



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

RE: FINDINGS ON THE
JUDICIAL AUDIT
CONDUCTED AT THE 7TH
MUNICIPAL CIRCUIT TRIAL
COURT, LILOAN-
COMPOSTELA, LILOAN,
CEBU.

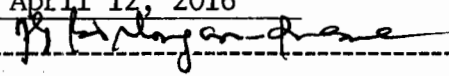
A.M. No. 12-8-59-MCTC

Present:

SERENO, C.J.
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,*
BERSAMIN,
DEL CASTILLO,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

Promulgated:

April 12, 2016

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RESOLUTION

PERLAS-BERNABE, J.:

The instant administrative case arose from the judicial audit and physical inventory of court records conducted in the 7th Municipal Circuit Trial Court of Liloan-Compostela, Liloan, Cebu (MCTC), presided by Judge Jasper Jesse G. Dacanay (Judge Dacanay).

* On official leave.

The Facts

Following a judicial audit of the MCTC presided by Judge Dacanay, which was conducted on July 17 and 18, 2012, the judicial audit team of the Office of the Court Administrator (OCA) issued its Findings on the Judicial Audit Conducted at the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu¹ and Report on the Judicial Audit Conducted in the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu² both dated August 1, 2012, revealing that the MCTC had a caseload of 663 cases (415 criminal cases and 248 civil cases) with 103 cases submitted for decision and 93 cases with pending incidents submitted for resolution.³ 99 out of the 103 cases submitted for decision were all beyond the 90-day reglementary period to decide;⁴ and 91 out of the 93 cases with pending incidents were also beyond the required period to act upon.⁵ The judicial audit team also disclosed that there were also a number of cases where no initial action had been taken since their filing, while there were others which failed to progress after a considerable length of time.⁶ In view of the foregoing, the judicial audit team recommended that: (a) Judge Dacanay be directed to cease and desist from conducting hearings and to devote his time in deciding and resolving the matters pending before his court, instructed to furnish the Court with copies of the decisions related thereto, and pending full compliance thereof, his salaries, allowances, and other benefits be ordered withheld; (b) Judge Dacanay be directed to explain in writing why no administrative sanction should be taken against him for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents which were all beyond the reglementary period to decide and act upon; (c) Judge Jocelyn G. Uy Po be designated as acting presiding judge of the MCTC; and (d) MCTC Clerk of Court II Henry P. Cañete, Jr. (MCTC Clerk of Court Cañete, Jr.) be directed, among others, to submit a monthly report of cases for the MCTC.⁷ In a Resolution⁸ dated November 12, 2012, the Court adopted the recommendations of the judicial audit team.

In his letter-explanation dated January 23, 2013,⁹ Judge Dacanay claimed that his failure to decide and resolve cases on time was not brought about by his laziness, willful neglect of duty or complacency, but was due to the heavy workload in his court which is a circuit court composed of two (2) municipalities with the highest number of cases received every month. He explained that he spends most of his time hearing cases in court and issuing orders¹⁰ and, thus, lacks time to write decisions. Such delay is further

¹ *Rollo*, pp. 1-24.

² *Id.* at 25-49.

³ *See id.* at 1 and 25.

⁴ *See id.* at 2 and 26.

⁵ *See id.* 6 and 31.

⁶ *See id.* at 13 and 37.

⁷ *See id.* at 23-24 and 47-48.

⁸ *Id.* at 62-65.

⁹ *Id.* at 51-52.

¹⁰ *See id.* at 51.

compounded by insufficient staff and cases that lacked stenographic notes.¹¹ In addition, he likewise claimed that he was suffering from cardiovascular disease, hypertension, impaired glucose tolerance, and chronic back pains; and, in the year 2008, he suffered a stroke while he was attending to his court duties. In this light, Judge Dacanay revealed his plans of retiring early and requested for the release of the withheld salary which he needs to sustain his daily maintenance medicines and travelling expenses.¹²

