

THIRD DIVISION

[A.M. NO. RTJ-06-1979 (FORMERLY OCA IPI NO. 05-2268-RTJ), March 14, 2007]

NAPOLEON CAGAS, COMPLAINANT, [FORMERLY OCA IPI NO. 05-2268-RTJ] PRESENT: VS. JUDGE ROSARIO B. TORRECAMPO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 33, PILI, CAMARINES SUR, RESPONDENT.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Before us is an Administrative Complaint^[1] dated April 12, 2005 of Napoleon Cagas (complainant) charging Judge Rosario B. Torrecampo (respondent), Presiding Judge, Regional Trial Court (RTC), Branch 33, Pili, Camarines Sur with Serious Neglect of Duty, Falsification of Public Documents, Incompetence, Knowingly Rendering an Unjust Judgment, and Infidelity to the Canons of Legal Ethics and Moral Standards relative to Criminal Case Nos. P-2196 to P-2201 entitled "*People of the Philippines v. Genuival Cagas, Wilson Butin and Julio Astillero.*"

Complainant alleges: He is the brother of accused Genuival Cagas (Genuival). In 1992, criminal charges for murder were filed against Genuival, Wilson Butin (Wilson), and Julio Astillero, and they were arrested and detained without bail. The trial was terminated in June 2000 and the cases were submitted for decision. For almost 11 years, the accused had lingered in jail but no decision was rendered. Respondent failed to resolve the cases submitted for decision for over four years, prompting Genuival to file motions to resolve the cases. An organization called "CAMJUST" wrote Hon. Hilario Davide, Jr. and explained the situation of the accused. Meanwhile, Wilson died in incarceration. The remaining two accused filed another plea to resolve the cases. On January 11, 2005, counsel for the accused filed a Motion to Dismiss invoking the constitutional rights of the accused to a speedy disposition of cases considering hibernation for about five years from the date said cases were submitted for resolution in 2000. The motion was set for hearing on January 19, 2005. Counsel for the accused received an Order setting the promulgation of the Decision on January 18, 2005, convicting the accused, one day ahead of the hearing of the Motion to Dismiss. The promulgation of the decision set one day ahead of the hearing of the motion to dismiss will "hostage" the hearing of the motion and render it moot and academic. From June 2000 to January 2005, 55 months had elapsed before respondent wrote her decision. Each time respondent makes a certification that she has no pending cases for resolution, respondent must be criminally charged for falsification. If respondent is not guilty of serious negligence for failing to decide the cases against the accused in a span of almost five years, it follows that she is incompetent. Respondent ought to know that a resolution of a bail hearing is not a decision, and that denial of bail is not that degree of evidence required for a court to pronounce the accused guilty beyond reasonable doubt. Yet, respondent merely adopted the resolution of the bail hearing

and on that basis convicted the accused. Respondent failed to mention in her decision that the trial resumed only six years later and the witnesses were placed on the stand only at that time. Respondent failed to mention that witnesses testified more than six years after the occurrence of the alleged murder.

In her Comment^[2] dated July 25, 2005, respondent contends: The records of Criminal Case Nos. P-2196 to P-2201 were remanded to the lower court sometime in the middle part of 1997. She had just assumed her duties as presiding judge of RTC, Branch 33, Pili, Camarines Sur. Due to postponements at the instance of the accused, they were finally arraigned on January 5, 1998. The pre-trial was held on August 10 and September 2, 1998. After several hearings, the cases were deemed submitted for decision on December 8, 2000. On November 14, 2001, she requested time to finalize the decision in several cases including Criminal Case Nos. P-2196 to P-2201, due to illness hounding her family. On January 15, 2002, she requested for another extension of 30 days to decide some cases including Criminal Case Nos. P-2196 to P-2201 due to lower back pains which prevents her from sitting down for a long period of time. On June 10, 2003, she requested for another extension to decide Criminal Case Nos. P-2196 to P-2201 due to health problems, resulting to her hospitalization on February 17 to 19, 2003 for hypertension and pulmonary Kock's disease. She took a two-month leave of absence on doctor's advice and returned to duty in May 2003. On August 13, 2003, the Court granted her request for extension of 30 days to decide cases including Criminal Case Nos. P-2196 to P-2201. During the early part of 2004 to date, she has been on treatment for enlarged thyroid gland. The foregoing circumstances which were beyond her control adversely affected and hampered her capacity to perform and not neglect of duty on her part. It is not correct, fair, nor just to say that she had not studied the cases. She spent time poring over the records of the cases. The court has only one computer and the final draft consisting of 53 pages was completed and filed with the office of the clerk of court on January 10, 2005. The Motion to Dismiss was filed on January 13, 2005. The monthly report of cases would readily show that Criminal Case Nos. P-2196 to P-2201 were disclosed and reported as among the cases pending decision. There cannot, therefore, be falsification of public documents under the circumstances. Her inability to decide the cases within the required period was due to illness and other circumstances beyond her control. A judgment, to be unjust, must be one that is contrary to law or is not supported by evidence, or both. The same is said to be rendered knowingly when it is made deliberately and with malice. It is a fact that the evidence presented during the bail hearing shall be automatically reproduced at the trial. The findings and discussions contained in the Resolution of the Court of Appeals (CA) are very material to the determination of the issues. She made it clear, under the findings of facts, that she adopted both the Order of Judge Panga and the Resolution of the CA after she reviewed the records of the hearing and the application for bail. She consistently performed her duties with all candor and fidelity to her oath. If ever there were delays in the rendition of the decisions, the same happened because of circumstances beyond her control. She has shared a major part of her life as an educator and public servant and lived simply and honorably.

In the Agenda Report^[3] dated January 23, 2006, the Office of the Court Administrator (OCA) submitted its evaluation and recommendation, to wit:

EVALUATION: It is to be noted that respondent had already been sanctioned for her failure to decide cases within the prescribed period.

In Administrative Matter No. 03-7-427-RTC (*Re: Report on Judicial Audit conducted in the Regional Trial Court, Pili, Camarines Sur, Branch 33*), the Court issued a Resolution on 13 August 2003 imposing upon respondent a fine in the amount of P1,000.00 for her failure to decide cases within the reglementary period with a warning that a repetition of the same or similar acts shall be dealt with more severely. Respondent was granted in the same resolution a thirty (30) day period within which to decide a number of cases, including the subject criminal cases.

While we consider the predicament of the respondent and are inclined to be compassionate, we also realize that compassion has its limits. We cannot close our eyes to the fact that the [sic] she had been sanctioned for her failure to decide cases seasonably as required by law. The subject criminal cases were submitted for decision as early as December 2000. Respondent decided them only on 10 January 2005 or after five (5) years from the date of their submission for decision. It took her more than one (1) year to comply with the extension of time granted to her to decide them in the Court's 13 August 2003 Resolution. Now, respondent seeks the Court's understanding once again giving the same reasons that she had stated in her earlier requests for extension of time "her recurring health problems." The Court may grant compassion but only to a certain extent.

In fact, in case of poor health, the judge concerned needs only to ask the Court for an extension of time to decide cases (*Report on the Judicial Audit Conducted in the MTCC, Branch 5, Bacolod City, A.M. No. 04-3-63-MTCC, November 23, 2004*). Also, the Court allows a certain degree of latitude to judges and grants them a reasonable extension of time to decide and resolve cases upon proper application by the judge concerned upon meritorious grounds (*Office of the Court Administrator vs. Judge Francisco Joven, A.M. No. RTJ-01-1646, March 11, 2003*). In the instant case, the Court had already given respondent the extension of time she needed.

The neglect of duty committed by respondent lies particularly in failing to decide the subject criminal cases within the reglementary period compounded by the fact that she again failed to decide them within the extended period granted to her by the Court. For such delay, respondent must be accountable lest requests for extension of time may be subject to abuse.

From the records of the OCA, OAS-Leave Division, the only available certificates of service of respondent were for the months of December 2003; February 2004 to June 2004; and October 2004 to December 2004. These available certificates were not properly accomplished by the respondent. She did not provide a list of the case numbers and titles of the cases submitted for decision that she was asking for extension of time to decide. She merely put a check mark on the item "illness of judge" among others, as one of her reasons for requesting an extension.

Nevertheless, the submission of the monthly report which includes the

subject criminal cases as among those cases submitted for decision but not yet decided, negates respondent's alleged intent to falsify her certificate of service.

The imputation that the decision rendered by the respondent was unjust is an issue which is judicial in nature and is best left to the Court of Appeals to which the accused have taken recourse through a Notice of Appeal that they filed on 24 January 2005.

Undue Delay in Rendering a Decision or Order is classified under Section 9, Rule 140 of the Revised Rules of Court as a less serious offense. Section 11 (B) of the same Rule provides the imposable penalty for such offense as follows: (1) suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

RECOMMENDATION: It is respectfully submitted for the consideration of the Honorable Court the following recommendations:

1. The present administrative complaint against Judge Rosario B. Torrecampo be **RE-DOCKETED** as a regular administrative matter; and
2. The respondent be declared **GUILTY** of undue delay in rendering a decision within the reglementary period and be **FINED** in the amount of **Eleven Thousand Pesos(P11,000.00)**.

We agree with the findings and recommendations of the OCA, with modification as to the recommended penalty.

In the Resolution of March 6, 2006, the Court required the parties to manifest their willingness to submit the case for resolution based on the pleadings filed. The Court, in its Resolution of January 17, 2007, deemed the case submitted for resolution for failure of the parties to manifest their willingness to submit the case for resolution based on the pleadings filed.

The Constitution provides that all lower courts must decide or resolve cases or matters brought before them three months from the time a case or matter is submitted for decision,^[4] in view of the right of all persons to the speedy disposition of their cases.^[5] Rule 3.05, Canon 3 of the Code of Judicial Conduct also directs judges to dispose of the court's business promptly and decide cases within the required periods. For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.^[6] If public confidence in the judiciary is to be preserved, judges must perform their official duties with utmost diligence.^[7] There is no excuse for delay nor negligence in the performance of judicial functions.

In Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional