



Republic of the Philippines
 Supreme Court
 Baguio City

CERTIFIED TRUE COPY
Wilfredo Lapitan
 WILFREDO LAPITAN
 Division Clerk of Court
 Third Division

MAY 26 2016

THIRD DIVISION

OFFICE OF THE COURT ADMINISTRATOR,
 Petitioner,
A.M. No. RTJ-14-2385
 [Formerly A.M. No. 14-4-115-RTC]

-versus-

Present:
 VELASCO, JR., J., *Chairperson,*
 PERALTA,
 PEREZ,
 REYES, and
 JARDELEZA, JJ.

JUDGE ROMEO B. CASALAN,
[FORMERLY A.M. NO. 14-4-115-RTC
(REPORT ON THE FINANCIAL
AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURT [RTC],
BRANCHES 13 AND 65, CULASI
AND BUGASONG, ANTIQUE)].
 Respondent.

Promulgated:
 April 20, 2016

Wilfredo Lapitan

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DECISION

PERALTA, J.:

This administrative matter arose from the judicial audit and inventory of cases conducted on August 7 and 8, 2012 in the Regional Trial Court (RTC) of Culasi, Antique, Branch 13 and the RTC of Bugasong, Antique, Branch 65, both presided over by the Hon. Romeo B. Casalan as regular judge and acting presiding judge, respectively.

In a Memorandum¹ dated August 30, 2012, the Judicial Audit Team of the Office of the Court Administrator (OCA) reported that as of August 8, 2012, Branch 13, the regular court of Judge Casalan, has a caseload of Two Hundred and Twelve (212) pending cases, comprising of Eighty-nine (89)

¹ Annex "A," records.

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criminal cases and One Hundred and Twenty-Three (123) civil and other cases. The team made the following findings and observations:

1. Fifteen (15) criminal cases and Thirty (33) civil and other cases are submitted for decision beyond the Ninety (90)-day reglementary period to decide them;
2. Four (4) criminal cases and Twenty-five (25) civil and other cases have pending motions/incidents which are submitted for resolution beyond the mandatory period to resolve them;
3. Six (6) criminal cases and Thirteen (13) civil and other cases have no further setting or action for at least One (1) month from the date of the last court action/setting;
4. A criminal case and a civil case have not been acted upon since the time the information and the complaint were filed in court;
5. Ten (10) cases have been pending in the docket of the court for 10 years or more; Seven (7) cases for Nine (9) years and 3 cases for Eight (8) years;
6. Case records do not contain an index of case events and are not stitched;
7. Pleadings, orders, notices, minutes of court sessions, returns and other relevant papers or documents are not immediately attached to the case folders or *expediente*;
8. Some pleadings and court orders/issuances are merely inserted in the case folders;
9. Cases for Declaration of Nullity of Marriages are docketed as special civil action;
10. Leniency in granting postponements; and
11. Hearings are conducted only on the 1st 2 weeks of the month, while the 3rd and 4th weeks of the month are devoted to Branch 64, Bugasong, Antique and inhibited cases in Branches 10, 11 and 12 are heard on Mondays of the scheduled hearings in Branch 64.

In a Memorandum² dated August 28, 2012, the Judicial Audit Team of the OCA also reported that as of August 7, 2012, Branch 65, where Judge Casalan was designated as acting presiding judge, has a caseload of Two Hundred and Thirty-two (232) pending cases, comprising of One Hundred and Fifty-three (153) criminal cases and Seventy-nine (79) civil and other cases. The team then made the following findings and observations:

1. A criminal case and a civil case are submitted for decision beyond the 90-day reglementary period to decide them;

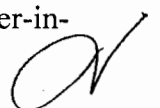
² Annex "B," *id.*



2. Fourteen (14) civil and other cases have pending motions/incidents which are submitted for resolution beyond the mandatory period to resolve them;
3. Eight (8) criminal cases and 14 civil and other cases have no further settings or actions for at least 1 month from the date of the last court action/setting;
4. A criminal case and Twelve (12) civil and other cases have not been acted upon since the time of filing;
5. Pleadings, orders, notices, minutes of court sessions, returns and other relevant papers or documents are not immediately attached/stitched to the case folders or *expediente* and not in the order of the date of the receipt or issuance thereof; and
6. Each and every page of the documents attached/stitched to the case folders are not paginated.

