



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

**Re: Cases Submitted for Decision
before Hon. Teofilo D. Baluma,
Former Judge, Branch 1,
Regional Trial Court, Tagbilaran
City, Bohol**

A.M. No. RTJ-13-2355
(Formerly A.M. No. 13-7-128-RTC)

Present:

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

Promulgated:

SEP 02 2013

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DECISION

LEONARDO-DE CASTRO, J.:

Before the Court is the request for Certificate of Clearance of Judge Teofilo D. Baluma (Baluma), former Presiding Judge, Regional Trial Court (RTC), Branch 1, of Tagbilaran City, Bohol, in support of his application for Retirement/Gratuity Benefits under Republic Act No. 910,¹ as amended.

Judge Baluma availed himself of optional retirement on July 22, 2011.

According to the Certification² dated August 19, 2011 of Juan J. Lumanas, Jr. (Lumanas), Officer-in-Charge, RTC, Branch 1, Tagbilaran City, Bohol, there were 23 cases submitted for decision/resolution which were left undecided by Judge Baluma. All 23 cases were already beyond the reglementary period for deciding them by the time Judge Baluma retired. Lumanas listed the 23 cases as follows:

¹ Providing for the Retirement of Justices and All Judges in the Judiciary.

² *Rollo*, p. 8.

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CASES SUBMITTED FOR DECISION

Case Number	Accused/Parties/ Nature of the Case	Date Submitted for Decision	Due Date of Decision
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CRIMINAL CASES

1. 13161	Bernard I. Escarpe for Viol. of Sec. 5, R.A. 9262	08-16-10	11-14-10
2. 13162	Bernard I. Escarpe for Viol. of Sec. 12, R.A. 9262	08-16-10	11-14-10
3. 13459	Cyrus Keene “LA” D. Apale for Rape	12-30-10	03-29-11
4. 13613	Gualberto Mangala for Viol. of R.A. 9165	04-08-10	04-23-10
5. 14043	Melvin Capa for Frustrated Murder	07-20-10	10-18-10
6. 10515	Merlyn Fabroa, et al. for Rebellion	05-12-10	08-10-10
7. 14853	Ernesto Pudalan for Estafa	01-30-11	04-28-11
8. 14892	Ernesto Pudalan for Estafa	02-17-11	05-15-11
9. 14992	Ernesto Pudalan for Estafa	02-15-11	05-15-11
10. 14993	Ernesto Pudalan for Estafa	02-15-11	05-15-11
11. 12766	Bernard Marc Romea for Rape	09-07-10	12-06-10
12. 12767	Bernard Marc Romea for Rape	09-07-10	12-06-10

CIVIL CASES

13. 7243	Rosalinda Gabronino vs. Sps. Germiniana and Gaudioso Guibone, et al. for Review, Annulment and Cancellation of Title	07-13-10	10-11-10
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CASES SUBMITTED FOR RESOLUTION

Case Number	Accused/Parties/ Nature of the Case	Date Submitted for Resolution	Due Date of Resolution
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CRIMINAL CASES

14. 14692	Adison Ucang for Viol. of COMELEC Gun Ban	03-18-11	06-16-11
15. 14696	Gabriel Lopez for R.A. 9165	11-11-10	11-26-10

16. 14697	Gabriel Lopez for R.A. 9165	11-11-10	11-26-10
17. 14881	Alberto Dagamac for Viol. of Sec. 11, R.A. 9165	01-15-11	01-30-11
18. 14882	Alberto Dagamac for Viol. of R.A. 8294	01-15-11	04-14-11
19. 14889	Jonas Manzanilla for Viol. of Sec. 11, Art. II, R.A. 9165	01-21-11	02-05-11
20. 14890	Jonas Manzanilla for Viol. of Sec. 12, Art. II, R.A. 9165	01-15-11	01-30-11

CIVIL CASES

21. 4986	Valerio Nalitan vs. Fortunato Cagas for Annulment of OCT 9958	12-11-09	03-11-09
22. 7528	Teresita Aranton vs. Heirs of Marcial Oñada for Reformation of Instrument and Specific Performance	08-18-10	11-16-10
23. OCT (6055) 3239	Heirs of Fabia Jumarito (nature of the case not indicated)	02-03-11	05-03-11 ³

The aforementioned 23 cases were the subject matter of a Memorandum dated July 22, 2011, *Re: Report on the Judicial Audit and Physical Inventory of Pending Cases Conducted at Branch 1, RTC, Tagbilaran City, Bohol*, issued by an audit team of the Office of the Court Administrator (OCA). Deputy Court Administrator Raul Bautista Villanueva required Judge Baluma to explain his failure to act on the 23 cases. However, Judge Baluma failed to comply with said directive.