In its Memorandum,¹³ the OCA denied Judge Dacanay's request for the release of his withheld salaries, finding his reasons to be flimsy and irrelevant. Considering that a majority of the cases docketed in Judge Dacanay's *sala* were submitted for decision and resolution even before the year 2008, when he claimed to have suffered a stroke, the OCA concluded that his heavy workload was due to his inefficiency and judicial indolence. In this regard, the OCA noted that from the time the judicial audit was conducted in July 2012 and up to the time he submitted his letter-explanation in January 2013, Judge Dacanay has not submitted a single decision or resolution to show at least partial compliance and proof of his good faith, and neither did he request for any extension of time for the disposition of his cases. Consequently, the OCA directed Judge Dacanay to fully comply with the Court's Resolution dated November 12, 2012 by deciding and resolving the pending cases and resolutions in his *sala* within a non-extendible period of one (1) month from notice and, afterwhich, an evaluation shall be made on his administrative liability.¹⁴

In connection with a subsequent Resolution¹⁵ dated July 10, 2013 of the Court, MCTC Clerk of Court Cañete, Jr. submitted various letters of Compliance dated August 30, 2013,¹⁶ February 3, 2014,¹⁷ and May 23, 2014,¹⁸ updating the OCA of the status of cases pending before the MCTC, with copies of the decisions, resolutions, and orders related thereto.

The OCA's Report and Recommendation

In a Memorandum¹⁹ dated July 7, 2015, the OCA recommended, *inter alia*, that Judge Dacanay be found guilty of gross inefficiency and, accordingly, be meted a fine in the amount of ₱75,000.00 with a warning that a similar infraction would be dealt with more severely.²⁰

¹¹ See id. at 52.

¹² See id. at 51-52.

¹³ Dated May 21, 2013. Id. at 71-74.

¹⁴ See id. at 72-74.

¹⁵ Id. at 81-83.

¹⁶ See id. at 84-220.

¹⁷ See id. at 255-259.

¹⁸ See id. at 260-436.

¹⁹ Id. at 232-254.

²⁰ See id. at 253-254.

While the OCA noted that Judge Dacanay had fully complied with the Court's Resolution dated November 12, 2012 directing him to resolve the pending cases and incidents in his *sala*, it nevertheless found him administratively liable for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents for resolution within the reglementary period provided for by law. The OCA concluded that such judicial indolence on the part of Judge Dacanay is considered gross inefficiency in the performance of duties, and as such, administrative sanctions should be imposed upon him.²¹

The Issue Before the Court

The sole issue presented for the Court's resolution is whether or not Judge Dacanay should be held administratively liable.

The Court's Ruling

After a careful perusal of the records, the Court agrees with the findings and recommendation of the OCA, and resolves to adopt the same in its entirety.

Article VIII, Section 15 (1) of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of ninety (90) days. The Code of Judicial Conduct under Rule 3.05 of Canon 3²² likewise directs judges to administer justice without delay and dispose of the courts' business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is mandatory.²³ In *Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal*,²⁴ the Court stressed the importance of deciding cases within the periods prescribed by law and, at the same time, reiterated that a judge's failure to decide a case within the prescribed period constitutes gross inefficiency warranting the imposition of administrative sanctions, to wit:

²¹ See *id.* at 252-254.

²² Rule 3.05, Canon 3 of the Code of Judicial Conduct provides:

Canon 3

A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH
IMPARTIALITY AND DILIGENCE
ADJUDICATIVE RESPONSIBILITIES

x x x x

Rule 3.05. – A judge shall dispose of the court's business promptly and decide cases within the required periods.

x x x x

²³ See *Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal*, 634 Phil. 378, 381 (2010), citing *Gachon v. Devera, Jr.*, 340 Phil. 647 (1997).

²⁴ *Id.*

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Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of their cases.

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.²⁵ (Emphasis and underscoring supplied)

The foregoing notwithstanding, the Court is not unmindful of the heavy dockets of the lower courts. Thus, upon their proper application for extension, especially in meritorious cases involving difficult questions of law or complex issues, the Court grants them additional time to decide beyond the reglementary period. In these situations, the judge would not be subjected to disciplinary action.²⁶

In this case, Judge Dacanay clearly failed to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents in his *sala* within the prescribed reglementary period – with some of those cases/incidents taking more than ten (10) years to be decided or resolved. In an attempt to absolve himself from administrative liability, Judge Dacanay attributed such failure to heavy workload, and mentioned that in 2008, he suffered a stroke which limited his physical capability to decide cases or resolve incidents in his already docket-laden *sala*.²⁷ However, records show that most of the cases and incidents for decision or resolution in his *sala* were submitted long before he suffered a stroke in 2008. Moreover, records are bereft of any showing that he requested for extensions of the period within which he can decide or resolve the aforesaid cases and incidents, or that he proffered any credible explanation for the delay in their disposition. Hence, the OCA correctly found Judge Dacanay administratively liable.

It is settled that failure to decide or resolve cases within the reglementary period constitutes gross inefficiency.²⁸ It is a less serious charge and is punishable by either suspension from office without salaries and benefits for not less than one (1) month, but not more than three (3) months, or a fine of more than ₱10,000.00, but not exceeding ₱20,000.00.²⁹ It must be noted, however, that the fines imposed on each judge may vary,

²⁵ Id. at 381-382; citations omitted.

²⁶ See *Bontuyan v. Villarin*, 436 Phil. 560, 568-569 (2002).

²⁷ See Judge Dacanay's letter-explanation dated January 23, 2013; *rollo*, pp. 51-52.

²⁸ *OCA v. Ismael*, 624 Phil. 275, 278-279 (2010).

²⁹ Id. See also Section 9, in relation to Section 11 (B), of A.M. No. 01-8-10-SC, entitled "RE: PROPOSED AMENDMENT TO RULE 140 OF THE RULES OF COURT RE: DISCIPLINE OF JUSTICES AND JUDGES" (October 1, 2001).

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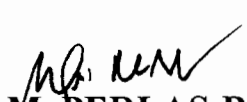
depending on the number of cases undecided or matters unresolved by said judge within the reglementary period, plus the presence of aggravating or mitigating circumstances, such as the damage suffered by the parties as a result of the delay, the health and age of the judge, and other analogous circumstances.³⁰

In *OCA v. Leonida*,³¹ the erring judge was fined in the amount of ₱50,000.00 for his failure to decide an aggregate of 145 cases within the reglementary period.³² Similarly, in *OCA v. Alumbres*,³³ the respondent judge was fined also in the amount of ₱50,000.00 for failing to decide a total of 154 cases on time.³⁴ On the other hand, in *Pacquing v. Cobarde*,³⁵ the delinquent judge was fined by the Court the amount of ₱100,000.00 for failing to decide a staggering 191 cases within the allowable period, noting that said judge was previously held administratively liable for the same offense. In view of the foregoing cases and the circumstances of this case, the Court agrees with the OCA that Judge Dacanay should be fined in the amount of ₱75,000.00 for his failure to decide the 99 cases submitted for decision and resolve the 91 cases with pending incidents in his *sala* within the 90-day mandatory reglementary period provided by law.

WHEREFORE, Judge Jasper Jesse G. Dacanay is found **GUILTY** of gross inefficiency in the performance of his duties and is hereby **FINED** in the amount of ₱75,000.00, with a **STERN WARNING** that the commission of the same or similar act shall be dealt with more severely. His salaries and allowances, after deducting the fine of ₱75,000.00, are ordered **RELEASED** for having fully complied with the directives of the Court contained in the Resolution dated November 12, 2012.

Moreover, Clerk of Court II Henry P. Cañete, Jr. is **DIRECTED** to **COMPLY** with the other directives of the Court in the same Resolution within a non-extendible period of fifteen (15) days from notice and **SUBMIT** proof thereof.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

³⁰ *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 72 and 22, Narvacan, Ilocos Sur*, 687 Phil. 19, 23 (2012).

³¹ 654 Phil. 668 (2011).

³² *Id.* at 679.


³³ 515 Phil. 348 (2006).

³⁴ *See id.* at 355-356 and 363.


³⁵ *See Minute Resolution in A.M. No. RTJ-07-2042 dated September 30, 2014.*

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice

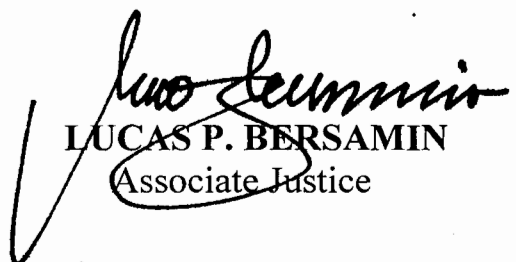

ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice


On Official Leave
DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


ALFRED P. BENJAMINS S. CAGUIOA
Associate Justice

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