

LEGAL AND JUDICIAL ETHICS

OFFICE OF THE COURT ADMINISTRATOR v. ELENA M. ARROZA

A.M. No. P-19-3975, 07 July 2021, *THIRD DIVISION*, (Inting, J.)

DOCTRINE OF THE CASE

Based on several jurisprudence, the Court decided that the act of remittance as a mitigating circumstance that warrants the imposition of the lower penalty of suspension of one (1) month without pay. It also considered the subsequent remittance of the entire amount and her health in imposing a penalty of a fine instead of dismissal. It likewise considered respondent's lack of bad faith, the subsequent full remittance of the collection, and the lack of outstanding accountabilities in imposing the penalty of a fine. It also found that the penalty of P40,000.00 fine is sufficient considering that it was respondent's first offense, and that the respondent immediately returned the withdrawals and complied with the directives of the audit team. Lastly, it also considered the respondent's advanced age, years of service, and the fact that it was respondent's first offense in imposing a fine of P50,000.00.

Similarly, Arroza already remitted the entire amount P415,512.30 in compliance with the Court Resolution and has no outstanding accountabilities. She also fully cooperated with the audit team during the investigation of her infractions and soon submitted the financial records without any irregularities. Verily, her act of taking full responsibility for the infractions committed and the fact that this is her first infraction, may be duly appreciated in imposing the penalty. Moreover, for humanitarian considerations, especially during this period of Coronavirus Disease 2019 pandemic, the Court found that dismissal from service may be too harsh. Instead, the Court imposes a fine of an amount equivalent to one (1) month salary to be deducted from her withheld salaries.

FACTS

Elena M. Arroza (Arroza) was the Clerk of Court (COC) II of a Muncipal Circuit Trial Court (MCTC). The Office of Court Administrator (OCA) discovered that Arroza continuously failed to submit the required monthly financial reports and non-remittance of collections for the judiciary funds. The OCA requested the Court to withhold the salaries and allowances of Arroza which was granted by then Chief Justice Teresita Leonardo-De Castro.

In her Letter, Arroza admitted that she used the funds in her personal affairs but did not provide any explanations on the delay in the remittance and the shortage in the fiduciary collections. She asked for a second chance to continue her work in the judiciary. She states that her son who is in college is only relying on her salary as her husband has an unstable job due to his previous imprisonment in Dubai. Arroza filed a Manifestation with Motion to Release Withheld Salaries and Other Allowances requesting for the release of her withheld salaries and benefits from October 2018 to the present because she had already restituted all her cash shortages. She averred that she had suffered enough for the consequences of her actions and begs for compassion especially in this period of the pandemic.

The OCA recommended that the withheld salaries and allowances of Arroza may be released without prejudice to the outcome of the administrative matter filed against her for failure to deposit the collections of the Court within the prescribed period.

ISSUE

Should Arroza be dismissed from service due to the personal use of the Court's fund and failure to submit financial reports?

RULING

NO. A Clerk of Court has a very delicate function being the designated custodian of the Court's funds, revenues, records, properties, and premises. Any loss, shortages, destruction or impairment of funds and property of the Court shall constitute gross neglect of duty resulting to administrative liability.

Arroza, by her own admission, committed Gross Neglect of Duty and Grave Misconduct when she failed to turn over the funds of the Judiciary that were placed in her custody. As a grave offense, the proper penalty is dismissal from service even for the first offense. Nevertheless, the Court has in the past mitigated the administrative penalties imposed upon erring judicial officers and employees for humanitarian reasons.

Based on several jurisprudence, the Court decided that the act of remittance as a mitigating circumstance that warrants the imposition of the lower penalty of suspension of one (1) month without pay. It also considered the subsequent remittance of the entire amount and her health in imposing a penalty of a fine instead of dismissal. It likewise considered respondent's lack of bad faith, the subsequent full remittance of the collection, and the lack of outstanding accountabilities in imposing the penalty of a fine. It also found that the penalty of P40,000.00 fine is sufficient considering that it was respondent's first offense, and that the respondent immediately returned the withdrawals and complied with the directives of the audit team. Lastly, it also considered the respondent's advanced age, years of service, and the fact that it was respondent's first offense in imposing a fine of P50,000.00.

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**OFFICE OF THE COURT ADMINISTRATOR v. JUDGE CANDELARIO V.
GONZALES**

A.M. No. RTJ-16-2463, 27 July 2021, EN BANC, (Per Curiam)

DOCTRINE OF THE CASE

The rules prescribing the period within which to decide and resolve cases are mandatory in nature. Section 15(1), Article VIII of the Constitution enjoins that cases or matters must be decided or resolved within three months for the lower courts. In relation to this, Rule 3.05, Canon 3 of the Code of Judicial Conduct mandates judges to dispose of the court's business promptly and decide cases within the required periods. Additionally, Section 5, Canon 6 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.

