



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

OFFICE OF THE COURT
ADMINISTRATOR,

Complainant,

- versus -

A.M. No. MTJ-07-1683

Present:

CARPIO, J., Chairperson,
LEONARDO-DE CASTRO,*
BRION,
DEL CASTILLO, and
PERLAS-BERNABE, JJ.

HON. SANTIAGO E. SORIANO,
former Acting Presiding Judge,
Municipal Trial Court in Cities, San
Fernando City, La Union, and
Presiding Judge, Municipal Trial
Court, Naguilian, La Union,
Respondent.

Promulgated:

SEP 11 2013

X ----- X

DECISION

CARPIO, J.:

The Case

This administrative case arose from the judicial audit conducted from 22 March 2004 to 5 April 2004 in the Municipal Trial Court (MTC) of Naguilian, La Union, and the Municipal Trial Court in Cities (MTCC), Branch 2 of San Fernando City, La Union, where retired Judge Santiago E. Soriano (Judge Soriano) was then the Presiding Judge and Acting Presiding Judge, respectively.

The Facts

In connection with the judicial audit and inventory of pending cases in the MTCC, Branch 2, San Fernando City, La Union and in the MTC, Naguilian, La Union, the Office of the Court Administrator (OCA)¹ directed Judge Soriano to decide the enumerated cases submitted for decision which were already beyond the reglementary period to decide. The judicial audit team found that in the MTCC, Branch 2, San Fernando City, La Union, out of the 59 cases submitted for decision, 57 cases were already beyond the reglementary period to decide. A similar finding was made in the MTC, Naguilian, La Union wherein out of 41 cases submitted for decision, 39 cases were already beyond the reglementary period to decide.

MTCC, Branch 2, San Fernando City, La Union

In a letter dated 1 September 2004, Judge Soriano, as Acting Presiding Judge of MTCC, San Fernando, La Union, submitted to the OCA a tabulated report of the status of cases, in compliance with the directive in the Memorandum dated 2 July 2004.

The OCA issued another Memorandum dated 7 January 2005 addressed to Judge Soriano, noting that 51 cases still remain unresolved. The OCA then directed Judge Soriano to decide the remaining unresolved cases and to resolve the pending motions or incidents in the other cases.

Judge Soriano submitted another tabulated report of the cases in his letter dated 28 April 2005. He requested for an extension of 60 days to decide and resolve the remaining cases and unresolved motions, which the OCA granted.

MTC, Naguilian, La Union

In a November 2004 Memorandum, then Court Administrator Presbitero J. Velasco, Jr.² directed Judge Soriano, as Presiding Judge of MTC, Naguilian, La Union, to decide the cases submitted for decision which were already beyond the reglementary period to decide, and to take appropriate action on cases which have not been acted upon, including those with pending motions. In another November 2004 Memorandum, then Court Administrator Velasco directed Ms. Rosie M. Novencido, OIC Clerk of Court of MTC, Naguilian, La Union, to explain why the records of the listed

¹ OCA Memoranda dated 1 and 2 July 2004 signed by then Deputy Court Administrator Jose P. Perez (now a member of this Court) addressed to Judge Soriano as Presiding Judge of MTC, Naguilian, La Union, and as Acting Presiding Judge of MTCC, Branch 2, San Fernando City, La Union, respectively.

² Now a member of this Court.

cases could not be located.

Ms. Novencido explained in a letter sent to the OCA that before she was designated OIC Clerk of Court on 5 August 2002, there was no inventory of records. She stated that the cases listed were filed long before she was designated as OIC and that despite diligent efforts by the entire staff, they could not locate the records of the listed cases.

On 25 July 2006, Judge Soriano compulsorily retired from service. In his letter dated 28 July 2006, Judge Soriano submitted an inventory of pending cases and the cases submitted for decision at the MTC, Naguilian, La Union.