As a result of the foregoing judicial audit and inventory of cases, the OCA, through the said memoranda dated August 28 and 30, 2012, directed Judge Casalan to comply as follows:

1. To explain why the cases submitted for decision were not decided within the reglementary period, to decide the same within 2 months from notice, and to submit copies of such decisions;
2. To explain why the pending motions/incidents were not resolved within the mandatory period, to immediately resolve the same and submit copies of such resolutions;
3. To submit copies of the orders issued in cases with pending motions/incidents for resolution which were still within the mandatory period to resolve at the time of the audit;
4. To immediately act on the cases where no action has been made since the time of their filing, and submit copies of the actions thereon;
5. To direct the Officer-in-Charge to attach to the case records an index of case events, to stitch all case folders, and to docket cases for Declaration of Nullity of Marriage as an ordinary civil action;
6. To expedite the disposition of cases which have been pending in the docket of the court for eight years or more and to submit a quarterly report on the status of cases which have been pending in the court docket for 8 years or more, and to submit a quarterly report on the status of such cases; and
7. To strictly comply with Administrative Circular No. 76-2007 (*Submission of Semestral Docket Inventory Report*) and Administrative Circular No. 61-2001 (*Revised Rules, Guidelines, and Instructions on Accomplishing Monthly Report of Cases*), and to direct the Officer-in-



Charge to amend the Monthly Report of Cases submitted to the Statistical Reports Division, Court Management Office.

In a letter³ dated November 28, 2012, Judge Casalan requested an extension of two (2) months within which to comply with the memoranda, given the number of cases to be resolved in both courts.

On February 18, 2013, the OCA directed anew Judge Casalan to immediately comply with the memoranda, and reminded him that extensions will no longer be granted as the subject cases have been long overdue.

On September 30, 2013, the OCA directed Judge Casalan to explain his failure to submit copies of the decisions with regard to the audit conducted in Branch 13, RTC of Culasi, Antique, with a warning that the matter will be reported to the Court for the filing of appropriate administrative charges should he still fail to abide by the directives of the OCA.

Judge Casalan failed to comply with the OCA directives until he reached the mandatory retirement age of Seventy (70) years old on March 2, 2014.

In its Memorandum dated March 6, 2014, the OCA recommended that Judge Casalan be fined in the amount equivalent to three (3) months' salary at the time of his retirement for undue delay in the disposition of cases and for insubordination, to be deducted from his retirement/gratuity benefits.

The OCA stressed that Judge Casalan's refusal to comply with the repeated directives in its memoranda is a show of disrespect not only to its authority over lower court judges and personnel, but also to the Court's lawful order and directive. It added that he has also been remiss in his duty to dispense justice without delay as required under the Constitution and Canon 6, Section 5 of the New Code of Judicial Conduct which provides that judges shall perform all judicial duties, including the delivery of reserved decisions efficiently, fairly and with reasonable promptness. In particular, the OCA found, thus:

The judicial audit conducted in his court in Branch 13 showed that Judge Casalan had fifty-three (53) cases submitted for decision, majority of which were already beyond the mandatory period to decide. He also had forty-one (41) cases with pending motions and incidents for resolution that were not resolved and nineteen (19) dormant cases. In Branch 64

³ Annex "C," *id.*

where he was the acting presiding judge, four (4) cases were not decided and twenty-one (21) cases with pending motions were not resolved.

A review of the Monthly Report of Cases for the month of December 2013 of Branch 13, RTC, Culasi, Antique, showed that ten (10) out of the fifty-three (53) cases subject of the memorandum were decided. In Branch 64, RTC, Bugasong, the Monthly Report of Cases for September 2013 disclosed that Civil Case Nos. 0192 and 0182 have not yet been decided. Incidentally, Judge Antonio M. Natino of the RTC, Iloilo City, x x x. Iloilo is now the acting presiding judge of Branch 64, RTC, Bugasong, Antique.

The Court has stressed in a plethora of cases that the rules prescribing the time within which certain acts must be done or certain proceedings are mandatory for the orderly and speedy discharge of judicial business. Delay in the disposition of cases deprives the litigants of their right to speedy disposition of their cases and tarnished the image of the judiciary. Similarly, procrastination among members of the judiciary in rendering decisions and taking appropriate actions on the cases before them not only cause great injustice to the parties involved but also invite suspicion of ulterior motives on the part of the judge, in addition to the fact that it erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.