There is no doubt as to the guilt of Judge Gonzales. He has been remiss in the performance of his responsibilities. He failed to decide cases and resolve pending incidents within the reglementary period, without any authorized extension from the Court. Unreasonable delay in deciding cases and resolving incidents and motions, including orders of inhibition, constitute gross inefficiency which cannot be tolerated. Judge Gonzales also admitted the delay in the resolution of pending incidents and deciding cases. He attributed the delays to heavy pressure in work, serious health condition, and the absence of his two (2) stenographers. The Court commiserates with Judge Gonzales on his illnesses and professional struggles. Even so, these excuses are not sufficient to absolve him of disciplinary action.

In meritorious cases involving difficult questions of law or complex issues, the Court, upon proper application, grants additional time to decide beyond the reglementary period. In these situations, the judge would not be subjected to disciplinary action. Regrettably, for Judge Gonzales, a scrutiny of the records does not disclose any attempt by him to request for a reasonable extension of time to dispose of his pending cases. Despite the availability of this remedy which consists in simply asking for an extension of time from the Court, he altogether passed up this opportunity. Judge Gonzales' inaction to seek additional time reflected his indifference to the prescriptive periods provided by law to resolve cases. The Court thus found no reason to exonerate him.

FACTS

In a Memorandum of the Office of the Court Administrator (OCA), the judicial audit team reported that as of audit date, Branch 45, Regional Trial Court (RTC), Bais City, Negros Oriental had a total caseload of 962 active cases, consisting of 649 criminal cases and 313 civil cases.

The audit team's general adverse findings stated that: (a) out of Judge Candelario V. Gonzales' (Judge Gonzales) 100 criminal cases that were submitted for decision, 61 were decided beyond the required period; (b) Judge Gonzales inhibited himself in several criminal cases and transferred all of these cases to another judge in several Orders; (c) Judge Gonzales has 54 criminal cases and 17 civil cases with unresolved motions; (d) Judge Gonzales made no requests for any extension of time to decide and resolve the motions; (e) although the data showed that Judge Gonzales had 178 cases submitted for decision as of January 2014, 177 as of February 2011, 181 as of March 2014, 179 as of April 2014, 176 as of May 2014, 176 as of June 2014, 178 as of July 2014, 185 as of August 2014, 189 as of September and October 2014, and 172 as of November 2014, the certified copies of the Certificates of Service of Judge Gonzales from January 2013 to December 2014 indicated that there were no cases submitted for decision or pending motions before him; (f) the case records were neither stitched or held together by fasteners nor paginated or chronologically arranged; (g) there was no actual physical inventory of pending cases in the court; (h) there were documents attached to the records without time and date of receipt; (i) at the time of audit, the latest Monthly Report of Cases submitted to the Statistical Reports Division was for September 2014 and there

was no Semestral Docket Inventory for 2014; and (j) the court's docket books for criminal and civil cases were likewise not updated. Irregularities with regard to cases involving annulment of marriages and declaration of nullity of marriages were also found.

The OCA directed Judge Gonzales: (a) to explain in writing why he should not be administratively charged with gross dereliction of duty, gross inefficiency, gross incompetence, and gross dishonesty; (b) to 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) to refrain from acting on manifestations signed by parties without the assistance of counsel; (d) to physically conduct the actual inventory of active cases with the Branch Clerk of Court; and (e) to submit compliance with the other directives within 30 days from receipt thereof. The OCA further ordered Judge Gonzales: (1) to show cause why he should not be disciplined for issuing orders of inhibition in several cases which were all submitted for decision; and (2) to immediately refrain from issuing orders of inhibition involving cases already submitted for decision.

Judge Gonzales explained that he had decided almost all 211 cases submitted for decision and left only a few unresolved motions. On the appealed cases, he averred that he requested the OCA and the Regional Court Administrator Office for authority to forward the cases to Judge Gerardo Paguio. As he did not receive any response from any of the offices, he did not act on the appealed cases. In addition, he stated that he underwent angioplasty and angiogram procedures at the Cardinal Santos Medical Center in May 2013. He attached a copy of the Medical Certificate, showing that he was admitted at the Silliman University Medical Center from April 12 to 18, 2013 for intestinal amoebiasis with moderate dehydration, among others; and that the hospitalization of one of his two stenographers and the contraction of pneumonia of the other contributed to the delay.

This notwithstanding, 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.

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.

ISSUE

Is Judge Gonzales guilty of the charges against him?

RULING

YES. The rules prescribing the period within which to decide and resolve cases are mandatory in nature. Section 15(1), Article VIII of the Constitution enjoins that cases or matters must be decided or resolved within three months for the lower courts. In relation to this, Rule 3.05, Canon 3 of the Code of Judicial Conduct mandates judges to dispose of the court's business promptly and decide cases within the required periods. Additionally, Section 5, Canon 6 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.

There is no doubt as to the guilt of Judge Gonzales. He has been remiss in the performance of his responsibilities. He failed to decide cases and resolve pending incidents within the reglementary period, without any authorized extension from the Court. Unreasonable delay in deciding cases and resolving incidents and motions, including orders of inhibition, constitute gross inefficiency which cannot be tolerated. Judge Gonzales also admitted the delay in the resolution of pending incidents and deciding cases. He attributed the delays to heavy pressure in work, serious health condition, and the absence of his two (2) stenographers. The Court commiserates with Judge Gonzales on his illnesses and professional struggles. Even so, these excuses are not sufficient to absolve him of disciplinary action.

In meritorious cases involving difficult questions of law or complex issues, the Court, upon proper application, grants additional time to decide beyond the reglementary period. In these situations, the judge would not be subjected to disciplinary action. Regrettably, for Judge Gonzales, a scrutiny of the records does not disclose any attempt by him to request for a reasonable extension of time to dispose of his pending cases. Despite the availability of this remedy which consists in simply asking for an extension of time from the Court, he altogether passed up this opportunity. Judge Gonzales' inaction to seek additional time reflected his indifference to the prescriptive periods provided by law to resolve cases. The Court thus found no reason to exonerate him.

As to the false monthly Certificates of Service for 2013 and 2014 and docket inventory, aside from Judge Gonzales' gross inefficiency, the records show that despite the herein pending cases, he was able to collect his salaries upon his certification that he has no pending cases to resolve.

A certificate of service is an instrument essential to the fulfillment by judges of their duty to dispose of their cases speedily as mandated by the Constitution. On this score, judges are expected to be more diligent in preparing their Monthly Certificates of Service by verifying every now and then the status of the cases pending before their *sala*. Judge Gonzales failed to indicate the 211 cases submitted for decision in his Certificates of Services for 2013 to 2014. He stated in the certificates that he had "decided and resolved all cases or incidents within three (3) months from the date of submission." However, the audit report reveals that there were 211 cases not decided within the 90-day reglementary period. The same is true with the 71 motions and incidents submitted for resolution left pending beyond the same period.

Judges are duty bound not only to be faithful to the law, but also to maintain professional competence. Judge Gonzales obviously failed in this aspect. His submission of false monthly reports and docket inventory undermines the speedy disposition of cases and administration of justice and is prejudicial to the interest of the parties. What is more, his admitted negligence in not reviewing the monthly reports of cases and the docket inventory violated the rules on administrative duties outlined in the Code of Judicial Conduct.

Judge Gonzales' violations of the New Code of Judicial Conduct for the Philippine Judiciary and the Code of Judicial Conduct constitute gross misconduct. Gross misconduct is a serious charge and is punishable by dismissal from the service.

Judge Gonzales is guilty of the serious charge of gross misconduct for his submission of false monthly reports and docket inventory, and the less serious charges of: (1) delay in rendering a decision and (2) making untruthful statements in the certificate of service and docket inventory. Significantly, in *Boston Finance and Investment Corp. v. Gonzales*, Judge Gonzales was found guilty of Gross Ignorance of the Law and Undue Delay in Rendering an Order.

Considering that Judge Gonzales has been previously found guilty of a serious offense, the Court was constrained to impose the penalty of dismissal against him, and separately, a fine for the less serious

charges of (1) delay in rendering decisions, and (2) making untruthful statements in his Certificates of Service and Docket Inventory.

No less than the Constitution states that a member of the judiciary "must be a person of proven competence, integrity, probity and independence." It is, therefore, highly imperative that a judge should be conversant with basic legal principles. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Judge Gonzales failed to live up to the exacting standards of his office. His delay in rendering judgments, submission of false monthly certificates of service and docket inventory, and violations of the New Code of Judicial Conduct for the Philippine Judiciary and the Code of Judicial Conduct cast a heavy shadow on his moral, intellectual, and attitudinal competence and render him unfit to don the judicial robe and to perform the functions of a magistrate.