In a Resolution dated 1 August 2007, the Court resolved to:

1. TREAT the Report of the Judicial Audit Team as an administrative complaint, and to RE-DOCKET the same as a regular administrative matter against respondent Judge;
2. DEEM AS SATISFACTORY the explanation of Ms. Rosie M. Novencido, then OIC Clerk of Court, MTC, Naguilian, La Union, and consider the matter under consideration CLOSED and TERMINATED insofar as Ms. Novencido is concerned;
3. DIRECT Hon. Asuncion F. Mandia, Acting Presiding Judge, MTC, Naguilian, La Union, and the Clerk of Court thereof to inform the Court, thru the Office of DCA Perez, of the STATUS of the following cases, to wit: Crim. Case Nos. 2345-B, 2169, 2188, 2203, 2211, 2217, 2218, 2240, 2251, 2257, 2345, 2365, 2366, 2526, 2590, 2768, 2801, 2849, 3367, 3378 and 3988, found during the audit conducted of the MTC, Naguilian, La Union (from 22 March to 5 April 2004) as “cannot be located” and to cause the reconstitution of the missing records, if any, and submit proof of the reconstitution thereof, all within sixty (60) days from notice; and
4. REQUIRE Judge Santiago E. Soriano to comment on the Report of the Judicial Audit Team within ten (10) days from notice.³

In his letter dated 4 October 2007, Judge Soriano stated that he had already decided most of the cases enumerated in the Resolution, except those cases which were missing during the term of Clerk of Court Teresita Bravo. Judge Soriano requested for one month to verify the cases still undecided, which the Court granted in a Resolution dated 5 December 2007.

Meanwhile, in a letter dated 15 November 2007, incumbent Presiding Judge Romeo M. Atillo, Jr., of MTC, Naguilian, La Union, informed the Court that aside from Criminal Case No. 2211, reconstitution was no longer

³ *Rollo*, pp. 910-911.

possible for the other missing records.

On 9 November 2009, Judge Soriano wrote a letter to the Deputy Court Administrator, requesting for the release of his retirement benefits. Judge Soriano stated that the Court could withhold a portion of his retirement benefits to answer for whatever administrative penalty he might incur in the administrative matter against him.

The Court, in a Resolution dated 24 March 2010, allowed the release of Judge Soriano's retirement benefits provided that the amount of ₱40,000 be withheld pending resolution of this administrative matter. The Court also directed Judge Soriano to show cause why he should not be held in contempt of court for his failure to submit his report on the undecided cases as directed in the Resolutions dated 5 December 2007 and 6 October 2008.

Judge Soriano apologized to the Court through his letter dated 21 May 2010, explaining that he neglected to submit the report on the undecided cases because he knew that his branch clerk of court already submitted to the OCA copies of the decided cases.

The Court, in a Resolution dated 21 July 2010, noted Judge Soriano's explanation and required him to submit the report on the undecided cases within ten days from notice.

Judge Soriano requested for an extension of 15 days to submit the required report, which the Court granted. Judge Soriano eventually submitted to the Court the required report, with the request that the contempt charge against him be dismissed and the ₱40,000 deducted from his retirement benefits be returned.

In a Resolution dated 14 September 2011, the Court resolved to:

1. DIRECT the OCA to: (a) VERIFY the present status of the cases left undecided, the incidents or motions left unresolved, and the dormant cases left unacted upon, all by Judge Santiago E. Soriano at the MTC, Naguilian and MTCC, San Fernando City, both in the province of La Union; and (b) SUBMIT to the Court a report thereon within fifteen (15) days from receipt of the information required; and
2. NOTE the letter dated 15 November 2007 of Judge Romeo M. Atillo, Jr., MTC, Naguilian, La Union, and DIRECT Judge Atillo to SUBMIT within fifteen (15) days from notice a written report to the Court, through the OCA, on any further development regarding the reported missing case records.⁴

⁴

Id. at 1313.

Meanwhile, in a letter dated 3 September 2012, Judge Soriano prayed for the early resolution of this administrative matter and requested that his monthly pension be released, considering that he should have received his monthly pension beginning 25 July 2011, five years after he compulsorily retired on 25 July 2006 at the age of 70 years old.

