



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

A.M. No. RTJ-16-2463
[Formerly A.M. No. 16-05-
110-RTC]

Present:

- versus -

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,**
KHO, and
SINGH, JJ.

JUDGE CANDELARIO V.
GONZALES,* Regional Trial
Court, Branch 45, Bais City,
Respondent.

Promulgated:
August 30, 2022

x-----
Antonio Lopez
-----x

RESOLUTION

PER CURIAM:

This treats of the Motion for Reconsideration¹ filed by Judge Candelario V. Gonzales (Judge Gonzales), Presiding Judge of Branch 45,

* See Decision dated July 27, 2021 in A.M No. RTJ-16-2463 [Formerly A.M. No. 16-05-110-RTC], wherein it was provided that, “[p]er personal records of Respondent, his surname was corrected to “Gonzalez” pursuant to the Decision by the City Civil Registrar dated August 4, 2020 and affirmed by the Civil Registrar General under OCRG No. 20-2146664.”

** No part.

¹ Rollo, pp. 2253-2270.

Regional Trial Court (RTC), Bais City, Negros Oriental, of the Court's Decision² dated July 27, 2021. In the assailed Decision, the Court found Judge Gonzales guilty of Gross Misconduct for which he was meted out the penalty of dismissal from the service with forfeiture of all benefits due him, except accrued leave benefits, if any. Further, the Court ordered him to pay a fine in the amount of ₱35,000.00 for each of the less serious offenses of (1) Delay in Rendering Decisions and (2) Making Untruthful Statements in his Certificates of Service and Docket Inventory.

The administrative complaint stemmed from the Memorandum dated February 20, 2015 of the Office of the Court Administrator (OCA) wherein the judicial audit team reported that as of audit date, Branch 45 had a total caseload of 962 active cases, consisting of 649 criminal cases and 313 civil cases.³

The OCA directed Judge Gonzales to: (a) explain in writing why he should not be administratively charged for gross dereliction of duty, gross inefficiency, gross incompetence, and gross dishonesty; (b) explain why his salaries and allowances should not be withheld for his failure to decide 211 cases submitted for decision, to resolve 71 cases with pending incidents or motions, and to indicate these cases in his Certificates of Service for 2013 and 2014; (c) refrain from acting on manifestations signed by parties without the assistance of counsel; (d) physically conduct the actual inventory of active cases with the Branch Clerk of Court; and (e) submit compliance with the other directives within 30 days from receipt thereof.⁴

On March 9, 2015, the OCA further ordered Judge Gonzales to: (1) show cause why he should not be disciplinarily dealt with for issuing orders of inhibition in several cases which were all submitted for decision; and (2) immediately refrain from issuing orders of inhibition involving cases already submitted for decision.⁵

According to Judge Gonzales, he had decided almost all of the 211 cases submitted for decision and left only a few unresolved motions. He further stated that he underwent angioplasty and angiogram procedures at the Cardinal Santos Medical Center in May 2013. He likewise

² Id. at 2336-2353.

³ Id. at 2337.

⁴ Id. at 2339.

⁵ Id. at 2339-2340.

mentioned that the hospitalization of one of his two stenographers and the contraction of pneumonia of the other contributed to the delay.⁶

On July 22, 2015, the OCA directed anew Judge Gonzales to: (1) explain (a) why he failed to file requests for extension of time to decide the 211 cases and resolve the pending incidents or motions in 71 cases within the reglementary period, as well as to indicate these cases in his Certificates of Service for the years 2013 and 2014 and (b) why he issued orders of inhibition in several cases which were all submitted for decision earlier on; (2) submit his manifestation on the directives for him to refrain from acting on manifestations signed by parties without the assistance of counsel and the conduct of physical inventory of active cases; and (3) take appropriate action on the remaining cases that require his action.⁷

In his Letter dated September 14, 2015, Judge Gonzales reiterated his explanation.⁸

On March 30, 2016, the OCA recommended that Judge Gonzales be suspended for six (6) months without salaries and allowances for Gross Dereliction of Duty, Gross Inefficiency, Gross Incompetence for Undue Delay in the Disposition of Cases, and Gross Dishonesty.

