

THIRD DIVISION

[A.M. No. RTJ-04-1872, October 18, 2004]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE DOLORES L. ESPAÑOL, REGIONAL TRIAL COURT, BRANCH
90, DASMARIÑAS, CAVITE, RESPONDENT.**

DECISION

PANGANIBAN, J.:

The Constitution requires trial judges to decide cases within 90 days from the time the last pleading is filed.^[1] Indeed, justice is defined not just by *how* but, equally important, by *when* it is dispensed. When circumstances make it impossible for judges to decide a litigation within the reglementary period, they are required to inform this Court of the reasons for the delay and to ask for an extension within which to dispose of the case. This simple requirement is meant to assure litigants that their causes have not been forgotten and buried among the myriad concerns courts have to attend to, and to demonstrate that judges are conscientious of their constitutionally imposed time limits.

The Case

Before this Court is a case that originated as Administrative Matter No. 04-6-352-RTC (*Re: Judicial Audit Conducted in the Regional Trial Court, Dasmariñas, Branch 90 [Stationed at Imus], Cavite*). The Complaint, filed against Judge Dolores L. Español (ret.) of the said Regional Trial Court (RTC), was for gross inefficiency.^[2] Upon the recommendation of the Office of the Court Administrator (OCA), the matter was re-docketed as a regular administrative case on August 9, 2004.^[3]

The Facts

The facts, as found by the OCA, are as follows:

"A Judicial Audit and Inventory of Cases was conducted in the Regional Trial Court, Branch 90, Dasmariñas (stationed at Imus), Cavite, prior to the compulsory retirement of Judge Dolores L. Español on January 9, 2004.

"On the basis of the findings of the audit team, a Memorandum dated 27 November 2003 was sent to Judge Español directing her to decide all cases submitted for decision, resolve all motions/incidents submitted for resolution and to take actions on the unacted cases as tabulated in the memorandum.

"On May 25, 2004, Judge Español submitted her compliance with the memorandum dated November 27, 2003. A tabulated list showing the

actions taken on the cases was submitted and copies of the decisions rendered were attached to the compliance.

"Judge Español in her compliance pointed out that the directive requiring [her] to take appropriate action in the cases was received by her two (2) days before her compulsory retirement and due to human limitations, all the listed cases for action could not be completely done. All the cases may have been unresolved due to the election protest returned by the Commission on Elections after 17 months and which was given priority."

The OCA's investigation showed that upon her compulsory retirement on January 9, 2004, Judge Español left a total of 69 cases that had not been acted upon. In particular, these included six criminal and sixteen civil cases already submitted for decision, five criminal and eighteen civil cases on appeal, and sixteen cases with pending incidents for resolution.

[4]

In separate communications addressed to Deputy Court Administrator (DCA) Jose Perez dated May 27, 2004^[5] and September 1, 2004, respondent judge explained that the delay in the disposition of cases in her court was due to the following reasons:

1. Only two days before her compulsory retirement on January 9, 2004 did she receive the Memorandum dated November 27, 2003, directing her to decide all cases submitted for decision, to resolve all motions/incidents, and to take actions on cases tabulated therein that had not yet been acted upon. Pointing to "human limitations," she explained that she could not have disposed of the cases contained in the directive within her remaining two days in office.
2. She gave priority, as was required by law, to Election Protest No. 01-02, *Oscar Jaro v. Homer Saquilayan*. That case took much of her court time and energy, as it required the revision and review of 52,694 ballots from 453 precincts of Imus, Cavite, and necessitated the creation of two revision committees. The clerk of court and three other court personnel, particularly the researcher and two clerks, had to devote their full time to assist in the revision.
3. In *Solar Resources, Inc. v. Rolando Aldunar*, 63 counts of unlawful detainer with damages required the implementations of 63 writs of execution and demolition. The negotiations undertaken by both the plaintiff and the defendants, the latter numbering about six hundred families, caused setbacks in the final disposition of the cases. It was only after the negotiations failed that respondent's court was constrained to exercise its firm hand.
4. Delay in the service of the writs in the aforementioned Solar Resources cases was also partly the fault of Sheriff Tomas C. Azurin, who allegedly frustrated the enforcement of the writs through highly questionable acts. Among those acts were cavorting with the leaders of squatter groups that had opposed the implementation of the Orders and the Writs of the court and

contracting the food preparation of the demolition team, part of which he himself had recruited. In an Order dated December 29, 2003, respondent judge ordered the relief of Azurin and the deputization of Sheriffs Danny Lapuz and Rodelio Buenviaje of Cavite City. The Writs were finally completed on March 8, 2004, as evidenced by the sheriff's return and receipt of possession.