The OCA's Report and Recommendation

In its Memorandum dated 3 January 2013, the OCA stated its findings as reported in its Memorandum dated 9 July 2012, thus:

Municipal Trial Court, Naguilian, La Union

1. Of the sixteen (16) undecided cases listed above, four (4) cases, namely, Criminal Case No. 4289, Civil Case Nos. 286 and 287, and LRC No. 002-02, were actually decided by Judge Santiago E. Soriano before he retired compulsorily on July 25, 2006, but all beyond the mandated period; four (4) cases namely, Criminal Case Nos. 3300, 3361, 3927 and 4274, remain undecided up to the present and the respective records thereof are missing and could no longer be found; two (2) cases, namely, Criminal Case Nos. 3663 and 3664, were decided jointly by Acting Presiding Judge Asuncion F. Mandia; five (5) cases, namely, Criminal Case Nos. 2834, 4001, 4002, 4149 and 4154, were decided by Judge Romeo M. Atillo, Jr.; and Criminal Case No. 3922 was reported to have been decided on July 11, 2006, but no copy of the decision was attached to the letter-report;
2. Of the five (5) cases with unresolved incidents or motions listed above, the incidents in four (4) cases, namely, Criminal Case Nos. 3347 and 3351, SP No. 01-03 and Civil Case No. 192, were resolved by Judge Soriano before his compulsory retirement; and the incident, *i.e.*, motion for new trial, in Civil Case No. 282 remains unresolved up to the present; and
3. The records of two (2) of the dormant cases listed above, namely, Criminal Case No. 4117 and Civil Case No. 210, are missing and could no longer be found. All the other dormant cases have already been disposed of by Judge Atillo, Jr.

Municipal Trial Court in Cities, Branch 2, San Fernando City, La Union

1. Of the twenty-seven (27) undecided cases listed above, two (2) cases, namely, Criminal Case No. 31268 and Civil Case No. 3864, were actually decided by Judge Soriano before his compulsory retirement but beyond the mandated period, and the remaining cases were decided or disposed of by Judge Corpuz;
2. With respect to the two (2) cases with unresolved incidents or motions listed above, Civil Case No. 3851 was decided by Judge Corpuz on October 28, 2008, but it was not reported whether the subject motion for reconsideration of the July 10, 2003 Order declaring defendant in

default, which was submitted for resolution on September 24, 2003, was resolved; and the motion for reconsideration of the June 26, 2003 Order in LRC No. N-95-04, which was submitted for resolution on January 21, 2004, was ordered denied by Judge Corpuz on September 15, 2006; and

3. With respect to the two (2) dormant cases listed above, namely, Civil Case No. 3487 and LRC No. N-95-67, both were dismissed by Judge Corpuz on September 29, 2005 and October 11, 2006, respectively.

x x x x

The result of the verification of the status of the cases earlier found to have been left undecided by retired Judge Soriano at the MTC, Naguilian and MTCC, Branch 2, San Fernando City, both in the province of La Union, showing that he failed to decide a total of thirty-six (36) cases submitted for decision, which were already all due for decision at the time he compulsorily retired on July 25, 2006, confirms our findings against retired Judge Soriano in our March 11, 2011 Memorandum. Worse, the records in four (4) of said cases could no longer be accounted for and were confirmed by Judge Atillo to be missing and beyond recovery. The thirty-two (32) other cases were decided by the judges who succeeded retired Judge Soriano in the MTC, Naguilian and MTCC, Branch 2, San Fernando City, both in the Province of La Union.⁵

The OCA also noted that Judge Soriano decided 12 cases on 25 July 2006, which was the day his compulsory retirement took effect. The OCA stressed that when Judge Soriano reached the compulsory retirement age of 70 on 25 July 2006, he is considered automatically retired on that date and could no longer exercise the powers and functions of his office, particularly promulgation of decisions.

