

## EN BANC

**[ A.M. No. RTJ-04-1821, August 12, 2004 ]**

**JOSE E. FERNANDEZ, COMPLAINANT, VS. JUDGE JAIME T. HAMOY, REGIONAL TRIAL COURT, BRANCH 130, CALOOCAN CITY, RESPONDENT.**

### ***DECISION***

#### **PER CURIAM:**

This is an administrative complaint against Judge Jaime T. Hamoy for Abuse of Authority, Dereliction of Duty and Violation of Rule 3.05 of the Code of Judicial Conduct.<sup>[1]</sup>

Complainant Jose E. Fernandez is the counsel for plaintiff in Civil Case No. 3645 entitled, "*Hadji Adil Musahari, Plaintiff versus Shop-O-Rama, et al., Defendants,*" and Civil Case No. 2744 entitled, "*Philippine International Development, Inc., Plaintiff versus Associate Citizens Bank, Defendant,*" both of which were filed with the Regional Trial Court of Zamboanga City, Branch 15, then presided by respondent Judge. Despite the lapse of more than ten years, respondent Judge failed to render judgment in the said cases. After respondent Judge was transferred to the RTC of Caloocan City, complainant learned that he brought the records of the subject cases to his new station.

On January 7, 1997, complainant wrote a letter to the Court Administrator seeking help in the speedy disposition of his clients' cases.<sup>[2]</sup> Senior Deputy Court Administrator Reynaldo L. Suarez referred the letter to respondent Judge for comment or appropriate action.<sup>[3]</sup>

When nothing was heard from respondent Judge, then Court Administrator Alfredo L. Benipayo directed respondent to comment on the complaint within ten days from receipt. Again, respondent Judge failed to comply.<sup>[4]</sup>

On April 3, 2001, Deputy Court Administrator Jose P. Perez sent a First Tracer to respondent Judge reiterating the directive for him to file comment within five days from receipt. Still, respondent Judge failed to do so.

For his repeated failure to comply with the directives of the Office of the Court Administrator, a Resolution was issued requiring respondent Judge to show cause why he should not be held in contempt for his failure to file comment; and to submit the said comment within ten days from notice.<sup>[5]</sup>

Respondent Judge finally filed an Explanation/Compliance, alleging that he simply forgot to submit his comment; that he misplaced the records of Civil Cases Nos. 3645 and 2744; that his Utility Aide in Caloocan City mixed up the records of the

said cases with the records of cases assigned to the Caloocan court; that the missing case records were found only when the old records were transferred to the newly-acquired storage/filing cabinets; that he was unable to act on the cases notwithstanding the discovery of the records because he had to attend to the many family-related cases, being then the only designated Family Court; that his docket became more congested when the other courts forwarded to his sala cases falling under the jurisdiction of the Family Court; and that he had no intention of disregarding the directives of the Court Administrator or of this Court.<sup>[6]</sup>

Subsequently, respondent Judge filed a Manifestation that he had already decided Civil Case No. 2744 on July 11, 2003 and Civil Case No. 3645 on June 20, 2003.<sup>[7]</sup>

In compliance with the directive of this Court, respondent Judge manifested his willingness to submit the administrative complaint against him for resolution on the basis of the pleadings filed.<sup>[8]</sup>

The Office of the Court Administrator, after evaluation, recommended that respondent Judge be fined the amount of Forty Thousand Pesos (P40,000.00) for his failure to decide the subject cases within the reglementary period, with warning that any further delay in the disposition of cases will subject him to a more severe penalty of either suspension or dismissal from service.

We agree with the recommendation of the Court Administrator that respondent is administratively liable for gross inefficiency, dereliction of duty and violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct. However, we find the recommended penalty not commensurate to the gravity of the nonfeasance and malfeasance committed.

In his Comment, respondent Judge attributes the delay in the resolution of Civil Cases Nos. 2744 and 3645 to the mix-up of the records with those of the other cases assigned to his court.

Such an excuse hardly merits serious consideration. Respondent Judge cannot be absolved from liability for the inefficiency of his court personnel.<sup>[9]</sup> Judges are charged with the administrative responsibility of organizing and supervising his court personnel to secure the prompt and efficient dispatch of business, requiring at all times the observance of high standards of public service and fidelity.<sup>[10]</sup> Indeed, he is ultimately responsible for ensuring that court personnel perform their tasks and that the parties are promptly notified of his orders and decisions.<sup>[11]</sup> It is his duty to devise an efficient recording and filing system in his court to enable him to monitor the flow of cases and to manage their speedy and timely disposition.<sup>[12]</sup>

More importantly, judges have a duty to decide their cases within the reglementary period. On meritorious grounds, they may ask for additional time. It must be stressed, however, that their application for extension must be filed before the expiration of the prescribed period.<sup>[13]</sup> A close scrutiny of the records does not disclose any attempt by respondent Judge to request for a reasonable extension of time to dispose of the aforementioned cases. Not only did he consign the cases in limbo for an unreasonable period of 13 years, worse, respondent Judge brought the records of the unresolved cases to his new station without clearance from the Office

of the Court Administrator. Upon his transfer to another post, respondent Judge should have asked the permission of the Court Administrator to bring the records of the cases to his new assignment or should have apprised the parties of his action with respect thereto. This way, the Office of the Court Administrator and the parties involved are aware of the progress of the cases instead of leaving them in the dark. More importantly, this would dispel any suspicion that the respondent Judge was unduly holding on to the records for corrupt or ill motives.

Members of the judiciary have the sworn duty to administer justice without undue delay. A judge who failed to do so has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary.

The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized but which we always advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics.<sup>[14]</sup> More importantly, 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.<sup>[15]</sup>

Rule 1.02 of the Code of Judicial Conduct states:

Rule 1.02. – A judge should administer justice impartially and without delay.

In line with this, the Court has laid down administrative guidelines to ensure that the mandates on the prompt disposition of judicial business are complied with. Thus, SC Administrative Circular No. 13-87 states, in pertinent part:

**3. Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts.** Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so. . . (emphasis and italics supplied)

A judge's inability to decide a case within the required period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions.<sup>[16]</sup> A judge should, at all times, remain in full control of the proceedings in his sala and, more importantly, should follow the time limit set for deciding cases.<sup>[17]</sup>

Furthermore, respondent Judge should be held liable for his failure to obey directives from this Court and the Court Administrator.

In his Comment, respondent Judge admitted that he received the directives from the OCA and from this Court but that he "forgot" to comply.

Needless to say, judges should respect the orders and decisions of higher tribunals, much more so this Court from which all other courts should take their bearings. A resolution of the Supreme Court is not to be construed as a mere request and should not be complied with partially, inadequately or selectively.<sup>[18]</sup> Respondent