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Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
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**FIRST DIVISION**

**Re: Report on the Judicial Audit  
Conducted in the Regional Trial  
Court Branch 24, Cebu City**

**A.M. No. 13-8-185-RTC**

Present:

BERSAMIN, *Acting Chairperson*,\*  
DEL CASTILLO,  
JARDELEZA,  
TIJAM, *and*  
GESMUNDO,\*\* *JJ.*

Promulgated:  
**OCT 17 2018**

x

**DECISION**

**DEL CASTILLO, J.:**

“Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. Not only does it magnify the cost of seeking justice, it undermines the people’s faith and confidence in the judiciary, lowers its standards, and brings it to disrepute.”<sup>1</sup>

***The Facts***

From September 24-28, 2012, the Office of the Court Administrator (OCA) conducted a judicial audit in Branch 24 of the Regional Trial Court of Cebu City in view of the application for optional retirement of Presiding Judge Olegario B. Sarmiento, Jr. (Judge Sarmiento) effective September 14, 2012. Judge Sarmiento was already on terminal leave beginning July 12, 2012 and ceased to report for office. Judge James Stewart Ramon E. Himalaloan (Judge Himalaloan) was designated to be the Acting Presiding Judge of said Branch 24 under Administrative Order No. 150-2012 dated October 3, 2012.

\* Per Special Order No. 2606 dated October 10, 2018.  
\*\* Per Special Order No. 2607 dated October 10, 2018.  
<sup>1</sup> *Office of the Court Administrator v. Judge Garcia-Blanco*, 522 Phil. 87, 99 (2006).

In its Report<sup>2</sup> dated October 19, 2012, the judicial audit team reported that the court under Judge Sarmiento had a total pending caseload of 519, *i.e.*, 308 pending criminal and 211 pending civil cases. Out of the total caseload: (a) 42 cases were deemed submitted for decision, 21 of which were already beyond the 90-day reglementary period to decide; (b) 46 cases were with pending incidents/motions for resolution, 6 of which were already beyond the 90-day reglementary period to resolve; (c) 10 cases which have no further action and/or cases with orders that have not been complied with, after a lapse of a considerable length of time; (d) 5 criminal cases with no initial action taken from the time they were raffled/re-raffled to the branch; and (e) 18 cases have no further settings/proceedings.

The audit team also found, upon verification with the OCA's Docket and Clearance Division, that Judge Sarmiento never ever asked for extension of time to decide/resolve these cases.

The audit team thus recommended *viz.*:

1. This matter be considered/treated as an administrative case against **Judge OLEGARIO B. SARMIENTO, JR.** and that he be fined the amount of fifty thousand (50,000.00) pesos for his failure to decide forty-two (42) cases, twenty-one (21) of which are beyond the reglementary period to decide and for his failure to resolve pending motions and or incidents in forty-six (46) cases.
2. **Acting Presiding Judge JAMES STEWART RAMON E. HIMALALOAN** (designated under A.O. No. 150-2012 dated October 3, 2012) be directed to:
  - 2.1 **DECIDE** with **DISPATCH** the forty (42) cases listed in **Table I** of this Report, giving priority to the Criminal Cases with detention prisoners and also taking into consideration the [aging] of cases, furnishing this Office with copies of such decisions;
  - 2.2 **RESOLVE** the pending motions/incidents in the forty-six (46) cases listed in **Table II** of this Report, giving priority to those which are already beyond the reglementary period, furnishing this Office with copies of such resolutions; and
3. **Branch Clerk of Court ATTY. VIRGINIA VIVENCITA L. MONTECLAR** be directed to:
  - 3.1.1 **TAKE APPROPRIATE ACTION** on the five (5) cases with **no initial action** since they were raffled/re-raffled to this Branch as listed in **Table IV** of this Report.
  - 3.1.2 **TAKE APPROPRIATE ACTION/INCLUDE IN THE COURT'S CALENDAR** (if she has not yet done so) the eighteen

<sup>2</sup> Rollo, pp. 13-24.

(18) cases which have **no further setting/proceedings** when audited, as listed in **Table III and V** of this Report.

- 3.2 **INSTRUCT** the Interpreter to henceforth cause the accused and their respective counsel/s to sign the Certificates of Arraignment;
- 3.3 **CAUSE** the Stenographers concerned to complete their respective TSNs, particularly in cases submitted for decision[.]

In the meantime, the OCA directed Judge Himalalooan to decide the 42 cases and resolve the 46 motions/incidents. As acknowledged by the OCA in its April 8, 2013 Memorandum, Judge Himalalooan had already complied with the directive.

