

THIRD DIVISION

[A.M. No. RTJ-08-2108 (Formerly OCA I.P.I. No. 08-2-93-RTC), November 25, 2008]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE ORLANDO P. DOYON, BRANCH CLERK OF COURT, ATTY.
CUSTODIO B. COMPENDIO, JR., AND CLERKS-IN-CHARGE NOEL
B. ALBIVA AND JEANNETTE T. SAYAS, ALL OF THE REGIONAL
TRIAL COURT, BRANCH 34, CABADBARAN, AGUSAN DEL NORTE,
RESPONDENTS.**

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

A judicial audit was conducted on April 29, 2005 at the Regional Trial Court (RTC), Branch 34, Cabadbaran, Agusan del Norte presided by Judge Orlando F. Doyon (Judge Doyon) who was to retire on January 11, 2006 at the age of 70.

In a Memorandum dated May 30, 2005, the audit team reported that there were six civil cases^[1] and nine criminal cases^[2] where no action was made for a considerable length of time; three cases^[3] had pending incidents which were already beyond the period to resolve; eight cases^[4] were already beyond the reglementary period to decide; six cases^[5] had pending incidents and two cases^[6] were due for decision but were still within the reglementary period.^[7] The audit team also noted that there was no bundy clock in the court even though one was delivered a year before; the criminal and civil docket books were not updated; certificates of arraignment were not signed by the accused or his counsel in cases where the accused already entered his plea; and there were undeposited collections in the sum of P48,000.37^[8] in violation of Administrative Circular (A.C.) No. 3-2000^[9] which states that collections amounting to P500.00 should be deposited immediately.^[10]

Based on said findings, then Deputy Court Administrator (DCA) (now retired Court Administrator) Christopher O. Lock issued three memoranda, all dated May 30, 2005: (1) to Judge Doyon directing him to take appropriate action on the cases where no action was taken for a considerable length of time; resolve with dispatch pending incidents and cases that were already beyond the period to resolve; decide within the reglementary period the cases already submitted for decision; and submit copies of the resolutions/decisions to the Office of the Court Administrator (OCA);^[11] (2) to Atty. Custodio B. Compendio Jr., Clerk of Court VI, directing him to apprise Judge Doyon regarding cases submitted for resolution/decision and those requiring immediate action; order and supervise the updating of docket books; attach certificates of arraignment duly signed by the accused and his counsel; explain why the bundy clock was not installed and why he and the staff did not comply with OCA Circular No. 7-2003 on the mandatory use of bundy clocks in all

courts; inform the Court whether the amount of P48,000.37 was immediately deposited, furnish the OCA documents showing the same, and explain why no disciplinary sanction should be imposed on him for failure to strictly comply with A.C. No. 3-2000;^[12] (3) to Noel B. Albiva and Jeanette T. Sayas, Clerks-in-Charge of criminal and civil cases, directing them to update the entries in their docket books and submit proof of compliance within 60 days from notice with a warning that continued failure to do the same may prove valid grounds for the imposition of administrative sanction.^[13]

Atty. Compendio submitted his compliance dated August 22, 2005 stating that as soon as he received the May 30, 2005 Memorandum, he apprised Judge Doyon of the cases submitted for resolution/decision and is continuously doing so; he ordered and personally supervised the updating of their docket books; the bundy clock was not installed right away because nobody in their office was capable of installing it, and until the arrival of the bundy cards, they kept it in a safe place to avoid damage; eventually they were able to set it up and have used the same since June 1, 2005; they have already deposited the amount of P48,000.37 and will send the supporting documents within one week; the failure to immediately deposit said amount was due to the heavy work load of Sayas; however, necessary measures were already undertaken in order to comply with A.C. No. 3-2000; they did not require the accused and their counsels to sign the certificates of arraignment because such was not required by the Rules of Court; he requests clarification on the matter and promises to comply with further directives of the OCA.^[14]

Judge Doyon retired from the service on January 11, 2006.^[15]

In a Memorandum to Atty. Compendio dated January 2, 2007, DCA Reuben P. De la Cruz (DCA Dela Cruz) reminded him to be cognizant of A.C. No. 3-2000 as amended;^[16] he should be familiar with the provisions and forms provided in the 2002 Revised Manual for Clerks of Court; and, he should inform the OCA whether Judge Doyon has acted on the cases subject of Memorandum dated May 30, 2005.^[17]

Atty. Elizabeth S. Tanchoco, head of the audit team, reported^[18] that the form for certificate of arraignment as provided in the 2002 Revised Manual for Clerks of Court had blanks provided for the signature of the accused and his/her counsel.^[19]

DCA De la Cruz also sent a Memorandum to Albiva and Sayas dated January 2, 2007 directing them to show cause why they should not be disciplinarily charged for their failure to comply with the May 30, 2005 Memorandum.^[20]

In a letter dated January 19, 2007, Atty. Compendio informed DCA De la Cruz that Judge Doyon already acted upon the cases subject of the May 30, 2005 memorandum except Civil Cases Nos. 4676 and 6-2001 which he already reminded Judge Doyon about.^[21]

Atty. Compendio resigned on September 15, 2007.^[22]

DCA De La Cruz issued a Memorandum dated October 30, 2007 to Albiva and Sayas stating that since both of them had not yet complied with the directive of the OCA in

the Memorandum dated January 2, 2007, they were given 10 days to comply with the same, otherwise, the OCA would be constrained to initiate appropriate administrative proceedings against them.^[23] In a Memorandum of even date, DCA De la Cruz also directed Atty. Compendio to furnish the OCA copies of the orders, resolutions and decisions mentioned in his January 19, 2007 letter and inform the OCA if A.C. No. 3-2000 had been complied with.^[24]

Judge Doyon sent a letter dated March 18, 2007 to DCA De la Cruz attaching copies of resolutions and orders corresponding to the cases mentioned in the May 30, 2005 Memorandum.^[25]

In a Memorandum dated February 12, 2008, the OCA through Court Administrator Zenaida N. Elepaño recommended that:

1. Judge Orlando P. Doyon be ordered to pay a FINE of FIFTY THOUSAND PESOS (P50,000.00) PESOS to be deducted from his retirement benefits;
2. Branch Clerk of Court, Atty. Custodio B. Compendio Jr. be FINED the amount of FIVE THOUSAND (P5,000.00) PESOS for neglect of duty and inefficiency with a WARNING that a repetition of the same infractions in the future would be dealt with more severely; and
3. Clerks-in-Charge Mr. Albiva and Ms. Sayas be each FINED the amount of FIVE THOUSAND (P5,000.00) PESOS for a clear and continued disregard to lawful directives of the Office of the Court Administrator.^[26]

The OCA in said memorandum found that Judge Doyon failed to resolve within the reglementary period nine motions submitted for resolution,^[27] incurred delay in deciding six cases submitted for decision,^[28] failed to decide SP. 43-04 which was submitted for decision as early as July 18, 2005 and no action was taken in Crim. Case No. 2004-116 wherein a warrant of arrest was issued on August 16, 2004.^[29]

The OCA also found that Atty. Compendio was negligent in supervising court dockets and assisting Judge Doyon in the preparation and submission of the latter's compliance; that he failed to furnish the Court copies of the decisions in SP Civil Case No. 03, "*Heirs of Ramo v. Heirs of Ramo*" and Civil Case No. 2000-01, "*Morada v. Cosina*" and merely provided a copy of the transmittal letters to the Court of Appeals (CA) without providing information whether these cases were decided within the required period; and that although he stated that he ordered the updating of the docket books of Albiva and Sayas, the compliance of the two still remained wanting.^[30] The OCA likewise found that Albiva and Sayas failed to submit their compliance even though memoranda dated May 30, 2005, January 2, 2007 and October 30, 2007 contained warnings on the possible imposition of administrative sanctions on the continued non-compliance with the same.^[31]

The Court noted the said Memorandum and redocketed the instant case as a regular administrative matter in the Resolution dated March 19, 2008.^[32] In the Resolution dated August 6, 2008, the Court directed Judge Doyon, Atty. Compendio and Clerks

Sayas and Albiva to explain their infractions as specified in the OCA Memorandum dated February 12, 2008.^[33]

Judge Doyon submitted a Manifestation dated September 2, 2008 stating that: the instant case was filed after his compulsory retirement; he received a copy of the charges only on August 29, 2008; on March 18, 2007, he submitted copies of decisions, resolutions and orders of cases to DCA De la Cruz; if some of the decisions, resolutions and orders were beyond the reglementary period, it was because Clerk of Court Compendio, who had already resigned, failed to apprise him of cases for decision and/or resolution; if his inaction constituted an infraction of rules or regulations of the court, he was willing to be fined in an amount deductible from his retirement benefits; he prayed that this case be finally resolved so that he could be given his retirement benefits and he could pay his mortgages.^[34]

Sayas and Albiva submitted a letter, with a 1st Indorsement dated June 5, 2008 by the Presiding Judge of the RTC Branch 34, Dax Gonzaga Xenos,^[35] stating that they immediately complied with the memoranda of the Court; however, they inadvertently failed to manifest the same to the OCA for which they sincerely apologized. Attached to said letter was a certification issued by Clerk of Court Atty. Fernando R. Fudalan, Jr., stating that the entries in the court's dockets were updated as of the date of said letter, June 5, 2005. They also manifested that in view of the resignation of Atty. Compendio effective September 2007, they attached, in his behalf, certified true copies of the decisions and orders issued by Judge Doyon as required of him, including the orders in SP. 43-04 and Crim. Case No. 2004-116. They prayed that this letter and its attachments be considered as substantial compliance with the Court's memoranda and that the administrative case against them be dropped.^[36]

Albiva and Sayas also submitted a Comment^[37] on the August 29, 2008 Resolution of the Court, stating that they immediately endeavored to comply in good faith with the same by updating and preparing the court's semi-annual docket inventory reports covering the required period; however, they finished the reports within 6 months, instead of the 2-month period given by the Court; they attached the official receipt from the LBC dated January 14, 2006, the date the docket inventory reports were sent to the OCA; as to the Memorandum dated January 2, 2007, they sent a letter-compliance dated January 19, 2007 to the DCA manifesting in good faith their long-time compliance with the May 30, 2005 Memorandum; anent the Memorandum dated October 30, 2007, they presumed that compliance with the same was already retroactively carried over in their letter dated January 2, 2007; in Judge Xenos's letter to the DCA dated February 4, 2008, they again attached their January 19, 2007 letter attesting compliance; after receiving the March 19, 2008^[38] Resolution of the Court, Siwa started to experience pregnancy bleedings and eventually had a miscarriage on June 6, 2008, a day after they finished gathering documents to be attached to their letter; in May 2008, they approached their new Legal Researcher who explained to them that what was required of them by the Court was the updating of entries in their respective docket books; it was only then that they realized that they misunderstood the memoranda and that what they repeatedly sent as compliance to the OCA, *i.e.*, the semi-annual docket inventory reports, were not the ones required of them; they humbly submit that at the time they received the memorandum dated May 30, 2005, they had already updated their docket books

in compliance with the judicial audit in April 2005; what remained was the submission to the OCA of docket inventory reports covering the period of July 2003 to June 2005; realizing their mistake, they immediately requested their Clerk of Court for a certification attesting to the fact that their docket books are updated up to the present time. They pray for mercy in the consideration of their case since they are breadwinners of their respective families.^[39]

The Court agrees with the OCA's findings except as to the recommended penalty for Judge Doyon.

As correctly found by the OCA, Judge Doyon is guilty of undue delay in rendering decisions and resolutions.

The Constitution requires trial judges to dispose of all cases or matters within three months.^[40] The New Code of Judicial Conduct^[41] also provides in Canon 6, Section 5 thereof that judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

The reason for this rule is that justice delayed is justice denied.^[42] Undue delay in the disposition of cases results in a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary.^[43] Thus, the failure of judges to render judgments within the required period constitutes gross inefficiency and warrants the imposition of administrative sanction.^[44]

In this case, Judge Doyon failed to resolve and decide within the reglementary period nine motions and six cases submitted for decision.^[45] While the OCA found that he failed to decide SP. 43-04, a copy of an Order which was belatedly filed shows that the case was resolved on April 21, 2005.^[46]

Judge Doyon's explanation that the undue delay was caused by the failure of Atty. Compendio to apprise him of the cases or incidents pending resolution cannot exculpate him from liability. A judge cannot take refuge behind the inefficiency or mismanagement of his personnel.^[47] He is responsible, not only for the dispensation of justice but also for managing his court efficiently to ensure the prompt delivery of court services.^[48] Since he is the one directly responsible for the proper discharge of his official functions, he should know the cases submitted to him for decision, especially those pending for more than 90 days.^[49]

Judge Doyon's claim that the administrative case was filed after his compulsory retirement also cannot free him from liability. In *Re: Judicial Audit Conducted in the Regional Trial Court, Branch 54, Lapu-Lapu City*^[50] and *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 8, Cebu City*,^[51] audit investigations were conducted before the judges' compulsory retirements. However the cases were treated as administrative complaints only after the judges had compulsorily retired. The Court still held them liable for undue delay and imposed on them fines, which were deducted from their retirement benefits.^[52]

Undue delay in rendering a decision or order is a less serious charge under A.M. No.