The processing of Judge Baluma’s Application for Clearance has been put on hold pending clearance from the OCA.

In a letter⁴ dated April 4, 2013, Judge Baluma’s son, Atty. Cristifil D. Baluma, averred that his father was suffering from depression and requested for the early release of Judge Baluma’s retirement pay and other benefits. Atty. Baluma appealed that if any amount needs to be withheld from Judge Baluma’s retirement benefits due to the undecided cases, Judge Baluma’s health condition be taken into consideration.

On June 7, 2013, the OCA submitted its report with the following recommendations:

³ Id. at 1-3.
⁴ Id. at 6.

In view of the foregoing, it is respectfully recommended that: (a) this matter be re-docketed as a regular administrative matter against Hon. TEOFILO D. BALUMA, former Presiding Judge, Branch 1, Regional Trial Court, Tagbilaran City, Bohol; (b) Judge Baluma be **FINED** in the total amount of **FORTY-SIX THOUSAND PESOS (P46,000.00)** for gross inefficiency for failure to decide the twenty-three (23) cases submitted for decision before him within the reglementary period prior to his retirement, the **amount to be deducted from his retirement benefits**; and (c) considering that retired Judge Baluma is suffering from depression, the equivalent value of his terminal leave be released pending resolution of this Administrative Matter.⁵

The Court agrees with the findings of the OCA, except as to the recommended penalty.

Article VIII, Section 15(1) of the 1987 Constitution provides that lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Moreover, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. In addition, this Court laid down guidelines in SC Administrative Circular No. 13 which provides, *inter alia*, that “[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so.” The Court has reiterated this admonition in SC Administrative Circular No. 3-99 which requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases and the failure to comply therewith is considered a serious violation of the constitutional right of the parties to speedy disposition of their cases.⁶

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.⁷

⁵ Id. at 5.

⁶ *Letter of Judge Josefina D. Farrales, Acting Presiding Judge, RTC, Br. 72, Olongapo City Re: 30 Cases and 84 Motions Submitted for Decision/Resolution in Said Court*, A.M. No. 06-3-196-RTC, December 24, 2008, 575 SCRA 365, 382.

⁷ *Report on the Judicial Audit Conducted in the RTC, Br. 22, Kabacan, North Cotabato*, 468 Phil. 338, 344-345 (2004).

At the same time, however, the Court is also aware of the heavy case load of trial courts. The Court has allowed reasonable extensions of time needed to decide cases, but such extensions must first be requested from the Court. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law.⁸

The following facts are uncontested herein: Judge Baluma failed to decide 23 cases already submitted for decision/resolution within the mandatory reglementary period for doing so; he left said cases still undecided upon his retirement on July 22, 2011; he did not give any reason/explanation for his failure to comply with the reglementary period for deciding cases; and there were no previous requests by him for extension of time to decide said cases. Judge Baluma's gross inefficiency, evident in his undue delay in deciding 23 cases within the reglementary period, merits the imposition of administrative sanctions.

Under the new amendments to Rule 140⁹ of the Rules of Court, undue delay in rendering a decision or order is a less serious charge, for which the respondent judge shall be penalized with either (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than ₱10,000.00, but not more than ₱20,000.00.

Nonetheless, the Court noted in *Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy, Former Judge, Municipal Trial Court, Cainta, Rizal*,¹⁰ that it has imposed varying amounts of fines for the same offense depending on the circumstances of each case, to wit:

The fines imposed on each judge may vary, depending on the number of cases undecided or matters unresolved by said judge beyond the reglementary period, plus the presence of aggravating or mitigating circumstances, such as the damage suffered by the parties as a result of the delay, the health and age of the judge, *etc.*

The Court imposed a fine of **₱10,000.00** upon a judge who failed to decide one case within the reglementary period, without offering an explanation for such delay; another who left one motion unresolved within the prescriptive period; and a third who left eight cases unresolved beyond the extended period of time granted by the Court, taking into consideration that the judge involved was understaffed, burdened with heavy caseload, and hospitalized for more than a month. In another case, the judge was fined **₱10,100.00** for failing to act on one motion. The Court fixed the fine at **₱11,000.00** when the judge failed to resolve a motion for reconsideration and other pending incidents relative thereto because of alleged lack of manpower in his *sala*; when the judge decided a case for

⁸ *Soluren v. Judge Torres*, A.M. No. MTJ-10-1764, September 15, 2010, 630 SCRA 449, 454.

⁹ Section 9(1) in relation to Section 11(B); *En Banc* Resolution in A.M. No. 01-8-10-SC dated September 11, 2001 (*Re: Proposed Amendment to Rule 140 of the Rules of Court Regarding the Discipline of Justices and Judges*).

