

EN BANC

[Adm. Matter No. RTJ-94-4-156, March 13, 1996]

REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF THE CASES IN RTC-BR. 138, MAKATI CITY. JUDGE FERNANDO P. AGDAMAG, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

NARROWING the gap between the number of cases filed and that disposed of is the primary concern of the Court. Thus members of the judiciary are enjoined to act with promptitude and dispatch in the discharge of their functions. The full realization of this goal indeed hinges on the industry and dedication of every trial judge. He cannot afford therefore to be sluggish in the resolution of incidents pending before him and the drafting and formalization of his decisions. Here, we are called upon to determine whether respondent Judge who has since compulsorily retired met this standard while still in office and to make answerable whatever retirement benefit he may have left with the Court.

A judicial audit and physical inventory of cases pending in RTC-Br. 138, Makati City, then presided over by respondent Judge, was conducted by a team from the Office of the Court Administrator. The audit disclosed that as of the end of February 1994 Br. 138 had a total of 860 cases with 278 cases still undecided although already submitted for decision, 250 of which were already beyond the 90-day period fixed by law. Worse, some of the cases were submitted for decision or resolution as early as 1985. Yet, when respondent Judge submitted his Monthly Report of Cases for December 1993 he indicated on Item VI thereof re *List Of Cases Submitted For Decision But Not Yet Decided At The End Of The Month* that only Civil Case No. 89-5312 was deemed Submitted for decision.

The audit team also reported that Judge Agdamag went on leave several times, i.e., from 15 July to 8 August 1993; 16-31 August 1993; 1-15 September 1993; 13-21 October 1993; 3-19 November 1993; 1-3 December 1993; 4-6 January 1994; 17-31 January 1994; 7-28 February 1994; 7-30 March 1994; and 11-30 April 1994.

On 31 May 1994 we required Judge Agdamag to explain why no disciplinary action should be taken against him for failing to resolve the 250 cases submitted for decision or resolution within the 90-day reglementary period.

In his compliance, Judge Agdamag explained that the cases accumulated in his sala due to the absence of a clerk of court for long periods of time.

We found the explanation of Judge Agdamag thoroughly unsatisfactory. Accordingly we again asked respondent to explain why he reported to the Office of the Court Administrator that he only had one case submitted for decision as of the end of

December 1993 when it appeared that he had 278 cases submitted for decision at that time. Parenthetically, we also asked him to explain how he was able to collect his monthly salary despite his considerable backlog of cases and frequent leaves of absence without adequate reason.

Finally on 25 August 1994 Judge Agdamag clarified his infractions adverted to above-

First. There was no deliberate intent on his part to mislead the Office of the Court Administrator into believing that there was only one case submitted for decision as of the end of December 1993. The entry was made by a member of his staff who also explained that such was the prevailing practice among the courts in Makati.

Second. The Disbursing Officer of the Office of the Clerk of Court of Makati distributed the court personnel's paychecks every month, thus he continued to receive his monthly salary despite his backlog of cases.

Third. He frequently went on leave of absence in order to process his retirement requirements and work on his backlog. From March to May 1994 he resolved 100 out of the 278 cases submitted for decision.

Fourth. He suffered from *myocardial infraction* sometime in 1986.

Fifth. He had served the government for more than 40 years but was never charged administratively nor required to explain any misbehavior.

On 30 May 1994 Judge Agdamag compulsorily retired from the government service. In a letter dated 7 June 1994 he requested that he be allowed to receive the cash equivalent of his accumulated leave credits.

On 18 October 1994 this Court granted the payment of the retirement benefits of Judge Agdamag but withheld therefrom the amount of P50,000.00 to answer for any contingent liability that might be adjudged against him on account of his failure to decide cases within the reglementary period.

The narration of facts clearly shows that respondent Judge sorely failed to dispose of his court's business promptly and decide his cases within the prescribed periods in violation of Rule 3.05, Canon 3, of the Code of Judicial Conduct. In *Secretary of Justice v. Legaspi*^[1] we had occasion to "once more impress upon the members of the Judiciary their sworn duty of administering justice without undue delay under the time-honored precept that justice delayed is justice denied. The present clogged condition of the court's docket in all levels of our judicial system cannot be cleared unless each and every judge earnestly and painstakingly takes it upon himself to comply faithfully with the mandate of the law. No less important than the speedy termination of hearings and trials of cases is the promptness and dispatch in the making of decisions and judgment, the signing thereof and filing the same with the Clerk of Court."

The reasons cited by Judge Agdamag cannot mitigate his negligence; on the contrary, they aggravate his misconduct.

We find unacceptable his claim that it was not his intention to deliberately mislead