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Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: COMPLAINT DATED JANUARY 28, 2014 OF WENEFREDO PARREÑO, *ET AL.*, AGAINST HON. CELIA C. LIBREA-LEAGOGO, HON. ELIHU A. YBAÑEZ AND HON. AMY C. LAZARO-JAVIER, ASSOCIATE JUSTICES OF THE COURT OF APPEALS, RELATIVE TO CA G.R. SP NO. 108807	**OCA IPI NO. 14-220-CA-J** Present: *SERENO, *C.J.*, **CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, VILLARAMA, JR., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, LEONEN, and JARDELEZA, *JJ.*: Promulgated: March 17, 2015

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D E C I S I O N

BERSAMIN, *J.*:

We hereby resolve the administrative complaint[1] brought against Court of Appeals (CA) Associate Justice Celia C. Librea-Leagogo, Associate Justice Elihu A. Ybañez and Associate Justice Amy C. Lazaro-Javier for their undue delay in rendering the decision in C.A.-G.R. SP No. 108807 entitled *Susan Enriquez and Alma Rodriguez v. Wenefredo Parreño, Ronnie Cuevas and Joseph Denamarca.*

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* On official business.
** Acting Chief Justice per Special Order No. 1945 dated March 12, 2015.
1 *Rollo*, pp. 2-5.

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FELIPA B. ANAMA
DEPUTY CLERK OF COURT, EN BANC
SUPREME COURT

Antecedents

Complainants Wenefredo Parreño and Ronnie Cuevas, with Joseph Denamarca, filed a protest in the Department of Environment and Natural Resources of the National Capital Region (DENR-NCR) against the issuance of Transfer Certificate of Title (TCT) No. 14391 and TCT No. 14188 in favor of Susan Enriquez and Alma Rodriguez covering two lots inside the Signal Village, Taguig.[2] The DENR-NCR dismissed the protest,[3] but the dismissal was subsequently reversed by the DENR.[4] Aggrieved, Enriquez and Rodriguez appealed to the Office of the President (OP), which denied their appeal.[5] With their motion for reconsideration having been similarly denied,[6] Enriquez and Rodriguez appealed to the CA by petition for review,[7] and it is such appeal from which this administrative complaint arose.

It appears that on June 26, 2012, the Special Sixteenth (16th) Division of the CA issued its resolution submitting C.A.-G.R. SP No. 108807 for decision.[8] However, the complainants lament that from the issuance of the resolution until the filing of their complaint on February 8, 2014, the respondents, who comprised the Special 16th Division of the CA, had not rendered the decision, which the complainants insist was in patent violation of the mandatory period within which the respondents should decide under Section 15(1), Article VIII of the 1987 Constitution.[9]

The Court required the respondents to submit their comments on the administrative complaint.

In her comment,[10] Justice Librea-Leagogo narrated that she became the Chairperson of the CA 16th Division effective June 4, 2012 conformably with CA Office Order No. 220-12-ABR, and she served as such until July 5, 2012 in accordance with the successive reorganizations implemented in the CA under CA Office Order No. 198-12-ABR[11] and CA Office Order No. 220-12-ABR,[12] respectively. Citing Section 1, Rule VI of the 2009 Internal Rules of the Court of Appeals (2009 IRCA),[13] Justice Librea-Leagogo denied liability for incurring any undue delay because of her short stint as

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2 Id. at 121.
3 Id. at 122.
4 Id. at 123.
5 Id. at 61-64.
6 Id. at 65-66.
7 Id. at 12-31.
8 Id. at 86.
9 Id. at 4-5.
10 Id. at 99-106.
11 Id. at 109-113.
12 Id. at 114-119.
13 Section 1. Justice to whom a Case is Assigned. – Every case assigned to a Justice, whether appealed or original, shall be retained by him/her even if he/she is transferred to another Division in the same station. (Sec. 2, Rule 8 RIRCA [a]) Adjudication of cases shall be made by the Justice to whom the case is assigned and the members of his/her Division except as provided hereunder.

the Chairperson of the 16th Division, and considering further that C.A.-G.R. SP No. 108807 followed Justice Ybañez as the assigned *ponente* in his transfer to the Fourteenth (14th) Division pursuant to CA Office Order No. 220-12-ABR, and eventually to the Thirteenth (13th) Division, the Division that ultimately promulgated the awaited decision on February 28, 2014.[14]

Justice Ybañez admitted in his comment[15] that C.A.-G.R. SP No. 108807 was part of his initial caseload following his transfer to Manila in December 2009. He stated that he had conscientiously complied with the Zero Backlog Project (ZBP) initiated by Presiding Justice Andres B. Reyes, Jr. by giving utmost priority to the older cases assigned to him; that he had already assigned C.A.-G.R. SP No. 108807 to a member of his legal staff, but the latter had meanwhile fallen seriously ill; that due to lack of personnel and a heavy caseload, he had hired a contractual-lawyer who later resigned upon being offered a permanent position in another agency of the Government; that after disposing of the older cases assigned to him, he had rendered the decision in C.A.-G.R. SP No. 108807 on February 28, 2014 before becoming aware of the administrative complaint; and that he had not been remiss in his duty and responsibility to promptly administer justice by virtue of his disposing a monthly average of 15 cases.[16]

Justice Lazaro-Javier explained her participation in C.A.-G.R. SP No. 108807 as limited to the adoption and promulgation on June 26, 2012 of the resolution submitting the case for decision because only filled in the brief vacancy occasioned by the temporary absence of Justice Victoria Isabel Paredes, then the regular Member of the 16th Division. She pointed out, however, that she had nothing more to do with the case upon the return of Justice Paredes; hence, she could not be administratively liable for any delay in deciding the case. [17]

Issue

Are the respondents liable for undue delay in deciding C.A.-G.R. SP No. 108807?

Ruling

The administrative complaint is without merit.

The Constitution mandates a lower collegiate court like the CA to resolve a case within 12 months from the submission of the last required

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[14] Id. at 101-103.
[15] Id. at 131-135.
[16] Id. at 132-134.
[17] Id. at 171.

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pleading or as set by the court itself. This is clear from paragraphs (1) and (2), Section 15 of Article VIII of the Constitution, to wit:

> Section 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, **twelve months for all lower collegiate courts**, and three months for all lower courts.
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> (2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.
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> x x x x

Did the respondents incur any administrative liability for the delay?

Although C.A.-G.R. SP No. 108807 was submitted for decision by the Special 16th Division on June 26, 2012 after the parties did not file their memoranda,[18] it was the 13th Division of the CA (composed of Justice Ybañez as the *ponente*, Justice Japar B. Dimaampao as the Chairman, and Justice Melchor Quirino C. Sadang) that promulgated the decision on February 28, 2014, or nearly 20 months later. Accordingly, the Court answers the query in the negative, for, pursuant to Section 1, Rule VI of the 2009 IRCA, the adjudication of cases was the responsibility of the assigned Justice and the Members of the Division to which he or she then belonged. Determining who should be administratively accountable must consider the specific role each of the respondents played leading to the resolution of C.A.-G.R. SP No. 108807. Under the applicable rule of the 2009 IRCA, the liability for undue delay in resolving C.A.-G.R. SP No. 108807 might devolve only on the Members of the 13th Division who actually promulgated the decision.

Justice Librea-Leagogo and Justice Lazaro-Javier were not accountable for the delay in rendering the judgment. Justice Librea-Leagogo had a limited participation in respect of C.A.- G.R. SP No. 108807 because the reorganization of the CA ensuing after the promulgation of the resolution by the Special 16th Division on June 26, 2012 caused her transfer to the 15th Division through CA Office Order No. 220-12-ABR,[19] terminating her responsibility in C.A.- G.R. SP No. 108807. Justice Lazaro-Javier should also be exculpated because her participation was limited to her acting as a special Member of the 16th Division in lieu of Justice Paredes. Such substitution prevented a vacuum in the regular 16th Division, and conformed

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[18] Id. at 86.
[19] Id. at 116.

to the procedure stated in Section 6(d), Rule I of the 2009 IRCA.[20] The constitution of the Special 16th Division was by virtue of CA Office Order No. 220-12-ABR.[21]

Justice Ybañez, as the *ponente* for C.A. G.R. SP No. 108807, carried the case with him when he was transferred to the 13th Division. But whether or not he was administratively liable for the delay of eight months should depend on the relevant circumstances. Although often holding that a heavy caseload is insufficient reason to excuse a Judge from disposing his cases within the reglementary period,[22] the Court has applied this rule by considering the causes of the delay. In *Marquez v. Manigbas*,[23] the Court relieved the respondent judge from liability because the delay had been caused by the sudden deluge of cases brought about by the expansion of the jurisdiction of the municipal trial courts. In *Santos v. Lorenzo*,[24] the Court held that a delay of seven months in deciding a case could be excused because of the heavy caseload of the trial courts in the National Capital Judicial Region. In *Lubaton v. Lazaro*,[25] the Court, in sparing the respondent from the sanctions earlier imposed for undue delay, cited the good faith of the judge, the motivation of the complainant for bringing the charge, and the excessively heavy caseload of 3,500 cases, 1,800 of which involved detainees, leaving her only Fridays for the study of her cases and the resolution of pending incidents and issuance of the proper orders. The Court, in reversing the sanctions, observed that "it would be unkind and inconsiderate on the part of the Court to disregard respondent Judge's limitations and exact a rigid and literal compliance with the rule."[26]

The delay in C.A.-G.R. SP No. 108807 could not be said to have been incurred by Justice Ybañez with malice or deliberate attempt to impede the dispensation of justice. He assigned C.A.-G.R. SP No. 108807 to a member of his legal staff, but the latter had fallen seriously ill in the meantime, forcing him to hire a contractual-lawyer for the purpose. The latter subsequently joined another agency of the Government on a permanent basis. Thus, Justice Ybañez could promulgate the decision only on February 28, 2014. His explanation for the delay, being entirely plausible, is accepted.

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[20] Sec. 6. Filling of Vacancy Due to Absence or Temporary Incapacity. – (a) x x x
(b) x x x
(c) x x x
(d) **In the absence or temporary incapacity of the junior member of a Division, he/she shall be substituted as acting junior member by another junior member chosen by raffle from any of the other Divisions in the same station.**

[21] *Rollo*, pp. 114-118.

[22] *Office of the Court Administrator v. Ulibarri*, A.M. No. RTJ-04-1869, January 31, 2005, 450 SCRA 135, 141; *Sanchez v. Eduardo*, A.M. No. MTJ-00-1322, July 17, 2001, 361 SCRA 233, 239.

[23] A.M. No. 97-9-94-MTCC, December 8, 1999, 320 SCRA 1.

[24] A.M. No. RTJ-02-1702, August 20, 2002, 387 SCRA 407.

[25] A.M. No. RTJ-12-2320, September 2, 2013, 704 SCRA 404.

[26] Id. at 412.

WHEREFORE, the Court **DISMISSES** for lack of merit the administrative complaint against Justice Celia C. Librea-Leagogo, Justice Elihu A. Ybañez and Justice Amy C. Lazaro-Javier.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

(On Official Business)
MARIA LOURDES P. A. SERENO
Chief Justice

ANTONIO T. CARPIO
Associate Justice
Acting Chief Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ARTURO D. BRION
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice