

THIRD DIVISION

[A.M. No. 99-1-01-RTC, January 20, 2003]

RE: CASES LEFT UNDECIDED BY RETIRED JUDGE ANTONIO E. ARBIS, REGIONAL TRIAL COURT, BRANCH 48, BACOLOD CITY.

DECISION

SANDOVAL-GUTIERREZ, J.:

On June 13, 1998, Judge Antonio E. Arbis of the Regional Trial Court (RTC), Branch 48, Bacolod City, retired compulsorily. Accordingly, the Office of the Court Administrator (OCA) sent an audit team to Bacolod City to conduct a judicial audit and physical inventory of cases pending in the said court.

On September 13, 1999, the judicial audit team submitted a Report to the OCA stating that Judge Arbis decided nine (9) criminal cases and eight (8) civil cases (enumerated below) before he retired but he promulgated the decisions after his retirement.

Criminal Cases Nos.

1. 10449
2. 11243
3. 12438
4. 12601
5. 12602
6. 12810
7. 13592
8. 93-15235
9. 93-15248

Civil Cases Nos.

1. 1703
2. 5707
3. 6022
4. 6374
5. 6435
6. 7094
7. 7134
8. 95-9065^[1]

Likewise, Judge Arbis failed to render his decisions within the reglementary period in the following cases: Criminal Cases Nos. 5160, 5161, 10425, 10426, 10449, 11243, 12438, 12601, 12602, 12810, 13592, 93-15235, 93-15248 and 95-17079, and Civil Cases Nos. 1684, 3605, 4086, 7419.

When directed by this Court to submit his comment, Judge Arbis explained that on June 11, 1998, or two days before his compulsory retirement on June 13, 1998, he signed his decisions in the nine (9) criminal cases enumerated above. Consequently, he had no more time to issue the notices of promulgation.

On his failure to decide seasonably the following cases, he gave the corresponding reasons:

1. Criminal Cases Nos. 5034, 5035 and 5036 – records show that on June 10, 1998, or three (3) days before his compulsory retirement, he issued an order requiring the parties to submit their memoranda;

2. Criminal Cases Nos. 5160 and 5161 – he inherited these cases from Judge Romeo J. Hibionada. The records were not submitted by the Clerk of Court. Neither were these cases considered submitted for decision in the latter's monthly report;
3. Criminal Cases Nos. 10425 and 10426 – the records of these cases were not submitted to him;
4. Civil Case No. 1684 – the transcript of stenographic notes was submitted to him only after he retired from the service on June 13, 1998;
5. Civil Case No. 3605 – this case cannot be considered submitted for decision as of June 13, 1998. On October 6, 1995, he issued an order directing the Clerk of Court to furnish the new counsel for the defendants pleadings, notices and orders relative to the case. Since then, no action has been taken by any of the parties;
6. Civil Case No. 4086 – he inherited this case from Judge Romeo J. Hibionada. The Clerk of Court did not refer the same to him for resolution or decision; and
7. Civil Case No. 7419 – this case was not listed in the monthly report of cases submitted for decision.

In a Resolution dated February 22, 2000, this Court referred the judicial audit team Report to then Court Administrator Alfredo L. Benipayo for evaluation, report and recommendation.

In his Memorandum dated May 16, 2000 addressed to the Chief Justice, Justice Benipayo stated that the nine (9) criminal cases (enumerated above) decided by Judge Arbis had been submitted for decision for more than one (1) year prior to his retirement on June 13, 1998. In fact, one of the cases, Criminal Case No. 11243, was submitted for decision as early as August 15, 1994. Had Judge Arbis decided those cases within the reglementary period, then he could have promulgated his decisions before his retirement.

Justice Benipayo recommended that for failure of Judge Arbis to render his decisions within the ninety-day reglementary period in the following cases: Criminal Cases Nos. 5160, 5161, 10425, 10426, 10449, 11243, 12438, 12601, 12602, 12810, 13592, 93-15235, 93-15248 and 95-17079, and Civil Cases Nos. 1684, 3605, 4086, 7419, he should be held administratively liable and fined twenty thousand pesos (P20,000.00) to be deducted from the seventy-five thousand pesos (P75,000.00) which was withheld from his retirement benefits per this Court's Resolution dated January 26, 1999.

Pursuant to the Resolution of this Court dated June 26, 2000, Judge Arbis filed a Manifestation dated August 29, 2000 that he is submitting this case for decision based on the pleadings filed.

We agree with the findings and recommended penalty of the former Court Administrator.

No less than our Constitution^[2] mandates lower courts to resolve or decide cases