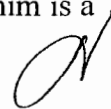
We note that Judge Casalan had, for a time, presided over two (2) courts and was also designated by the Court to hear the inhibited cases in all the RTC branches in San Jose, Antique. However, his designations in other courts will not exonerate him from any administrative liability for delay because Judge Casalan should have requested for an extension of time to decide or asked for his relief to try and decide the inhibited cases in San Jose if he thinks that he could not handle his workload.

Consequently, it is clear that Judge Casalan should be administratively held liable under Section 9(1) and Section 11 (b), Rule 140 of the Rules of Court and Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary for undue delay in rendering a decision or order and for his defiance to comply with the OCA directives. These are considered less serious charges punishable by suspension from office without salary and other 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

The fine imposed vary in each case, depending chiefly on the number of cases or matter undecided or unresolved, respectively, within the reglementary period and the presence of aggravating or mitigating circumstances. In some cases, fines more than the maximum amount were imposed when the undue delay was coupled with other offenses. x x x

x x x

Considering the number of cases that were left undecided and motions unresolved and the fact that he defied the orders sent to him, the maximum penalty of suspension from office for three (3) months is in order. However, in view of Judge Casalan's retirement from the service on March 2, 2014, the only penalty that the Court can impose against him is a



fine, pursuant to the rule that the retirement of a judge does not release him from liability incurred while in the active service. As such, a penalty of fine equivalent to three (3) months salary at the time of Judge Casalan's retirement should be imposed.⁴

The Court sustains the findings and recommendation of the OCA.

Records disclose the undisputed delay in the disposition of numerous cases assigned to Branches 13 and 64 which was then presided by Judge Casalan, despite the OCA's directives for the immediate resolution of such cases. Despite the grant of his request for a 2-month extension to comply with the directives, he still failed to resolve the pending cases subject of the memoranda dated August 28 and 30, 2012. In fact, as of December 2013, the List of Cases pending before Branch 13 indicates that Twenty (20) civil cases, Seventeen (17) special proceedings, and 17 criminal cases are already deemed submitted for decision but have yet to be decided despite the lapse of the 90-day reglementary period. With respect to Branch 64, the monthly report of September 2013 states that 4 civil cases, 5 special proceedings, and a criminal case are already deemed submitted for decision but are still undecided despite the lapse of the reglementary period. No sufficient justification or valid reason is offered by Judge Casalan for his failure to decide the said cases within the reglementary period. Hence, he should be held administratively liable for such gross inefficiency.

In *Re: Report on the Judicial Audit Conducted in the RTC, Br. 4, Dolores, Eastern Samar*,⁵ the Court ruled that:

Section 15, Article VIII of the Constitution states that judges must decide all cases *within three months* from the date of submission. In *Re: Report on the Judicial Audit Conducted at the Municipal Trial Court in Cities (Branch 1), Surigao City*, the Court held that:

A judge is mandated to render a decision not more than 90 days from the time a case is submitted for decision. Judges are to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, 3 months from the filing of the last pleading, brief or memorandum. Failure to observe said rule constitutes a ground for administrative sanction against the defaulting judge, absent sufficient justification for his noncompliance therewith.

Rule 1.02, Canon 1 of the Code of Judicial Conduct states that judges should administer justice *without delay*. Rule 3.05 of Canon 3 states that judges shall dispose of the court's business *promptly* and decide

⁴ Citations omitted.
⁵ 562 Phil. 301 (2007).



cases within the required periods. In *Office of the Court Administrator v. Javellana*, the Court held that:

A judge cannot choose his deadline for deciding cases pending before him. Without an extension granted by this Court, the failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

The Code of Judicial Conduct, specifically Canon 3, Rule 3.05 mandates judges to attend promptly to the business of the court and decide cases within the periods prescribed by law and the Rules. Under the 1987 Constitution, lower court judges are also mandated to decide cases within 90 days from submission.

Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence and independence of the judiciary and make the administration of justice more efficient. **Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts.**

In *Office of the Court Administrator v. Garcia-Blanco*, the Court held that the 90-day reglementary period is *mandatory*. Failure to decide cases within the reglementary period constitutes a ground for administrative liability except when there are valid reasons for the delay.⁶

Concededly, the honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions rendered, but also by the efficiency with which disputes are resolved.⁷ “Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.”⁸

Meanwhile, the OCA duly noted that Judge Casalan’s failure to comply with the directives in its memoranda dated August 28 and 30, 2012 also constitutes insubordination and disrespect for the Court’s lawful orders and directives. It bears emphasis that judges should treat directives from the OCA as if issued directly by the Court and comply promptly and conscientiously with them since it is through the OCA that the Court exercises its constitutionally-mandated administrative supervision over all

⁶ *Re: Report on the Judicial Audit Conducted in the RTC, Br. 4, Dolores, Eastern Samar, supra*, at 313-314. (Emphasis in the original; citations omitted.)

⁷ *Re: Report on the Judicial Audit conducted in the RTC – Branch 56, Mandaue City*, 658 Phil. 533, 540-541 (2011).

⁸ *Id.*, citing *Petallar v. Pullos*, 419 SCRA 434, 438 (2004).

courts and the personnel thereof.⁹ Unjustified failure to comply with such directives constitutes misconduct and exacerbates administrative liability.¹⁰

Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Section 16,¹¹ Article III of the Constitution. Failure to render decisions and orders within the reglementary period is also a breach of Rule 3.05,¹² Canon 3 of the Code of Judicial Conduct and Section 5,¹³ Canon 6 of the New Code of Judicial Conduct. Classified as less serious charges under Section 9,¹⁴ Rule 140 of the Rules of Court,¹⁵ undue delay in rendering decision or order, and violation of Supreme Court rules, directives and circulars, are penalized with either suspension without pay for a period of not less than One (1) month, but not more than Three (3) months, or a fine of more than ₱10,000.00, but not more than ₱20,000.00.¹⁶

In light of the numerous “submitted for decision” cases that Judge Casalan left undecided within the reglementary period, and the fact that he failed to comply with the directives in the OCA’s memoranda without valid reason despite the grant of his request for a 2-month extension, the Court upholds the maximum penalty it recommended, *i.e.*, a fine in the amount equivalent to Three (3) months’ salary at the time of his retirement, to be deducted from his retirement/gratuity benefits.

WHEREFORE, the Court finds Judge Romeo B. Casalan of the Regional Trial Court of Culasi, Antique, Branch 13, **GUILTY** of the less serious charges of **undue delay in rendering decision or order** and of

⁹ *Office of the Court Administrator v. Judge Bagundang*, 566 Phil. 149, 158 (2008)

¹⁰ *Id.*

¹¹ Sec.16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies.

¹² CANON 3 – A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE

x x x x

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

¹³ CANON 6 – COMPETENCE AND DILIGENCE

x x x x

Section 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

¹⁴ Section 9. *Less Serious Charges*. – Less serious charges include:

1. Undue delay in rendering decision or order, or in transmitting records of a case;

x x x x

4. Violation of Supreme Court rules, directives, and circulars;

xxx

As amended.

¹⁶ Rule 140 of the Rules of Court, Section 11. *Sanctions*.

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) month no more than three (3) months; or

2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

violation of Supreme Court rules and directives, under Section 9, Rule 140 of the Rules of Court. Pursuant to Section 11 of the same Rule, he is **ORDERED** to pay a **FINE** in the amount equivalent to Three (3) months' salary at the time of his retirement for undue delay in the disposition of cases and for insubordination, to be deducted from his retirement/gratuity benefits.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

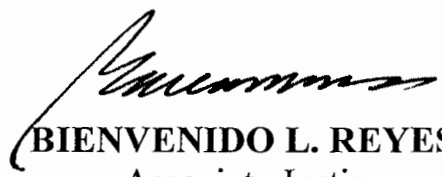
WE CONCUR:



PERESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



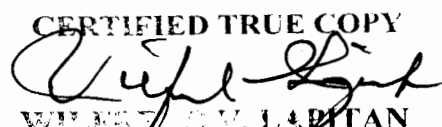
JOSE PORTUGAL PEREZ
Associate Justice



BIENVENIDO L. REYES
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

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