On Judge Soriano's request for the release of his monthly pension beginning 25 July 2011, the OCA found no legal impediment thereto. The OCA stated that when Judge Soriano retired from the Judiciary on 25 July 2006, he had rendered a total of 41 years, 7 months, and 24 days in government service, thus, entitling him to receive gratuity benefits granted under Republic Act No. 910⁶ (RA 910), as amended by Republic Act No. 9946⁷ (RA 9946).

In conclusion, the OCA recommended that:

1. Ret. Judge Santiago E. Soriano, formerly of the Municipal Trial Court, Naguilian, La Union as its Presiding Judge and of the Municipal Trial Court in Cities as its Acting Presiding Judge, be found GUILTY of

⁵ Id. at 1611-1613.

⁶ An Act to Provide for the Retirement of Justices of the Supreme Court and of the Court of Appeals, for the Enforcement of the Provisions hereof by the Government Service Insurance System, and to Repeal Commonwealth Act Numbered Five Hundred and Thirty-Six.

⁷ An Act Granting the Additional Retirement, Survivorship, and other Benefits to Members of the Judiciary, Amending for the Purpose Republic Act No. 910, as Amended, Providing Funds Therefor and for other Purposes.

Gross Inefficiency and Gross Ignorance of the Law and be FINED in the amount of Php40,000.00, to be taken from the amount earlier withheld from his retirement benefits; and

2. the annuity payable monthly to retired Judge Soriano under R.A. 910, as amended, beginning on July 25, 2011, be RELEASED immediately.⁸

The Ruling of the Court

The Court agrees with the findings and recommendation of the OCA.

Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary mandates judges to “perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.” Similarly, Rule 3.05, Canon 3 of the Code of Judicial Conduct exhorts judges to dispose of the court’s business promptly and to decide cases within the required periods. Section 15(1), Article VIII of the Constitution provides that all cases and matters must be decided or resolved by the lower courts within three months from the date of submission of the last pleading.

In this case, the judicial audit team found that out of the 59 cases submitted for decision in the MTCC, Branch 2, San Fernando City, La Union, 57 cases were already beyond the reglementary period to decide. A similar finding was made in the MTC, Naguilian, La Union wherein out of 41 cases submitted for decision, 39 cases were already beyond the reglementary period to decide. The OCA then directed Judge Soriano to decide the remaining unresolved cases and to resolve the pending motions or incidents in the other cases. However, Judge Soriano still failed to decide a total of thirty-six (36) cases submitted for decision in the MTC and MTCC combined, which were already all due for decision at the time he compulsorily retired on 25 July 2006.

Clearly, Judge Soriano has been remiss in the performance of his judicial duties. Judge Soriano’s unreasonable delay in deciding cases and resolving incidents and motions, and his failure to decide the remaining cases before his compulsory retirement constitutes gross inefficiency which cannot be tolerated. As held in numerous cases, inexcusable failure to decide cases within the reglementary period constitutes gross inefficiency, warranting the imposition of an administrative sanction on the defaulting judge.⁹

⁸ *Rollo*, p. 1615.

⁹ *Hebron v. Garcia II*, A.M. No. RTJ-12-2334, 14 November 2012, 685 SCRA 417; *Office of the Court Administrator v. Castañeda*, A.M. No. RTJ-12-2316, 9 October 2012, 682 SCRA 321;

Undue delay in rendering a decision or order is classified as a less serious charge under Section 9, Rule 140 of the Rules of Court.¹⁰ It is punishable by (1) suspension from office without salary and other benefits for not less than one month nor more than three months, or (2) a fine of more than ₱10,000 but not exceeding ₱20,000.¹¹

Judge Soriano's inefficiency in managing his caseload was compounded by gross negligence as evinced by the loss of the records of at least four cases which could no longer be located or reconstituted despite diligent efforts by his successor. Judge Soriano was responsible for managing his court efficiently to ensure the prompt delivery of court services,¹² especially the speedy disposition of cases.¹³ Under Rule 3.08, Canon 3 of the Code of Judicial Conduct, a judge is mandated to diligently discharge administrative responsibilities and maintain professional competence in court management. Furthermore, a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.¹⁴ Judge Soriano failed in this respect.

