

## **SECOND DIVISION**

**[ A.M. NO. 00-2-65-RTC, August 16, 2005 ]**

**RE: REPORT ON THE ON-THE-SPOT JUDICIAL AUDIT CONDUCTED  
IN THE RTC-BRANCHES 45 & 53, BACOLOD CITY.**

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

**AUSTRIA-MARTINEZ, J.:**

Judge Edgardo de los Santos and Judge Pepito B. Gellada move for a reconsideration of the Resolution dated February 15, 2005, the decretal portion of which reads:

Wherefore, Judge Edgardo L. Delos Santos is found guilty of gross inefficiency. With the mitigating circumstance of poor health and heavy caseload due to several salas he handles, he is FINED the amount of P20,000.00. He is DIRECTED TO DECIDE Civil Case No. 7556 and to FURNISH the Court through the Office of the Court Administrator a copy of the said decision within thirty (30) days from notice hereof.

Judge Pepito B. Gellada is found guilty of gross inefficiency and is Fined the amount of P11,000.00. He is DIRECTED to:

1. DECIDE WITH DISPATCH Criminal Cases Nos. 170 & 1128 and Civil Cases Nos. 4498 & 4628 and to FURNISH THE Court through the Office of the Court Administrator copies of said decision, thirty (30) days from rendition thereof;
2. take appropriate actions on Criminal Cases Nos. 10220, 96-16950 & 95-17418 and to SUBMIT a report of compliance thereto to the Court through the Office of the Court Administrator, within thirty (30) days from notice hereof; and
3. to CAUSE the completion of the transcripts of stenographic notes in Criminal Case No. 1128 and the transcript of stenographic notes in the consolidated Civil Cases Nos. 4498 and 4628 taken on February 4, 1991, or the re-taking of the testimonies, if warranted; and report to the Court the action taken thereon, within thirty (30) days from receipt hereof.

Judge de los Santos alleges in the main that his failure to decide the subject cases beyond the reglementary period was caused not by inefficiency on his part but brought about by human frailty and the fact that he was simply overburdened. He cites that prior to the on-the-spot audit conducted by the Office of the Court Administrator on September 8, 1999, and post audit, up to May 2003, he held and performed concurrently his duties as Presiding Judge of Regional Trial Court (RTC) Bacolod, Branch 45 with other assignments given him by the Court - in such capacities as Acting Presiding Judge in two other courts/branches (RTC of Bacolod,

Branch 46 and RTC of Kabankalan, Branch 61), and as Judge-Designate in two cases where the regular presiding Judges thereat recused themselves. These assignments affected greatly his health as he shuttled to and from the different courts considering the long travels he had to make, over and above the fact, that his *sala* and the other courts he handled are heavily laden with cases.

Judge de los Santos likewise alleges that with his very busy schedule, he failed to file motions for extensions of time to decide the subject cases. However, he points out that he wrote Justice Elepaño once, the then Chief Justice Narvasa twice, and Chief Justice Davide, Jr., once, about his predicament praying for the revocation of his additional assignments. Chief Justice Davide, Jr. granted his plea on August 13, 1999 when he issued a Memorandum directing Justice Benipayo to prepare an Administrative Order revoking his designation as acting presiding judge of RTC of Kabankalan, Branch 61. On September 7, 1999, Administrative Order No. 91-99 was issued, signed by the then Acting Chief Justice Josue Bellosillo, thus relieving him of said designation. But by then, his docket had already piled up and a day after, the audit was conducted.

Finally, Judge de los Santos avers that he has complied with the directive of the Court to decide Civil Case No. 7556 and has submitted a copy of the said decision. However, he takes exception to our finding that he failed to include in his letter-compliance of the Resolution dated February 23, 2000 that the said case was still undecided despite the report of the Office of the Court Administrator (OCA) that the respective memoranda of the parties have been submitted. He explains that he cannot be faulted for not including Civil Case No. 7556 because at that time, said case was not yet ripe for decision. Then, the respective memoranda of the adversaries were not yet submitted contrary to the report of the OCA. In fact, until the writing of the decision, no memorandum was filed. Thus, the 90-day given period to decide has not yet commenced. But he decided the said case sans memoranda for failure to file the same after a considerable lapse of time.

Judge Gellada admits having omitted to perform a duty assigned to him within the time frame required but asserts that the omission is not deliberate, or attributable to sloth, or procrastination. He alleges that he was saddled with a heavy caseload coupled with the designation of his sala as a heinous crime court in 1997 and that he wasted no time in deciding the cases after his attention was called. He narrated a backgrounder for each of the case the audit found to be beyond the 90-day period to decide and some cases which were found to be unacted upon for a long while. He likewise submits his compliance of the directives in our resolution sought to be reconsidered.

Both movants-judges cite the case of A.M. No. 03-11-628 entitled "*Re- Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 144, Makati City*" arguing that the Court took cognizance of the heavy burden of judges, the time constraints and pressures they are working under, when Judge Candido Villanueva, who was also charged for gross inefficiency, was exonerated for failing to decide cases within the reglementary period.

There is parallelism in the predicament of Judge de los Santos and that of Judge Villanueva's.

In the aforecited case, Judge Villanueva's caseload is unusually high brought about