On July 27, 2021, the Court rendered the Decision⁹ dated July 27, 2021 finding him administratively guilty for Gross Misconduct, Delay in Rendering Decisions, and Making Untruthful Statements in his Certificates of Service and Docket Inventory. Accordingly, Judge Gonzales was dismissed from the service and ordered to pay the fines.

Hence, the motion for reconsideration.

In his Motion for Reconsideration,¹⁰ Judge Gonzales acknowledges his lapses or failures and prays for the reconsideration of the Court's Decision for humanitarian and compassionate considerations. He asserts that while addressing the caseload of his

⁶ Id. at 2340.

⁷ Id. at 2341.

⁸ Id.

⁹ Id. at 2336-2353.

¹⁰ Id. at 2253-2270.

court, he underwent angioplasty in April 2013 which added to the delay in the hearing of cases.¹¹ From the time that he was apprised of the administrative case against him, however, he had endeavored to responsibly fulfill his duties and responsibilities as a judge. He further alleges that despite his illnesses, he tried his best to work and finish all the cases pending before him and leave the court with zero backlog and no pending case submitted for decision prior to his early retirement in 2021.¹²

On April 19, 2022, the Court issued a Resolution¹³ requiring the Judicial Integrity Board (JIB) to file a Comment on Judge Gonzales' motion for reconsideration.

In his Report and Recommendation¹⁴ dated June 3, 2022, James D.V. Navarrete, the Deputy Clerk of Court-at-Large of the OCA and Acting Executive Director of the JIB, recommended the denial of Judge Gonzales' motion for reconsideration. He pointed out the finding of the audit team that the certificates of service of Judge Gonzales from January 2013 to December 2014 were falsified to make it appear that he had no pending cases for decision or incidents for resolution. Under the circumstances, it is one thing for a staff to overlook pertinent data and it is another for a judge to personally hide it to dodge administrative liability.¹⁵

In its Comment¹⁶ dated July 12, 2022, the JIB recommends to grant the motion for reconsideration. The JIB points out that while Judge Gonzales was previously found guilty of Gross Ignorance of the Law and Undue Delay in Rendering an Order in *Boston Finance and Investment Corporation v. Gonzalez*¹⁷ (*Boston* case), the case, nevertheless, did not involve corruption.¹⁸ Furthermore, for the JIB, in the absence of clear evidence that Judge Gonzales deliberately and knowingly falsified his monthly reports and docket inventory, the benefit of the doubt should be accorded to him. With Judge Gonzales' medical condition and almost 41 years in the government service, the JIB

¹¹ Id. at 2256.

¹² Id. at 2260.

¹³ Id. at 2327.

¹⁴ Id. at 2330-2335.

¹⁵ Id. at 2334.

¹⁶ Id. at 2354-2362.

¹⁷ A.M. No. RTJ-18-2520, October 9, 2018.

¹⁸ *Rollo*, p. 2359.

submits that the Court revisit the penalty meted out against Judge Gonzales.¹⁹

The foregoing observations of the JIB are well taken.

Indeed, in the *Boston* case, Judge Gonzales was found administratively liable for *Gross Ignorance of the Law* and *Undue Delay in Rendering an Order* for which the Court *sternly warned* him that a repetition of the same or similar offense shall be dealt with more severely.²⁰ However, the Court finds valid the observation of the JIB that the *Boston* case did not involve corruption, which would otherwise damage the integrity of the Judiciary which Judge Gonzales represents.

Similarly, the Court finds that Judge Gonzales' infractions in the present case – (1) the serious offense of *gross misconduct* for his submission of a false monthly report and docket inventory, (2) the less serious offense of *undue delay in rendering decisions*, and (3) the less serious offense of *making untruthful statements in his certificates of service* – likewise do not involve corruption or fraud in the service. Further, the Court agrees with the JIB that Judge Gonzales should be accorded the benefit of the doubt considering the absence of clear evidence that he *deliberately* and *knowingly* falsified his monthly report and docket inventory.

