

THIRD DIVISION

[A.M. No. 03-11-628-RTC, November 25, 2004]

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURT, BRANCH 144, MAKATI CITY**

DECISION

PANGANIBAN, J.:

Unless there is sufficient justification for noncompliance, trial judges are mandated to resolve a case within ninety (90) days from the time it is submitted for decision; otherwise, they may be subjected to administrative sanctions. In the present case, however, the judge was able to refute the charge of gross inefficiency and to explain satisfactorily the reasons for the delay.

The Case and the Facts

This case involves a Complaint for gross inefficiency against Judge Candido P. Villanueva. It originated from the judicial audit of the Regional Trial Court (Branch 144) of Makati City, conducted by the Office of the Court Administrator (OCA) in view of the compulsory retirement of Judge Villanueva on October 4, 2003.

Filed after respondent's retirement, the OCA Report dated November 3, 2003, stated that out of six hundred sixty-five (665) active cases in the Branch, there were one hundred seventy-seven (177) cases submitted for decision; in addition, motions in sixty-five (65) cases were unresolved, in violation of the 90-day period mandated by the Constitution.^[1] Thus, the OCA recommended "that [its] Report be docketed as a Complaint against Judge Candido P. Villanueva for gross inefficiency."^[2]

On May 17, 2004, this Court required respondent to show cause why his retirement benefits should not be withheld in view of the audit findings of the OCA.

In his June 25, 2004 Comment, Judge Villanueva explained that his case load had been unusually high. He attributed this fact to the sending to his Branch of cases formerly cognizable by the Juvenile and Domestic Relations Courts (JDRC). It was also designated as one of the pioneer Family Courts.^[3]

He further clarified that his failure to decide the cases within the required 90-day period was also due to his pairing judges' successive resignations, which had forced him to act upon cases or incidents in another Branch until a successor was appointed.^[4] Finally, he explained that he was hampered by the lack of personnel and the many unfounded administrative cases filed against him that he had to address.^[5]

Observation and Recommendation of the OCA

The OCA noted that respondent "cannot hide under the pretext of a heavy caseload to justify his failure to decide and resolve cases on time."^[6] It recommended that he be fined in the amount equivalent to his salary for three (3) months.

The Court's Ruling

The Court finds merit in the explanation of Judge Villanueva.

Abarquez v. Rebosura^[7] summarizes our policy on the failure of trial judges to decide cases within the required period:

"We have consistently ruled that failure to decide a case within the required period is not excusable and constitutes gross inefficiency. The Code of Judicial Conduct^[8] admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. They are called to be faithful to the law and maintain professional competence.

"A judge is mandated to render a decision not more than 90 days from the time a case is submitted for decision. Judges are to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, 3 months from the filing of the last pleading, brief or memorandum. Failure to observe said rule constitutes a ground for administrative sanction against the defaulting judge, ***absent sufficient justification for his non-compliance therewith.***"^[9]

Under the present factual milieu, this Court finds extenuating circumstances to absolve Judge Villanueva from sanctions.

First. As the OCA observed, Branch 144 had been designated as a Special Family Court with a heavy case load. Statistical reports on the inflow of cases monitored by the Statistical Reports Division of the OCA show that from November 2002 to January 2003, the average number of cases raffled to the two Family Courts (Branches 140 and 144) was 98 or 19 percent of the *total* number filed in Makati City. The voluminous cases prompted this Court to designate two additional Family Courts.^[10]

In *Santos v. Lorenzo*,^[11] we considered the heavy case load of courts in the National Capital Region --specifically of the Branch of the respondent judge therein who was also presiding over a Family Court -- as a sufficient reason to dismiss the administrative Complaint.

Second. On May 26, 2003, Judge Villanueva wrote to Court Administrator Presbitero J. Velasco Jr., through Executive Judge Sixto C. Marella Jr., a letter requesting permission not to conduct court hearings to be able to devote more time to cases that had been submitted for decision. This Court granted his request via Administrative Order No. 99-2003.

The letter of Judge Villanueva was a virtual plea for assistance to address his heavy case load. Indeed, such a request is no different from one asking for an additional