

## EN BANC

[ **A.M. No. RTJ-96-1350, August 18, 1997** ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE DELIA H. PANGANIBAN, REGIONAL TRIAL COURT,  
BRANCH 64, MAKATI CITY, RESPONDENT.**

### DECISION

#### **MENDOZA, J.:**

Respondent Delia H. Panganiban is presiding judge of the Regional Trial Court, Branch 64, Makati City. She is charged with gross negligence, inefficiency, and falsification of public documents in a complaint filed by the Office of the Court Administrator.

The facts are as follows. In a letter to the Office of the Court Administrator (OCA) dated January 24, 1996, respondent judge asked for 60 days within which to resolve 51 cases which had been submitted to her for decision. She informed the OCA that the 90-day period for deciding the cases had already lapsed at the time of her request for extension.

The OCA, through Deputy Court Administrator Bernardo P. Abesamis, advised respondent judge to inform the Court of the dates when the aforesaid 51 cases had been submitted for decision to determine the "due dates of the cases," for the purpose of determining when the period of extension which respondent judge was requesting should be counted.

Respondent judge thereafter sent a letter, dated February 1, 1996, to the OCA showing that, of the 51 cases for which an extension of the time for deciding was being requested, the due dates for deciding 48 had expired: in six cases since 1993; in 13 cases since 1994; and in 29 cases since 1995.

Respondent judge did not disclose her failure to resolve these 48 cases within the reglementary period of 90 days in her certificates of service which she submitted during the period August 1993 to January 1996. On the contrary she stated in each certificate that "all special proceedings, applications, petitions, motions and all civil cases which have been under submission for decision or determination for a period of ninety (90) days or more have been determined and decided" by her.

On the basis of these facts, the OCA filed the present administrative case, alleging that respondent judge was guilty of (1) delay in the administration of justice amounting to negligence and inefficiency as well as violation of the Constitution, Art. VIII, §15(1) and (2) and (2) falsification of certificates of service submitted during the period August 1993 to January 1996. The OCA recommended that respondent judge be fined in an amount equal to her salary for one year.

In her Comment, respondent judge says that "she does not offer justification or excuse" for her failure to decide cases within the reglementary period and for making false certificates and that "she takes full responsibility for the acts complained of." However, she pleads good faith, pointing out that it was she who disclosed her own "momentary inadequacy," that her monthly reports of cases have always been truthful, by indicating therein the cases left undecided and the reasons therefor, and that the falsification of the certificates "did not proceed from a corrupt mind." She pleads for understanding, calling attention to her rate of disposition in general, which she claims is at par with those of other judges, given the inadequate facilities of her court and to the fact that she had other duties as a member of the Raffle Committee and officer-in-charge of Voluntary Confinement in Drugs Cases, and the fact that as of August 9, 1996 she had no more cases pending decision beyond the 90-day period.

On August 13, 1996, Executive Judge Salvador Abad S. Santos filed a Manifestation, stating that respondent judge deserves compassion. The Executive Judge avers that, although respondent did not come up to the standard of performance set by this Court, she has nonetheless given to the judiciary many years of unquestionable and dedicated service and is among the judges who have not been swayed by money, power, or fame in rendering judgments.

The Court referred the case for investigation, report and recommendation to Court of Appeals Justice Fermin A. Martin, Jr., who, in a report dated January 31, 1997, found respondent judge guilty as charged. However, Justice Martin, Jr. found extenuating circumstances in favor of respondent, to wit: her above-average performance in the disposition of cases, the absence of malice in the alleged falsification of her certificate of service, her long and unblemished service in the government, and her reputation for integrity, honesty, and hard work. For this reason, Justice Martin, Jr. recommends that she be made to pay a fine of P100,000.00.

There is no dispute regarding the failure of respondent judge to decide 48 cases within the 90-day period prescribed by law and her failure to indicate this fact in her monthly certificates of service. Respondent judge admits these allegations, offers no excuses and justification, and assumes full responsibility for them. However, she pleads for understanding and compassion, calling attention to her above average disposition of cases, good faith, and dedicated service as warranting the dismissal of the case against her.

Respondent's failure to decide cases constitutes a violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct which requires judges to dispose of their court's business promptly and decide cases within the period specified in the Constitution, i.e., three (3) months or ninety (90) days from the filing of the last pleading, brief, or memorandum.<sup>[1]</sup> This Canon is intended to implement the Constitution which makes it the duty of trial courts to decide cases within three months,<sup>[2]</sup> even as it gives parties to a suit the right to the speedy disposition of their cases.<sup>[3]</sup>

Respondent judge knew of the cases pending resolution. In fact, she had been reporting them to this Court in her monthly reports.<sup>[4]</sup> Nonetheless, she stated in her certificates of service that she had no case submitted for decision within the 90 days preceding the submission of her certificate, in the honest belief that the salary