Accordingly, the Court partially grants the plea of Judge Gonzales to reconsider the Decision dated July 27, 2021.

The Court notes that Judge Gonzales had served in the government service for almost 40 years and 17 years of which were devoted to the Judiciary. Since 2013, Judge Gonzales had suffered multiple lingering illnesses which constrained him to apply for early retirement in 2019. His demonstration of remorse, along with his medical condition, compels the Court to mitigate Judge Gonzales' penalty.

In several occasions, the Court has applied the doctrine of compassionate justice or judicial clemency to accord monetary benefits

¹⁹ Id. at 2360.

²⁰ Supra note 17.

to erring judges and court personnel for humanitarian reasons.²¹

In *Sabitsana, Jr. v. Judge Villamor*,²² the Court dismissed respondent Judge Adriano R. Villamor (Judge Villamor) from service after he was found guilty of making untruthful statements in his Certificates of Service, of inexcusable negligence and gross inefficiency in connection with missing records in his *sala*, and of utter indifference to the directives of the Court, among others. Nevertheless, upon Judge Villamor's motion for reconsideration and plea for compassion and mercy, the Court allowed him to enjoy the benefits he had earned during the period of his government service.

In *Telens-Dabon v. Judge Arceo*,²³ the Court dismissed respondent Judge Hermin E. Arceo from service for committing lewd and lustful acts against complainant Atty. Jocelyn Talens-Dabon which constituted gross misconduct and immorality prejudicial to the best interest of the service. After 16 years since his dismissal from office, however, the Court granted Judge Arceo judicial clemency and allowed him to claim earned or accrued leave credits and other monetary benefits.

In *OCA v. Judge Quilatan*,²⁴ the Court imposed a fine of ₱50,000.00 for Judge Quilatan's failure to decide within the reglementary period 34 cases submitted for decision.

More recently, in *OCA v. Hon. Lagura-Yap*,²⁵ the Court found respondent Hon. Marilyn B. Lagura-Yap, then Presiding Judge of Branch 28, RTC, Mandaue City, Cebu, guilty of Gross Inefficiency for failing to decide 160 cases within the reglementary period and to submit the required certification of caseload before the Judicial and Bar Council. She was imposed a fine equivalent to one (1) year of her current salary. The Court found:

We are also aware of the heavy caseload of trial courts, as well as the different circumstances or situations that judges may encounter during trial, such as those averred by Hon. Lagura-Yap. Thus, the Court has allowed reasonable extensions of time needed to decide cases, but such extensions must first be requested from the Court.

²¹ *Re: Irin Zenaida Buan*, A.M. No. 20-01-38-RTC (Resolution), June 16, 2020.

²² 282 Phil. 897 (1992).

²³ 699 Phil. 1 (2012).

²⁴ 646 Phil. 45 (2010).

²⁵ A.M. No. RTJ-12-2337, June 23, 2020.

Whenever a judge cannot decide a case promptly, all he has to do is to ask the Court for a reasonable extension of time to resolve it. Unfortunately for Hon. Lagura-Yap, she did not avail of such remedy. A judge cannot by herself choose to prolong the period for deciding cases beyond that authorized by law.

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Furthermore, we likewise cannot countenance Hon. Lagura-Yap's failure to submit before the JBC the certification stating the status of pending cases and cases submitted for decision at the time of her application in September 2011 as former Presiding Judge of Branch 28, RTC, Mandaue City, Cebu.