### ***The OCA's Recommendation***

In its January 6, 2014 Memorandum,<sup>3</sup> the OCA recommended to this Court that:

x x x x

2. the administrative case against Judge Olegario B. Sarmiento, Jr., Branch 24, Regional Trial Court, Cebu City, Cebu be RE-DOCKETED as a regular administrative matter;
3. respondent Judge Olegario B. Sarmiento, Jr. be imposed a FINE of FIFTY THOUSAND PESOS (Php50,000.00) for his failure to decide forty-two (42) cases, twenty-one (21) of which were already beyond the reglementary period to decide, and for his failure to resolve pending motions and incidents in forty-six (46) cases; and,
4. the Fiscal Management Office (FMO) be DIRECTED to DEDUCT the amount of FIFTY THOUSAND PESOS (Php50,000.00) from the retirement benefits of Judge Sarmiento, Jr.<sup>4</sup>

In his "Respectful Request for Early Resolution"<sup>5</sup> and letter<sup>6</sup> dated April 21, 2015, Judge Sarmiento mentioned that he served the judiciary for almost 20 years; that aware of the administrative case brought about by his undecided cases, he reported to the court despite his retirement "until December of 2012 and finished writing the drafts of the decisions which x x x may be adapted by the succeeding judge."<sup>7</sup> Judge Sarmiento also stated that his court docket reached 1,400 but he successfully de-clogged the same so much so that he was cited as a top performing judge in 2006 by a national civic organization.<sup>8</sup>

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<sup>3</sup> Id. at 28-30.

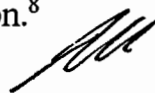
<sup>4</sup> Id. at 29-30.

<sup>5</sup> Id. at 31-32.

<sup>6</sup> Id. at 33-35.

<sup>7</sup> Id. at 34.

<sup>8</sup> Id.



### Our Ruling

It has been “consistently held that failure to decide cases and other matters within the reglementary period constitutes gross inefficiency [which] warrants the imposition of administrative sanction against the erring magistrate.”<sup>9</sup>

The rules prescribing the time within which the judicial duty to decide and resolve cases are mandatory in nature. Section 15(1) of the 1987 Constitution states that cases or matters must be decided or resolved within three months for the lower courts. Under Canon 3, Rule 3.05 of the Code of Judicial Conduct, judges shall dispose of the court’s business promptly and decide cases within the required periods. Also, under Canon 6, Section 5 of the New Code of Judicial Conduct for the Philippine Judiciary, judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness. It is axiomatic that “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.”<sup>10</sup>

It goes without saying that this Court, “in its pursuit of speedy dispensation of justice, is not unmindful of circumstances that may delay the disposition of the cases assigned to judges. It remains sympathetic to seasonably filed requests for extensions of time to decide cases.”<sup>11</sup> Here, however, despite the availability of the remedy which consists in simply asking for an extension of time from the Court, Judge Sarmiento altogether passed up this opportunity. We thus find no reason to exonerate him. However, considering Judge Sarmiento’s two decades of service in the Judiciary, and his uncontroverted manifestation that he helped Judge Himalalooan in the preparation of the draft decisions for the undecided cases, we deem the penalty of fine in the amount of ₱20,000.00 appropriate.

**WHEREFORE**, the Court finds retired Judge Olegario B. Sarmiento Jr., former Presiding Judge of the Regional Trial Court, Branch 24, Cebu City, **GUILTY** of undue delay in rendering decisions and orders, and imposes upon him a **FINE** of ₱20,000.00, to be deducted from his retirement benefits. The Financial Management Office is hereby **DIRECTED** to immediately release the balance of Judge Sarmiento’s retirement benefits after the said amount of ₱20,000.00 has been deducted therefrom.

<sup>9</sup> *Re: Findings on the Judicial Audit Conducted in Regional Trial Court, Branch 8, La Trinidad, Benguet, A.M. Nos. 14-10-339-RTC and RTJ-16-2246, March 7, 2017, 819 SCRA 274, 307.*

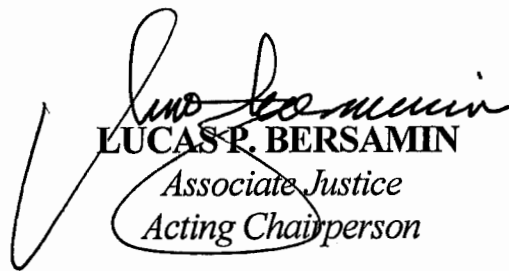
<sup>10</sup> *Id., Office of the Court Administrator v. Judge Casalan, 785 Phil. 350, 359 (2016).*

<sup>11</sup> *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 8, Cebu City, 498 Phil. 478, 487 (2005).*

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**LUCAS P. BERSAMIN**  
*Associate Justice*  
*Acting Chairperson*

(On official leave)  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

  
**NOEL GIMENEZ TIJAM**  
*Associate Justice*

(On leave)  
**ALEXANDER G. GISMUNDO**  
*Associate Justice*