5. The transfer of court records from the maintenance room to the courtroom vacated by Judge Eduardo Israel Tanguanco, as well as the temporary storage of those records in a 20-foot container van, caused the misplacement of some records.

In her letter to DCA Perez dated September 1, 2004, respondent denied the charges of gross inefficiency leveled against her. She alleged that as early as August 2003, in anticipation of her compulsory retirement, she had approached the Court Management Office (CMO). She discussed with the CMO the possibility of requesting another judge to assist her in the ongoing revision of ballots in EPC No. 01-02, as well as in the implementation of writs in sixty-three appealed cases for unlawful detainer involving Solar Resources. On the advice of the CMO, however, she did not submit a formal request.

Respondent also called attention to the fact that, notwithstanding a full calendar and the absence of an assisting judge, she was not remiss in disposing of cases. Even before her receipt of the Memorandum of January 7, 2004, which was two days before her retirement on January 9, 2004, she had already acted on a number of cases not covered by the Audit Report. The latest tabulation showed that the cases listed in the Memorandum dated November 27, 2003, had been disposed of accordingly.

Evaluation and Recommendation of the Office of the Court Administrator

The OCA found respondent guilty of gross inefficiency and recommended a fine of ten thousand pesos (P10,000) to be deducted from the retirement benefits due her.

The Ruling of the Court

We agree with and adopt the findings of the OCA, but adjust the penalty in accordance with Rule 140.

Administrative Liability

The 1987 Constitution mandates trial judges to dispose of the court's business promptly and to decide cases and matters within three (3) months from the filing of the last pleading, brief or memorandum.^[6] In the disposition of cases, members of the bench have always been exhorted to observe strict adherence to the foregoing rule to prevent delay, a major culprit in the erosion of public faith and confidence in our justice system.

In the evolvment of public perception of the judiciary, there can be no more conclusive empirical influence than the prompt and proper disposition of cases.^[7] Hence, a clear failure to comply with the reglementary period is regarded as

inexcusable gross inefficiency.^[8] The speedy disposition of cases by judges is unequivocally directed by Canon 6 of the Code of Judicial Ethics:

“He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.”

This Court is aware of the predicament that plagues respondent, as well as most other trial judges in the country. The problem of case inputs grossly exceeding case outputs may be traced to several factors, the most prevalent of which are the large number of cases filed, indiscriminate grant of continuances to litigants, inefficient case flow management by judges, and unrealistic management of the calendar of cases.

To solve these problems, this Court has, in several instances, advised judges to follow certain guidelines to facilitate speedy case disposition.^[9] Among these measures is the discouragement of continuances, except for exceptional reasons. To enforce due diligence in the dispatch of judicial business without arbitrarily or unreasonably forcing cases to trial when counsels are unprepared, judges should endeavor to hold them to a proper appreciation of their duties to the public, as well as to their own clients and to the adverse party.^[10]

In criminal cases, pretrial is mandatory because, at the outset, litigation is abbreviated by the identification of contentious issues. In civil cases, judges are also required to take advantage of the pretrial conference to arrive at settlements and compromises between the parties, to ask the latter to explore the possibility of submitting their cases to any of the alternative modes of dispute resolution, and at least to reduce and limit the issues for trial. Judges are further directed to implement and observe strictly the provisions of Section 2 of Rule 119, providing for a continuous day-to-day trial as far as practicable until termination.^[11]

The work of magistrates is multifarious. They do not only hear cases and write decisions in the seclusion of their chambers; equally important, they act also as administrators. Their administrative efficiency may well define the justice they dispense.

They should be rational and realistic in calendaring cases. Only a sufficient number should be calendared in order to permit them to hear all the cases scheduled.^[12] Hence, unless the docket of the court requires otherwise, not more than four cases daily should be scheduled for trial.^[13] A continuous and physical inventory of cases on a monthly basis is also recommended, so that they would be aware of the status of each case.

With the assistance of the clerk of court, a checklist should be prepared, indicating the steps to be taken to keep cases moving.^[14] While decision-writing is a matter of personal style, judges are well-advised to prepare *concise* but *complete* as well as correct and *clear* decisions, orders or resolutions.^[15] With a table or calendar indicating the cases submitted for decision, they should note the exact day, month and year when the 90-day period is to expire.

Prompt disposition of the court's business is attained through proper and efficient court management. Judges would be remiss in their duty and responsibility as court