However, we cannot simply impute upon Hon. Lagura-Yap that she was dishonest by the mere fact that she has failed to submit the certification. Other than her failure to submit the certification, there was no evidence at all that would show that she intentionally did not submit the certification in order to give herself an advantage and secure the promotion. While, we do not tolerate the acts of Hon. Lagura-Yap in failing to disclose in her application her caseload which could be material and relevant in assessing her eligibility for promotion, we, however, find it harsh to punish Hon. Lagura-Yap severely for her erroneous judgment. Suffice it to say that while her defense of good faith may be difficult to prove as clearly it is a question of intention, a state of mind, erroneous judgment on the part of Hon. Lagura-Yap does not, however, necessarily connote the existence of bad faith or malice, or an intention to defraud. Be that as it may, we must emphasize that while an erroneous judgment does not equate to bad faith or dishonesty, Hon. Lagura-Yap should likewise know that prudence demands that she should disclose such information no matter how irrelevant it may appear to her.

x x x x

PENALTY

x x x x

Thus, in *Office of the Court Administrator v. Ret. Judge Tandinco, et al.*, the Court imposed a fine of One Hundred Thousand Pesos (P100,000.00) on retired Judge Filemon A. Tandinco, Jr. for gross inefficiency due to his failure to decide one hundred sixty-three (163) cases and pending incidents before he retired. All cases and incidents had been submitted for decision or resolution, and the reglementary period to decide or resolve the cases or incidents had already lapsed on the date of his retirement.

In *OCA v. Judge Quilatan*, the Court imposed a fine of Fifty Thousand Pesos (P50,000.00) on retired Judge Leodegario C. Quilatan for having been found guilty of gross inefficiency for his failure to decide within the reglementary period thirty-four (34) cases submitted for decision prior to his date of retirement.

Again, in *Office of the Court Administrator v. Judge Chavez, et al.*, the Court imposed on retired Judge Pablo R. Chavez a fine equivalent to three (3) months of his last salary for gross neglect of duty and undue delay of rendering decisions.

In the present case, considering the number of cases left undecided, *i.e.*, a total of one hundred sixty (160) cases, and the lack of any plausible explanation for such failure to decide within the reglementary period, and Hon. Lagura-Yap's failure to submit the certification of pending cases before the JBC, the recommended imposition of a fine equivalent to one (1) year of her current salary is proper.²⁶ (Citations omitted)

Section 20 of the Revised Rule 140²⁷ of the Rules of Court provides for the manner of imposition of the penalty; thus:

SECTION 20. *Manner of Imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

Corollary thereto, Section 19 of the same Rule provides for the modifying circumstances which the Court may appreciate in the imposition of the appropriate penalty, *viz.*:

SECTION 19. *Modifying Circumstances.* — In determining the appropriate penalty to be imposed, the Court may, in its discretion,

²⁶ Id.

²⁷ A.M. No. 21-08-09-SC, "Further Amendments to Rule 140 of the Rules of Court," approved on February 22, 2022.

appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations; and
- (e) Other analogous circumstances.

(2) Aggravating Circumstances:

- (a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

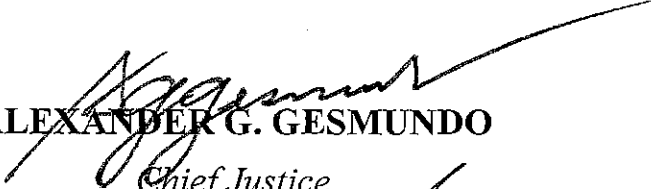
Considering that Judge Gonzales had already retired from the service, the only alternative left for the Court is to impose the penalty of Fine. The Court deems the penalty of Fine in the amount of ₱400,000.00 to be proper to answer for the following infractions: (1) *gross misconduct* for his submission of a false monthly report and docket inventory; (2) *undue delay in rendering decisions*; and (3) *making untruthful statements in his certificates of service*.

WHEREFORE, the Court resolves to **PARTIALLY GRANT** the Motion for Reconsideration of Judge Candelario V. Gonzales.

Respondent Judge Candelario V. Gonzales is meted out the penalty of Fine in the amount of ₱400,000.00.

The Court **ORDERS** the Financial Management Office to compute and release his retirement benefits less the amount of ₱400,000.00. Further, his disqualification from reemployment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations is **LIFTED**.

SO ORDERED.



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

No part. Participated as
LRA Administrator


JAFAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice