other benefits for more than three (3) months, but not exceeding six (6) months; or a fine of more than P20,000.00, but not exceeding P40,000.00. Accordingly the OCA recommended the imposition of a fine in the amount of P40,000.00 on Judge Lee.

THE COURT'S RULING

We find Judge Ralph S. Lee liable for his failure to decide assigned cases within the period fixed by law.

The records clearly indicate that Judge Lee, who had just been promoted to the position of RTC judge, submitted a monthly report (for August 2005) containing grossly inaccurate entries, and a certification that he left no pending cases in MeTC, Branch 38 of Quezon City, when he assumed his new position in the RTC. The OCA Memorandum dated October 24, 2007 made special mention of 8 cases which Judge Lee failed to decide before he assumed the position of RTC Judge and which, more significantly, he failed to include in his monthly report for August 2005.

In its Memorandum, the OCA observed that the alleged "*commingling of records*" that Judge Lee gave as explanation could have been avoided if the judge had adopted an efficient system of record management. Several cases remained undecided beyond the reglementary period because no system was in place. This lapse, traceable to poor case management, is precisely what the reglementary periods address and renders Judge Lee liable for undue delay in the disposition of cases. As we held in *Aurora E. Balajedeong v. Judge Deogracias F. del Rosario, MCTC, Patnongon, Antique*,^[8] judges need to decide cases promptly and expeditiously because justice delayed is justice denied. 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 a speedy disposition of their cases.

The more serious OCA finding is that Judge Lee committed a misrepresentation in certifying that he had no pending cases submitted for decision before the MeTC, Branch 38 at the time of his assumption to office as RTC judge.^[9] By submitting the certification, the OCA concluded that Judge Lee intended to conceal the truth