EN BANC

[A. M. No. 00-8-05-SC, November 28, 2001]

RE: PROBLEM OF DELAYS IN CASES BEFORE THE SANDIGANBAYAN.

R E S O L U T I O N

PARDO, J.:

<u>The Case</u>

Submitted to the Court for consideration is a resolution of the Board of Governors, Integrated Bar of the Philippines (hereafter, the IBP) recommending an inquiry into the causes of delays in the resolution of incidents and motions and in the decision of cases pending before the Sandiganbayan.

<u>The Antecedents</u>

On July 31, 2000, the IBP, through its National President, Arthur D. Lim, transmitted to the Court a Resolution[1] addressing the problem of delays in cases pending before the Sandiganbayan (hereafter, the Resolution).[2] We quote the Resolution in full:[3]

> "**WHEREAS,** Section 16, Article III of the Constitution guarantees that, " [a]ll persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies,"

> "**WHEREAS,** Canon 12 of the Code of Professional Responsibility for Lawyers mandates that "[a] lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice;"

> "**WHEREAS,** it is the duty of the Integrated Bar of the Philippines to undertake measures to assist in the speedy disposition of cases pending before the various courts and tribunals;

> "**WHEREAS,** the Integrated Bar of the Philippines has received numerous complaints from its members about serious delays in the decision of cases and in the resolution of motions and other pending incidents before the different divisions of the Sandiganbayan;

> "**WHEREAS,** Supreme Court Administrative Circular No. 10-94 requires all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts to submit to the Supreme Court a bi-annual report indicating the title of the case, its date of filing, the date of pre-trial in civil cases and arraignment in criminal cases, the date of initial trial, the date of last hearing and the date that the case is

submitted for decision, and to post, in a conspicuous place within its premises, a monthly list of cases submitted for decision;

"**WHEREAS,** Supreme Court Administrative Circular No. 10-94 has not been made applicable to the Sandiganbayan;

"**WHEREAS,** considering that the Sandiganbayan is also a trial court, the requirements imposed upon trial courts by Supreme Court Administrative Circular No. 10-94 should also be imposed upon the Sandiganbayan;

"**NOW, THEREFORE,** in view of the foregoing, the Board of Governors of the Integrated Bar of the Philippines hereby resolves as follows:

"1. To recommend to the Supreme Court that Supreme Court Administrative Circular No. 10-94 be made applicable to the Sandiganbayan in regard cases over which the Sandiganbayan has original jurisdiction; and

"2. To recommend to the Supreme Court an inquiry into the causes of delay in the resolution of incidents and motions and in the decision of cases before the Sandiganbayan for the purpose of enacting measures intended at avoiding such delays.

"Done in Los Baños, Laguna, this 29th day of July, 2000."

On August 8, 2000, the Court required Sandiganbayan Presiding Justice Francis E. Garchitorena to comment on the letter of the IBP and to submit a list of all Sandiganbayan cases pending decision, or with motion for reconsideration pending resolution, indicating the dates they were deemed submitted for decision or resolution.[4]

On September 27, 2000, complying with the order, Presiding Justice Francis E. Garchitorena submitted a report[5] (hereafter, the compliance) admitting a number of cases submitted for decision and motion for reconsideration pending resolution before its divisions. We quote:

	"Cases Submitted "For Decision	W/ Motions For Reconsideration
"1st Division	341	None
"2nd Division	5	None
"3rd Division	12	None
"4th Division	5	None
"5th Division	<u>52</u>	1
"Total	415"[6]	

Thus, the Sandiganbayan has a total of four hundred fifteen (415) cases for decision remaining undecided long beyond the reglementary period to decide, with one case submitted as early as May 24, 1990,[7] and motion for reconsideration which has remained unresolved over thirty days from submission.[8]

On October 20, 2000, Sandiganbayan Presiding Justice Francis E. Garchitorena submitted a "schedule of cases submitted for decision, the schedule indicating the number of detained prisoners, of which there are (were) none."[9]

On October 26, 2000, the IBP submitted its reply to the compliance stating: **First**, that it was not in a position to comment on the accuracy of the compliance; nonetheless, it showed that there was much to be desired with regard to the expeditious disposition of cases, particularly in the Sandiganbayan's First Division, where cases submitted for decision since 1990 remained unresolved. **Second**, the compliance did not include pending motions, and it is a fact that motions not resolved over a long period of time would suspend and delay the disposition of a case. **Third**, since the Sandiganbayan is a trial court, it is required to submit the same reports required of Regional Trial Courts. **Fourth**, the Constitution[10] states that, "all lower collegiate courts" must decide or resolve cases or matters before it within twelve (12) months "from date of submission"; however, the Sandiganbayan, as a trial court, is required to resolve and decide cases within a reduced period of three (3) months like regional trial courts, or at the most, six (6) months from date of submission.[11]

On November 21, 2000, the Court resolved to direct then Court Administrator Alfredo L. Benipayo (hereafter, the OCA) "to conduct a judicial audit of the Sandiganbayan, especially on the cases subject of this administrative matter, and to submit a report thereon not later than 31 December 2000."[12]

On December 4, 2000, in a letter addressed to the Chief Justice, Presiding Justice Francis E. Garchitorena admitted that the First Division of the Sandiganbayan[13] has a backlog of cases; that one case[14] alone made the backlog of the First Division so large, involving 156 cases but the same has been set for promulgation of decision on December 8, 2000, which would reduce the backlog by at least fifty percent (50%).[15]

On January 26, 2001, the Court Administrator submitted a memorandum to the Court[16] stating that the causes of delay in the disposition of cases before the Sandiganbayan are:[17]

(1) Failure of the Office of the Special Prosecutor to submit reinvestigation report despite the lapse of several years;

(2) Filing of numerous incidents such as Motion to Dismiss, Motion to Quash, Demurrer to Evidence, etc. that remain unresolved for years;

(3) Suspension of proceedings because of a pending petition for certiorari and prohibition with the Supreme Court;

(4) Cases remain unacted upon or have no further settings despite the lapse of considerable length of time; and

(5) Unloading of cases already submitted for decision even if the ponente is still in service.

We consider *ex mero motu* the Resolution of the Integrated Bar of the Philippines (IBP) as an administrative complaint against Presiding Justice Francis E. Garchitorena for "serious delays in the decision of cases and in the resolution of motions and other pending incidents before the different divisions of the Sandiganbayan," amounting to incompetence, inefficiency, gross neglect of duty and misconduct in office.

We find no need to conduct a formal investigation of the charges in view of the admission of Justice Francis E. Garchitorena in his compliance of October 20, 2000, that there are indeed hundreds of cases pending decision beyond the reglementary period of ninety (90) days from their submission. In one case, he not only admitted the delay in deciding the case but took sole responsibility for such inaction for more than ten (10) years that constrained this Court to grant mandamus to dismiss the case against an accused to give substance and meaning to his constitutional right to speedy trial.[18]

The Issues

The issues presented are the following: (1) What is the reglementary period within which the Sandiganbayan must decide/resolve cases falling within its jurisdiction? (2) Are there cases submitted for decision remaining undecided by the Sandiganbayan or any of its divisions beyond the afore-stated reglementary period? (3) Is Supreme Court Administrative Circular No. 1094 applicable to the Sandiganbayan?[19]

The Court's Ruling

We resolve the issues presented *in seriatim*.

1. Period To Decide/Resolve Cases.--There are two views. The first view is that from the time a case is submitted for decision or resolution, the Sandiganbayan has twelve (12) months to decide or resolve it.[20] The second view is that as a court with trial function, the Sandiganbayan has three (3) months to decide the case from the date of submission for decision.[21]

Article VIII, Section 15 (1) and (2), of the 1987 Constitution provides:

"Sec. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission to the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

"(2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court itself."[22]

The above provision does not apply to the Sandiganbayan. The provision refers to regular courts of lower collegiate level that in the present hierarchy applies only to the Court of Appeals.[23]

The Sandiganbayan is a special court of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice,[24] with functions of a trial court.[25]

Thus, the Sandiganbayan is not a regular court but a special one.[26] The Sandiganbayan was originally empowered to promulgate its own rules of procedure. [27] However, on March 30, 1995, Congress repealed the Sandiganbayan's power to promulgate its own rules of procedure[28] and instead prescribed that the Rules of Court promulgated by the Supreme Court shall apply to all cases and proceedings filed with the Sandiganbayan.[29]

"Special courts are judicial tribunals exercising limited jurisdiction over particular or specialized categories of actions. They are the Court of Tax Appeals, the Sandiganbayan, and the Shari'a Courts."[30]

Under Article VIII, Section 5 (5) of the Constitution "Rules of procedure of **special courts** and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court."

In his report, the Court Administrator would distinguish between cases which the Sandiganbayan has cognizance of in its original jurisdiction,[31] and cases which fall within the appellate jurisdiction of the Sandiganbayan.[32] The Court Administrator posits that since in the first class of cases, the Sandiganbayan acts more as a trial court, then for that classification of cases, the three (3) month reglementary period applies. For the second class of cases, the Sandiganbayan has the twelve-month reglementary period for collegiate courts.[33] We do not agree.

The law creating the Sandiganbayan, P.D. No. 1606[34] is clear on this issue.[35] It provides:

> "Sec. 6. Maximum period for termination of cases - As far as practicable, the trial of cases before the Sandiganbayan once commenced shall be continuous until terminated and the judgment shall be rendered within three (3) months from the date the case was submitted for decision."

On September 18, 1984, the Sandiganbayan promulgated its own rules,[36] thus: [37]

> "Sec. 3 *Maximum Period to Decide Cases* - The judgment or final order of a division of the Sandiganbayan shall be rendered <u>within three (3) months from the date the case was submitted for decision</u> (*underscoring ours*)."

Given the clarity of the rule that does not distinguish, we hold that the three (3) month period, not the twelve (12) month period, to decide cases applies to the Sandiganbayan. Furthermore, the Sandiganbayan presently sitting in five (5)