¹⁰ A.M. No. 09-9-163-MTC, May 6, 2010, 620 SCRA 298, 302-305.

forcible entry only after one year and seven months from the time it was submitted for resolution, giving consideration to the fact that said judge was still grieving from the untimely demise of his daughter; when a judge resolved a motion after an undue delay of almost eight months; when a judge resolved a motion only after 231 days; when a judge failed to resolve three cases within the reglementary period; and when a judge failed to resolve a motion to cite a defendant for contempt, the penalty being mitigated by the judge's immediate action to determine whether the charge had basis. In one case, the judge was fined **₱12,000.00** for failing to decide one criminal case on time, without explaining the reason for the delay. Still in other cases, the maximum fine of **₱20,000.00** was imposed by the Court on a judge who was delayed in rendering decisions in nine criminal cases, failed altogether to render decisions in 18 other cases, and promulgated decisions in 17 cases even after he had already retired; a judge who failed to decide 48 cases on time and to resolve pending incidents in 49 cases despite the lapse of a considerable length of time; a judge who unduly delayed deciding 26 cases because of poor health; and a judge who failed to decide 56 cases, without regard for the judge's explanation of heavy caseload, intermittent electrical brownouts, old age, and operation on both his eyes, because this already constituted his second offense.

There were cases in which the Court did not strictly apply the Rules, imposing fines well-below those prescribed. The Court only imposed a fine of **₱1,000.00** for a judge's delay of nine months in resolving complainant's Amended Formal Offer of Exhibits, after finding that there was no malice in the delay and that the delay, was caused by the complainant himself. In another case, a judge was fined **₱1,000.00** for his failure to act on two civil cases and one criminal case for an unreasonable period of time. The Court also imposed a fine of **₱5,000.00** on a judge, who was suffering from cancer, for his failure to decide five cases within the reglementary period and to resolve pending incidents in nine cases; and on another judge, who had "end stage renal disease secondary to nephrosclerosis" and died barely a year after his retirement, for his failure to decide several criminal and civil cases submitted for decision or resolution and to act on the pending incidents in over a hundred criminal and civil cases assigned to the two branches he was presiding.

The Court also variably set the fines at more than the maximum amount, usually when the judge's undue delay was coupled with other offenses. The judge, in one case, was fined **₱25,000.00** for undue delay in rendering a ruling and for making a grossly and patently erroneous decision. The judge, in another case, was penalized with a fine of **₱40,000.00** for deciding a case only after an undue delay of one year and six months, as well as for simple misconduct and gross ignorance of the law, considering that the undue delay was already the judge's second offense. The Court again imposed a fine of **₱40,000.00** upon a judge who failed to resolve one motion, bearing in mind that he was twice previously penalized for violating the Code of Judicial Conduct and for Gross Ignorance of Procedural Law and Unreasonable Delay. (Citations omitted.)

In the present case, the Court takes into account the aforequoted survey of cases; together with the number of cases Judge Baluma failed to


decide within the reglementary period (23 cases upon his retirement) and the lack of effort on his part to proffer an explanation or express remorse for his offense; but considering as well that he is suffering from depression and that he has no prior infraction, the Court finds that a fine of **₱20,000.00** is adequate.

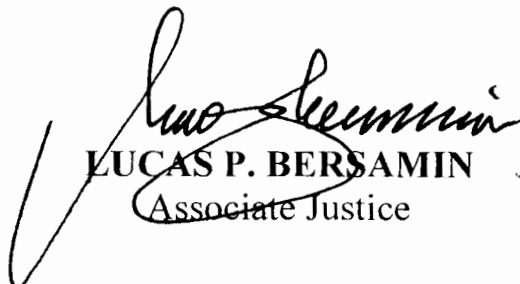
WHEREFORE, the Court finds **JUDGE TEOFILO D. BALUMA**, former judge of the Regional Trial Court, Branch 1, of Tagbilaran City, Bohol, **GUILTY** of undue delay in rendering a decision or order, for which he is **FINED** in the amount of **₱20,000.00**, to be deducted from his retirement benefits withheld by the Fiscal Management Office, Office of the Court Administrator. The balance of his retirement benefits shall be released without unnecessary delay.

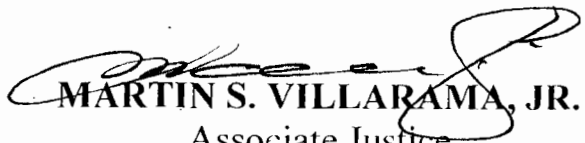
SO ORDERED.

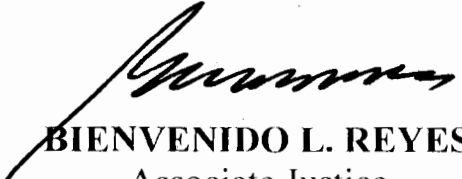

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice