

## THIRD DIVISION

**[ A.M. NO. RTJ-04-1825, January 27, 2006 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE FELIX G. GAUDIEL, JR., RESPONDENT.**

### RESOLUTION

**QUISUMBING, J.:**

This administrative matter arose from a judicial audit conducted in connection with the compulsory retirement of respondent Judge Felix G. Gaudiel, Jr., as the presiding judge of the Regional Trial Court, Branch 64, Guihulngan, Negros Oriental.

The audit team reported that as of audit date, October 14, 2002, Branch 64 had only 23 [1] cases submitted for decision, seventeen (17) [2] of which were left undecided, in contravention of the 90-day period for deciding cases. The audit also revealed that Judge Gaudiel, Jr., failed to resolve within the prescribed period the pending incidents in 23 [3] cases, and allowed 97 [4] cases to become dormant for a considerable length of time as a result of his inaction.

In addition, it appears that respondent had been ordered by this Court in a Resolution dated July 31, 2002, to evaluate OCA IPI-02-1364 and to submit his report and recommendation thereon within sixty (60) days from notice. Respondent had received the Resolution and the records of the case on September 2, 2002, but as of October 14, 2002, he had not yet taken any action on said case. [5]

The audit team also found that respondent wrote Court Administrator Presbitero J. Velasco, Jr. on September 11, 2002, to manifest that he would not be holding sessions for two months beginning September 16, 2002, until November 16, 2002, to devote his time to deciding cases already submitted for decision. However, he was unable to decide any of those cases because he went on sick leave from September 30, 2002, up to the time of the audit on October 14, 2002. [6]

On November 5, 2002, Deputy Court Administrator Zenaida N. Elepaño sent respondent a Memorandum [7] apprising him of the audit team's findings and ordering him:

1. to EXPLAIN within fifteen (15) days from notice [his] failure (a) to decide the cases, which have been awaiting decision for more than ninety (90) days, within the reglementary period; (b) to resolve the pending incidents for resolution in the cases above-mentioned within the reglementary period; and, (c) to take further action on the dormant cases despite the lapse of a considerable length of time;

2. to DECIDE all cases submitted for decision and to RESOLVE all pending incidents for resolution in the cases above-mentioned before [he] compulsorily retire[s] on December 4, 2002, and to SUBMIT to the Office of the Court Administrator, through the Court Management Office, certified true copies of said decisions and resolutions on or before December 4, 2002;
3. to TAKE APPROPRIATE ACTION on those cases which have remained dormant for a considerable length of time before [he] compulsorily retire[s] on December 4, 2002, and to REPORT thereon to the Office of the Court Administrator, through the Court Management Office, on or before December 4, 2002;
4. to SUBMIT [his] report and recommendation in OCA IPI-02-1364 before [he] compulsorily retire[s] on December 4, 2002; and,
5. to EXPLAIN within fifteen (15) days from notice [his] failure to report for work from September 30, 2002 up to the third week of October 2002. [8]

Respondent received a copy of the Memorandum through his Clerk of Court on December 2, 2002, but failed to act thereon. Thus, on December 4, 2002, respondent retired compulsorily without complying with any of the directives.

On August 28, 2003, upon learning that his compliance was necessary for his clearance, respondent sent to the Office of the Court Administrator a letter [9] containing his compliance with the first part of directive No. 1. He explained that his failure to decide his cases on time was due to his failing health that compelled him to rest two months before his retirement. He stated that this Court refused to grant his letter-request [10] dated November 8, 2002, for extension of his judicial service until May 2, 2003.

DCA Elepaño found respondent's compliance insufficient and sent him a reply letter [11] on September 17, 2003, advising him to comply with directives Nos. 1 and 5.

On October 13, 2003, respondent submitted his letter-compliance [12] as required. He no longer cited his failing health. Instead, he claimed that he was able to decide only 5 [13] cases and resolve only 2 [14] pending incidents when he returned to work in November 2002, primarily because this Court refused to grant his request for extension of judicial service. He added as reasons, the inadequate library in his court, his heavy caseload of 400 cases, and the unavailability of lawyers in Guihulngan. [15]

He asserted that he could not decide any of the 5 [16] criminal cases that were reported to have remained undecided beyond the 90-day period because aside from the abovesited reasons, the stenographic notes from Branch 45 in Bais City, which originally heard those cases, never arrived. Respondent also pointed out that the audit team erroneously reported 2 cases [17] as already submitted for decision, and attached copies of the pertinent orders to show that said cases were still undergoing trial. [18]

Respondent did not explain why he failed to act on the 97 dormant cases for a considerable length of time. Neither did he explain his absence from September 30, 2002, up to the third week of October 2002. He merely attached copies of his applications for sick leave and his Certificates of Service for September 2002 and October 2002, without specifying what illness he was suffering from. [19]

As regards OCA IPI-02-1364, respondent explained that he had already asked Court Administrator Presbitero J. Velasco, Jr. on November 8, 2002, to allow him to inhibit himself from hearing the case because one of the parties was his friend. [20]

On January 28, 2004, the Court resolved to re-docket the case as an administrative complaint against respondent and required him to file his comment. [21]

On March 24, 2004, respondent adopted the explanations contained in his letter-compliance of October 13, 2003. [22] Thereafter, this Court referred the case to the OCA for evaluation, report and recommendation.

On August 23, 2004, the OCA found respondent guilty of gross inefficiency, and recommended that P20,000 be deducted from the proceeds of his retirement benefits as fine. [23]

We agree with the evaluation and recommendation.

We have always emphasized the imperative for judges to decide cases promptly and expeditiously within the constitutionally prescribed 90-day period. Failure to do so constitutes gross inefficiency, which consequently warrants administrative sanctions. [24]

The records in this case show that as of audit date, respondent had failed to decide 16 [25] cases within the prescribed period and to resolve matters pending in 23 others. He had failed to act on 97 cases for an unreasonable length of time, some of them for more than three and a half years. Worse, he neglected to decide within the required period, one case, [26] which was originally reported still to be within the required period as of audit date, and allowed said case to remain undecided up to his retirement.

Respondent can not blame this Court for refusing to extend his judicial service. The compulsory retirement age of members of the bench is prescribed by the Constitution. This matter is determined by the judge's age, beyond this Court's discretion. Also, he and no one else is responsible for the proper discharge of his official functions. Canon 6 of the Canons of Judicial Ethics provides that judges should be prompt in disposing of all matters submitted to them. [27] He can not use this Court's denial of his clearly unreasonable request to excuse himself from liability caused by his own inefficiency.

His failing health, his heavy caseload, and the lack of adequate research materials in his court's library serve only to mitigate the penalty, not exonerate him. Respondent could have written this Court to explain his predicament and to ask for proper extensions of time for decision-making. Had the Court been apprised seasonably of