

## EN BANC

**[ A.M. No. 99-7-250-RTC, April 05, 2000 ]**

### **CASES SUBMITTED FOR DECISION BEFORE RETIRED JUDGE MAXIMO A. SAVELLANO, JR. RTC- BRANCH 53, MANILA.**

### **R E S O L U T I O N**

#### **BUENA, J.:**

This administrative matter arose as a result of, among others, the non-resolution within the reglementary period of several criminal and civil cases before the Regional Trial Court of Manila, Branch 53 then presided by Executive Judge Maximo A. Savellano, Jr.

As borne by the records, the antecedent of the instant administrative matter are as follows:

On 14 March 1999, Judge Maximo A. Savellano, Jr. compulsorily retired from the judicial service. As required, Judge Savellano rendered Monthly Reports of Cases in Branch 53, the last of which was for the month of November 1998. In the Monthly Report, no entry was made in the space reserved for cases submitted for decision<sup>[1]</sup>

Subsequently, Lawyer Froilan S. Dayco, Clerk of Court of Branch 53, submitted to the Court Management Office, Office of the Court Administrator (OCA), a list of cases "reportedly long submitted for decision before Judge Savellano, but which were only recently decided by the latter." Additionally, Clerk of Court Dayco submitted a separate list of unresolved cases by Judge Savellano allegedly due to non-submission of the memoranda by the parties, as required by the court.

On the basis of the status report submitted by Clerk of Court Froilan Dayco, the OCA, in a memorandum dated 09 July 1999, gathered the following observations, to wit:

"a) In six (6) cases<sup>[2]</sup>, Judge Savellano Issued subsequent orders near his retirement date extending the period given to the parties to submit memorandum although there was a marked non-compliance for an unreasonable period;

b) There were four (4) cases<sup>[3]</sup> which were left unresolved/undecided by Judge Savellano despite the lapse of an unreasonable length of time.

c) There were ten (10) cases<sup>[4]</sup> (Four criminal cases and six civil cases) which were decided by Judge Savellano after a lapse of the 90 day reglementary period to decide.

Curiously, the 1998 Monthly Reports of Branch 53 (January-November '98) made a scant mention of only six (6) of these cases:

Criminal Case Nos. 90-82501-02; 94-132490 appeared in the January '98 Reports of Cases; Civil Case Nos. 94-70515; 94-70807; 93-64694; 91-57048 reflected in the May '98 Report of Cases."

In an En Banc Resolution dated 03 August 1999, this Court resolved among others to require Judge Savellano and Clerk of Court Froilan Dayco to explain within ten (10) days the improper reporting of nine (9) civil cases<sup>[5]</sup> and ten (10) criminal cases<sup>[6]</sup> in the Monthly Reports of Cases of RTC-Manila, Branch 53.

Further, in the same resolution, this Court required Judge Savellano to explain his possible violation of Administrative Circular No. 28, dated 03 July 1989, as a result of the handling of certain civil<sup>[7]</sup> and criminal<sup>[8]</sup> cases and for having decided several cases<sup>[9]</sup> beyond the 90-day reglementary period provided by the Constitution.

In an Explanation dated 14 August 1999, Judge Savellan invoking Article VII, Section 15 (2) of the Constitution, posited that the subject cases were not yet submitted for decision inasmuch as the parties had yet to submit their respective memoranda, as required and ordered by the court. According to Judge Savellano, he "awaited the filing of the required memoranda and even issued subsequent orders giving (the parties) additional time to do so in order to enlighten the court on issues to be raised and discussed by them, but they failed to do so<sup>[10]</sup>".

Moreover, Judge Savellano submitted that "every case has its own peculiar facts and circumstances necessitating clear and lucid discussions thereof in the required memoranda.<sup>[11]</sup>"

Notwithstanding, Judge Savellano averred that in many instances, he decided cases pending before his court even in the absence of the required memoranda based on "personal notes taken by him during the trial."

Further, Judge Savellano explained that as an Executive Judge who concurrently handled a special criminal court, he was burdened with additional duties that affected the speedy disposition and resolution of cases before his court.

In a Memorandum dated 24 January 2000, the OCA recommended that a fine of P15,000.00 be imposed on Judge Savellano, on the ground of undue delay in rendering decisions in the subject cases and for violation of Supreme Court rules, directives and circulars.

Except for the amount of the fine which the Court finds too high, the recommendation of the OCA is well-taken.

On this score, Administrative Circular No.28, dated 03 July 1989 finds pertinence, thus:

"1) As a general rule, the submission of memoranda is not mandatory or required as a matter of course but shall be left to the sound discretion of