

FIRST DIVISION

[A.M. No. 96-5-169-RTC, May 09, 2003]

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURTS OF KIDAPAWAN, BRANCHES 17 AND
23, KABACAN, BRANCHES 16 AND 17, NORTH COTABATO**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

For resolution before us are the following: (1) A.M. No. 96-5-169-RTC entitled "*Re: Report on the Judicial Audit Conducted in the RTCs of Kidapawan and Kabacan, North Cotabato;*" and (2) "*Report on the Judicial Audit Conducted in the RTC, Branch 17, Kidapawan City.*"

Pursuant to the report of the Judicial Audit Team of the Office of the Court Administrator, the Court issued a Resolution: (1) requiring Judge Rodolfo Serrano of the Regional Trial Court of Kidapawan City, Branch 17 to explain the delay in the disposition of the Criminal Cases Nos. 1644 and 2179 and Civil Case No. 0271; (2) requiring Branch Clerk of Court Gary V. Vergara of the same court to comment on the withholding of the true status of Special Civil Action No. SCA-091; and (3) directing the Office of the Court Administrator to send a Judicial Audit Team to conduct another audit and physical inventory of cases at the RTC, Branch 17, Kidapawan City.

In his letter-compliance, Judge Serrano explained that since his branch was designated as a special court for heinous crimes pursuant to Administrative Order No. 104-96, it was physically impossible for him to promptly dispose of Criminal Cases Nos. 1644 and 2179 and Civil Case No. 0271, which were, moreover, inherited from his predecessors.

Branch Clerk Vergara also filed a letter-compliance, informing the Court that he did not withhold the true status of Special Civil Action No. SCA-091. In fact, in his letter dated October 30, 2000, he attached a copy of the decision of the said case. He further averred that if ever the said case was reported as decided on a date earlier than its actual rendition, it was simply due to inadvertence for which he sincerely apologized.

The Office of the Court Administrator found respondent Judge guilty of delay in the disposition of Criminal Cases Nos. 496, 726 and 1890 and Civil Cases Nos. 0246 and 0824, and recommended that he be fined the amount of Five Thousand Pesos (P5,000.00), with a stern warning that a commission of the same or similar offense in the future would be dealt with more severely. On the other hand, the OCA recommended that respondent Branch Clerk be absolved from any wrongdoing.

We agree with the OCA that the explanation of respondent Branch Clerk of Court is

well-taken. It appears that he had no intention to withhold or mislead the Court as to the actual date of the judgment in Special Civil Action No. SCA-091. In the absence of malice or bad faith, no administrative sanctions may be imposed on him.

We likewise agree with the OCA that respondent was guilty of gross inefficiency for delay in the disposition of cases.

Rule 1.02.— Canon 1 and Rule 3.05, Canon 3 of the Code of Judicial Conduct provide:

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

Rule 3.05. — A judge shall dispose of the court's business promptly and decide cases within the required periods.

The unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate.^[1] Justices and judges alike, being paradigms of justice, have been exhorted time and again to dispose of the court's business promptly and to decide cases within the required periods.^[2] Delay not only results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly.^[3]

Inability to decide a case within the required period is not excusable and constitutes gross inefficiency^[4] warranting the imposition of administrative sanctions on them.^[5] A judge should, at all times, remain in full control of the proceedings in his branch and should adopt a firm policy against improvident postponements — more importantly, he should follow the time limit set for deciding cases.^[6] If he feels that he could not decide the case within the reglementary period, he should ask for a reasonable extension of time to dispose of the case.^[7]

In the case at bar, there is no showing that respondent Judge requested for an extension of time to decide the cases. In fact, it was only after receipt of this Court's June 25, 1995 Resolution that he asked for an extension. The said request was belatedly filed because more than a year had passed from the time the ninety-day reglementary period elapsed.

While we agree with the findings of the OCA, we find the recommended fine of Five Thousand Pesos (P5,000.00) to be an inadequate sanction considering the enormity of respondent Judge's misfeasance. His infraction is aggravated by his lack of candor in his disclosure of the actual status of the cases assigned to his branch, and also by the fact that this case is not respondent's first offense. In *Atty. Daniel O. Osumo v. Judge Rodolfo M. Serrano*,^[8] respondent Judge was sanctioned and warned that any subsequent transgression he commits would be dealt with more severely. Hence, we hold that a fine of Twenty Thousand Pesos (P20,000.00) is a more commensurate penalty.

The judicial audit conducted in the branch of respondent Judge pursuant to the

Court's Resolution dated April 2, 2001 showed that respondent Judge failed to decide and act on the following cases and incidents:

- 1) Criminal Case No. 1398
- 2) Criminal Case No. 2123
- 3) Criminal Case No. 2151
- 4) Criminal Case No. 2216
- 5) Criminal Case No. 2306
- 6) Criminal Case No. 2320
- 7) Criminal Case No. 2338
- 8) Criminal Case No. 2339
- 9) Criminal Case No. 2343
- 10) Criminal Case No. 2350
- 11) Criminal Case No. 2353
- 12) Criminal Case No. 2402
- 13) Criminal Case No. 2414
- 14) Criminal Case No. 2427
- 15) Criminal Case No. 2444
- 16) Criminal Case No. 2452
- 17) Criminal Case No. 2453
- 18) Criminal Case No. 2467
- 19) Criminal Case No. 2470
- 20) Criminal Case No. 2475
- 21) Criminal Case No. 2518
- 22) Criminal Case No. 2545
- 23) Criminal Case No. 2546
- 24) Criminal Case No. 2568
- 25) Criminal Case No. 2630
- 26) Criminal Case No. 2637
- 27) Criminal Case No. 2737
- 28) Criminal Case No. 2738
- 29) Criminal Case No. 2754
- 30) Criminal Case No. 2773
- 31) Criminal Case No. 2787
- 32) Criminal Case No. 2846
- 33) Criminal Case No. 01-96
- 34) Criminal Case No. 09-96
- 35) Criminal Case No. 17-96
- 36) Criminal Case No. 75-96
- 37) Criminal Case No. 139-96
- 38) Criminal Case No. 140-96
- 39) Criminal Case No. 147-96
- 40) Criminal Case No. 10-97
- 41) Criminal Case No. 12-97
- 42) Criminal Case No. 25-97
- 43) Criminal Case No. 26-97
- 44) Criminal Case No. 30-97
- 45) Criminal Case No. 43-97
- 46) Criminal Case No. 44-97
- 47) Criminal Case No. 89-97
- 48) Criminal Case No. 90-97
- 49) Criminal Case No. 99-97
- 50) Criminal Case No. 100-97
- 51) Criminal Case No. 151-97
- 52) Criminal Case No. 03-98

- 53) Criminal Case No. 06-98
- 54) Criminal Case No. 39-98
- 55) Criminal Case No. 41-98
- 56) Criminal Case No. 51-98
- 57) Criminal Case No. 52-98
- 58) Criminal Case No. 55-98
- 59) Criminal Case No. 57-98
- 60) Criminal Case No. 72-98
- 61) Criminal Case No. 73-98
- 62) Criminal Case No. 75-98
- 63) Criminal Case No. 80-98
- 64) Criminal Case No. 124-98
- 65) Criminal Case No. 126-98
- 66) Criminal Case No. 133-98
- 67) Criminal Case No. 188-98
- 68) Criminal Case No. 190-98
- 69) Criminal Case No. 191-98
- 70) Criminal Case No. 192-98
- 71) Criminal Case No. 209-98
- 72) Criminal Case No. 214-98
- 73) Criminal Case No. 217-98
- 74) Criminal Case No. 231-98
- 75) Criminal Case No. 242-98
- 76) Criminal Case No. 09-99
- 77) Criminal Case No. 98-99
- 78) Criminal Case No. 128-99
- 79) Criminal Case No. 158-99
- 80) Criminal Case No. 159-99
- 81) Criminal Case No. 170-99
- 82) Criminal Case No. 171-99
- 83) Criminal Case No. 173-99
- 84) Criminal Case No. 241-99
- 85) Criminal Case No. 314-99
- 86) Criminal Case No. 334-99
- 87) Criminal Case No. 385-99
- 88) Criminal Case No. 422-99
- 89) Criminal Case No. 471-99
- 90) Criminal Case No. 472-99
- 91) Criminal Case No. 473-99
- 92) Criminal Case No. 479-99
- 93) Criminal Case No. 487-99
- 94) Criminal Case No. 559-99
- 95) Criminal Case No. 586-99
- 96) Criminal Case No. 587-99
- 97) Criminal Case No. 597-99
- 98) Criminal Case No. 10-2000
- 99) Criminal Case No. 13-2000
- 100) Criminal Case No. 71-2000
- 101) Criminal Case No. 72-2000
- 102) Criminal Case No. 73-2000
- 103) Criminal Case No. 81-2000
- 104) Criminal Case No. 121-2000
- 105) Civil Case No. 0399
- 106) Civil Case No. 0578
- 107) Civil Case No. 0641

108) Civil Case No. 0675
109) Civil Case No. 0692
110) Civil Case No. 0785
111) Civil Case No. 0807
112) Civil Case No. 0809
113) Civil Case No. 0852 (857)
114) Civil Case No. 0862
115) Civil Case No. 0863
116) Civil Case No. 0878
117) Civil Case No. 0877
118) Civil Case No. 0879
119) Civil Case No. 0885
120) Civil Case No. 0894
121) Civil Case No. 0899
122) Civil Case No. 0906
123) Civil Case No. 1029
124) Civil Case No. 1065
125) Civil Case No. 21-99
126) Civil Case No. SP-29-97
127) Civil Case No. SP-15-98
128) Civil Case No. SP-01-2000
129) Civil Case No. SP-18-2000
130) Civil Case No. MISC-1742
131) Civil Case No. MISC-30-99
132) Criminal Case No. 2650
133) Criminal Case No. 66-96
134) Criminal Case No. 131-97
135) Criminal Case No. 132-97
136) Civil Case No. 898
137) Civil Case No. 98-01
138) Civil Case No. 02-99
139) Civil Case No. 2000-07
140) Criminal Case No. 1906
141) Criminal Case No. 1907
142) Criminal Case No. 2241
143) Criminal Case No. 2301
144) Criminal Case No. 2625
145) Criminal Case No. 2749
146) Criminal Case No. 2884
147) Criminal Case No. 2954
148) Criminal Case No. 2983
149) Criminal Case No. 43-96
150) Criminal Case No. 102-97
151) Criminal Case No. 103-97
152) Criminal Case No. 104-98
153) Criminal Case No. 238-98
154) Criminal Case No. 12-99
155) Criminal Case No. 386-99
156) Criminal Case No. 387-99
157) Criminal Case No. 391-99
158) Criminal Case No. 242-2000
159) Criminal Case No. 262-2000
160) Criminal Case No. 275-2000
161) Criminal Case No. 73-2001
162) Civil Case No. 2021