Furthermore, the Court finds Judge Soriano guilty of gross ignorance of the law. As found by the OCA, Judge Soriano decided 12 cases on 25 July 2006, which was the day his compulsory retirement took effect. Section 11, Article VIII of the Constitution¹⁵ states that judges shall hold office during good behavior until they reach the age of 70 years or become incapacitated to discharge the duties of their office. Thus, Judge Soriano was automatically retired from service effective 25 July 2006, and he could no longer exercise on that day the functions and duties of his office,

Maturan v. Gutierrez-Torres, A.M. OCA I.P.I. No. 04-1606-MTJ, 19 September 2012, 681 SCRA 311; *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 72 and 22, Narvacan, Ilocos Sur*, A.M. No. 06-9-525-RTC, 13 June 2012, 672 SCRA 21; *Hipe v. Literato*, A.M. No. MTJ-11-1781, 25 April 2012, 671 SCRA 9.

¹⁰ Section 9, Rule 140 of the Rules of Court reads:

Less serious charges. - Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;
2. Frequent and unjustified absences without leave or habitual tardiness;
3. Unauthorized practice of law;
4. Violation of Supreme Court rules, directives, and circulars;
5. Receiving additional or double compensation unless specifically authorized by law;
6. Untruthful statements in the certificate of service; and
7. Simple Misconduct.

¹¹ Section 11(B), Rule 140 of the Rules of Court.

¹² *Re: Report on the Judicial Audit Conducted in the RTC, Br. 4, Dolores, Eastern Samar*, 562 Phil. 301, 316 (2007).

¹³ *Re: Cases Left Undecided by Ret. Judge Arbis*, 443 Phil. 496 (2003).

¹⁴ Rule 3.09, Canon 3, Code of Judicial Conduct.

¹⁵ Sec. 11. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of the office. The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

including the authority to decide and promulgate cases.¹⁶

Gross ignorance of the law is classified as a serious charge under Section 8(9), Rule 140 of the Rules of Court and is punishable by a fine of more than ₱20,000 but not exceeding ₱40,000.¹⁷

For gross inefficiency and gross ignorance of the law, the Court finds sufficient the OCA's recommended fine of ₱40,000, which will be taken from the amount previously withheld from Judge Soriano's retirement benefits.

On Judge Soriano's request for the release of his monthly pension beginning 25 July 2011, the Court agrees with the OCA that it should be released immediately. This is in accordance with RA 910, as amended by RA 9946, which provides that:

SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established shall be automatically entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance he/she was receiving on the date of his/her retirement and thereafter upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant to Section 1 hereof x x x.

WHEREFORE, the Court finds retired Judge Santiago E. Soriano guilty of gross inefficiency and gross ignorance of the law, and fines him ₱40,000 to be taken from the amount withheld from his retirement benefits. The Court orders the immediate release of the annuity payable monthly to Judge Soriano under Republic Act No. 910, as amended by Republic Act

¹⁶ *Nazareno v. Court of Appeals*, 428 Phil. 32 (2002).

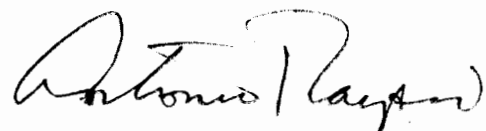
¹⁷ Section 11(A), Rule 140 of the Rules of Court states:

Section 11. Sanctions. - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

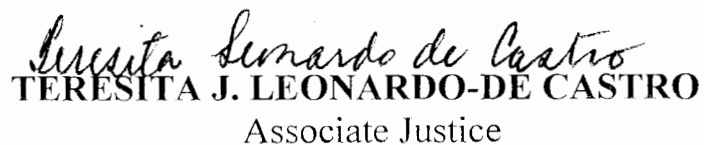
No. 9946, beginning 25 July 2011.

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:




TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice