



Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE
ADMINISTRATOR
Complainant,

COURT A.M. No. RTJ-09-2181
[Formerly A.M. No. 09-4-174-RTJ]

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
*PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ.

-versus-

RETIRED JUDGE GUILLERMO
R. ANDAYA,
Respondent.

Promulgated:
JUNE 25, 2013

X-----X

RESOLUTION

LEONEN, J.:

Before the Court is an administrative case for gross incompetence, inefficiency, negligence, and dereliction of duty against Judge Guillermo R. Andaya, of the Regional Trial Court, Branch 53, Lucena City, Quezon, who retired on March 27, 2009.

* On official leave.

On January 19, 20, and 21, 2009, a judicial audit docketed as A.M. No. 09-4-174-RTC was conducted on the Regional Trial Court, Branch 53, Lucena City, Quezon, then presided by the respondent Judge Guillermo R. Andaya. In a Memorandum¹ dated April 14, 2009, then Court Administrator and now Hon. Associate Justice Jose P. Perez recommended that a fine be imposed on respondent Judge in the amount of Eighty Thousand Pesos (₱80,000.00). The fine, which was to be deducted from his retirement or terminal leave benefits was recommended based on the findings that respondent Judge:

- i) Failed to take action on the following Civil Cases from the time of their filing: 94-122, SP-00-87, 01-47, 99-122, SP No. 03-54, 05-96, SCA 05-19, 07-45, 07-161, 08-93;
- ii) Failed to take appropriate action on Criminal Cases Nos. 01-294, 96-343, 96-344, 96-345, 96-346, 02-998, 03-1378, 02-673, 03-1235, 99-1097, 02-365, 05-232 and 07-01-A and Civil Cases Nos. 89-38, 96-78, 94-180, SP 01-40, 99-135, 01-96, MC-0196, MC 03-107, 05-41, SCA-06-31, 04-82, SP 07-43 and 06-201;
- iii) Failed to resolve the pending motions in Criminal Cases Nos. 08-1031, 01-503, 02-837, 02-838, 93-336, 98-92, 04-154, 04-1206, 95-327, 04-1068, 03-654, 06-342, 05-296, 05-1129, 05-1130, 05-797, 07-460, 05-270 and in Civil Cases Nos. 94-04, 98-177, 99-158, 93-145, 99-13, 02-13, 97-86, 93-41, 01-11, 02-149, 03-97, 02-05, 03-1, 03-143, 03-156, 04-40, 03-89, 04-73, 04-108, MC 02-77, 04-131, 03-19, 02-41, 05-72, 03-148, 98-149, 06-39, 96-60, 94-144, 92-81, 03-115, SCA 06-34, SCA 06-36, 05-28, SCA 06-32, 07-03, 07-08, 08-05, 00-84, 07-62, 08-34, 89-79, 90-124, MC 06-192, 07-68, 7677, 06-80, 06-102, 08-54, 96-159 and 89-02; and
- iv) Failed to decide Criminal Cases Nos. 99-1058, 97-284, 97-285, 98-734, 01-897, 02-1250, 93-982, 02-730, 02-555, 04-296, 04-297, 03-1225, 02-987, 03-418, 01-775, 02-330, 03-602, 04-1114, 03-404, 05-322, 04-483, 01-578, 01-579, 05-181, 02-382, 04-612, 05-894, 01-6 and 01-659 and Civil Cases Nos. 90-76, 91-141, 95-09, 98-122, 91-48, 93-103, 0537-M, 01-8, 00-171, 94-107, SP 02-14, 01-3, MC 02-126, MC 02-127, 01-138, 91-132, 99-122, 01-136, 00-13, 04-131, 04-08, LRC-01-1, 04-20, 05-176, 06-09, 04-84, SCA 06-21, 00-84, MC 06-144, 98-167, MC-07-85, MC 08-26, SCA-08-09-A, SCA 08-02-A and MC 08-157.

¹ *Rollo* (A.M. No. RTJ-09-2181), pp. 1-41.

In a Resolution² dated April 29, 2009, the Second Division of this Court resolved to docket the judicial audit report as an administrative complaint against respondent for gross incompetence, inefficiency, negligence, and dereliction of duty. Respondent Judge was required to manifest his willingness to submit the matter for resolution on the basis of the pleadings filed. Respondent Judge sent a letter³ dated June 24, 2009 manifesting his willingness to do so, and sought the compassion of the Court in the resolution of his administrative case. He asked the Court to consider his deteriorating health condition which included a heart problem and cataracts in both eyes. The latter adversely affected his work efficiency despite an operation on his right eye. Respondent also asked the Court to consider his thirty-four (34) years of government service, twenty-two (22) of which were in the judiciary.

Meanwhile, another administrative case, docketed as A.M. No. 09-11-477-RTC, arose in relation to the Certificate of Clearance that the respondent Judge filed in relation to his application for Compulsory Retirement Benefits. In a Memorandum⁴ dated November 9, 2009, then Court Administrator and now Hon. Associate Justice Jose P. Perez recommended the imposition of a fine, to be deducted from his retirement/gratuity benefits, in the amount of Fifty Thousand Pesos (₱50,000.00). The recommendation was made upon the finding that the respondent Judge had failed to decide forty-five (45) cases submitted for decision beyond the reglementary period of three (3) months as per the March 2009 Monthly Report of Cases.⁵

In a Resolution⁶ dated November 24, 2009, the Court resolved to re-docket A.M. No. 09-11-477-RTC as A.M. No. RTJ-09-2208 and impose a fine of Fifty Thousand Pesos (₱50,000.00) on the respondent Judge for his failure to decide forty-five (45) cases submitted for decision, with the amount to be deducted from his retirement/gratuity benefits. A subsequent Resolution⁷ dated January 26, 2010 was issued by the Court, directing Acting Presiding Judge Rodolfo D. Obnamia, Jr. to decide with dispatch the forty-five (45) cases.

The respondent Judge sent a letter⁸ dated March 4, 2010 addressed to then Chief Justice Reynato S. Puno, manifesting that: (a) both A.M. No. RTJ-09-2208 and A.M. No. RTJ-09-2181 involves the charge of gross inefficiency; and (b) that “the Court had not been given the opportunity to

² Id. at 45-46.

³ Id. at 378-380.

⁴ *Rollo* (A.M. No. RTJ-09-2208), pp. 1-2.

⁵ Id. at 9-14.

⁶ Id. at 4.

⁷ Id. at 15.

⁸ *Rollo* (A.M. No. RTJ-09-2181), pp. 395-397.

appreciate his explanation regarding his health conditions”⁹ since he did not know about A.M. No. RTJ-09-2208 until he received a copy of the Resolution of this Court dated November 24, 2009. Respondent prayed for the Court to take cognizance of: (a) his health problems; (b) the fact that he had already been fined Fifty Thousand Pesos (₱50,000.00) for gross inefficiency in A.M. No. RTJ-09-2208; (c) that he has not received any benefit since he retired on March 27, 2009; and (d) that he had served the government for thirty-four (34) years, twenty-two (22) of which were in the judiciary.

In a letter¹⁰ dated March 27, 2010 addressed to Court Administrator Jose Midas P. Marquez, respondent Judge claimed that he should not be penalized for gross inefficiency in A.M. No. RTJ-09-2181 because it would be akin to splitting the complaints against him. Attached to the letter was the March 4, 2010 letter addressed to then Chief Justice Puno.

On April 27, 2010, a Resolution¹¹ was issued by the Court in A.M. No. RTJ-09-2208 noting the Certification¹² of the SC Chief Judicial Staff Officer Cleofe R. Norberte that respondent Judge had paid the amount of Fifty Thousand Pesos (₱50,000.00) as court fine, which was deducted from his terminal leave benefits, and duly receipted under O.R. No. 6066167.

In a Memorandum¹³ dated June 11, 2010 signed by Court Administrator Marquez, the Office of the Court Administrator (“OCA” for brevity) noted that the respondent Judge paid the Fifty Thousand Pesos (₱50,000.00) fine in the other complaint on April 14, 2010. The OCA also noted that twenty-three (23) criminal cases and nine (9) civil cases included in the March 2009 Monthly Report of Cases¹⁴ in A.M. No. RTJ-09-2208 were included in the present complaint. The OCA then reiterated its recommendation that respondent Judge be fined, but that the amount be reduced from Eighty Thousand Pesos (₱80,000.00) to Fifty Thousand Pesos (₱50,000.00).

Respondent then sent a letter¹⁵ dated August 17, 2010 reiterating his manifestations in the letter dated March 4, 2010. Respondent prayed for the dismissal of the present case for the sake of justice tempered by leniency on the following grounds: (a) his serious health problems that affected his work efficiency in the last months of his service; (b) the penalty in A.M. No. RTJ-09-2208 was imposed without him being given a chance to explain; and (c) he has served twelve (12) years as an assistant city prosecutor, three (3)

⁹ Id. at 397.

¹⁰ Id. at 429-430.

¹¹ *Rollo* (A.M. No. RTJ-09-2208), p. 20.

¹² Id. at 16.

¹³ *Rollo* (A.M. No. RTJ-09-2181), pp. 416-418.

¹⁴ Id. at 421-422.

¹⁵ Id. at 454-457.

years as a Municipal Trial Court judge, and nineteen (19) years as a Regional Trial Court judge.

In a subsequent letter¹⁶ dated February 7, 2011, respondent Judge pointed out an apparent overlap between A.M. No. RTJ-09-2208 and the present complaint and prayed that the two not be considered as separate complaints because to do so would be akin to splitting the causes of a complaint. Respondent also prayed for the early resolution of the present case.

In response to the letter, the OCA sent a Memorandum¹⁷ dated February 16, 2011, bringing to the attention of the Court what respondent claimed as a similarity in the offenses involved in A.M. No. RTJ-09-2208 and A.M. No. RTJ-09-2181 and the possibility that he may be penalized twice for the same offense. The OCA noted that it was not accurate for respondent Judge to conclude that he stands to be penalized twice for the same lapses since the judicial audit in the present complaint was more comprehensive in scope than the Monthly Report of Cases submitted in A.M. No. RTJ-09-2208. They further noted that the Monthly Report of Cases only covered forty-five (45) cases for the month of March, and despite the overlap of the cases, there were still numerous decisions and motions left unresolved that respondent Judge should be held accountable for. Nevertheless, the OCA reiterated its recommendation that the penalty imposed be reduced from Eighty Thousand Pesos (₱80,000.00) to Fifty Thousand Pesos (₱50,000.00) in view of the previous penalty imposed on him.

In a Resolution¹⁸ dated January 17, 2012, the Court resolved to approve the release of respondent's retirement benefits subject to the retention of Fifty Thousand Pesos (₱50,000.00) and pending the resolution of the present case. On January 24, 2012, the Court issued a Resolution¹⁹ in A.M. No. RTJ-09-2208 considering the case as closed and terminated.

The Court takes note of the findings of the OCA.

Section 15(1), Article VIII of the Constitution mandates lower courts to decide or resolve cases or matters for decision or resolution within three (3) months from date of submission. Section 5 of Canon 6 of the New Code of Judicial Conduct provides that judges should perform all judicial duties efficiently, fairly and with reasonable promptness. The same principle is embodied in Canon 3, Rule 3.05 of the Code of Judicial Conduct which states that a judge should dispose of the court's business promptly and

¹⁶ Id. at 470-474.

¹⁷ Id. at 475-477.

¹⁸ Id. at 549.

¹⁹ *Rollo* (A.M. No. RTJ-09-2208), p. 334.

decide cases within the required periods. Judges are to be held at a higher standard in the performance of their duties, and the failure to fulfill this duty would not only violate every litigant's constitutional right to the speedy disposition of cases, but will also hold the erring judge administratively liable for the offense. Under Section 9(1), Rule 140 of the Revised Rules of Court, undue delay in rendering a decision or order is a less serious charge punishable by either suspension from office without salary or benefits, or a fine.

After an extensive judicial audit conducted by the OCA on Branch 53 of the Regional Trial Court in Lucena City, Quezon, it was found that while respondent Judge exerted efforts to take appropriate action on the cases subject to the audit, he still:

- i) failed to take action on ten (10) civil cases from the time of filing;
- ii) failed to take appropriate action on thirteen (13) criminal cases and thirteen (13) civil cases for a considerable length of time;
- iii) failed to resolve pending motions in eighteen (18) criminal cases and fifty-one (51) civil cases; and
- iv) failed to decide twenty-nine (29) criminal cases and thirty-five (35) civil cases.

A comparison of the cases involved in the March 2009 Monthly Report of Cases, which was used as the basis for the findings in A.M. No. No. RTJ-09-2208, and the cases involved in the judicial audit report of the present complaint yields the finding that, indeed, twenty-three (23) criminal cases and nine (9) civil cases are included in both reports.²⁰ However, it must be noted that the March 2009 Monthly Report of Cases only covered forty-five (45) cases, while there were forty-three (43) criminal cases and forty-six (46) civil cases that were the subject of the judicial audit report of the present complaint. This means that despite the overlap, there are still twenty (20) unresolved criminal cases and thirty-seven (37) unresolved civil cases for which the respondent Judge might be held accountable for. The other complaint also does not include the unresolved motions in twenty-nine (29) criminal cases and fifty-three (53) civil cases,²¹ which are included in the judicial audit report in the present complaint.

Be that as it may, the respondent Judge could no longer be made liable for these infractions.

²⁰ The overlapping cases were: Criminal Cases Nos. 97-285, 02-1250, 02-284, 93-982, 02-730, 02-555, 04-296, 03-1225, 02-987, 03-418, 01-775, 02-330, 03-602, 04-1114, 03-404, 05-322, 04-483, 01-578, 01-579, 05-181, 02-382, 04-612, and 05-894; Civil Cases Nos. 90-76, 91-141, 95-09, 91-48, 94-107, SP 02-14, 91-132, 00-13 and 98-167.

²¹ *Rollo* (A.M. No. RTJ-09-2181) p. 418. As per OCA Memorandum dated June 11, 2010.

A review of the records shows that the judicial audit was conducted on January 19, 20, and 21, 2009 *during* the respondent Judge's incumbency. However, the administrative complaint was docketed only on April 29, 2009 *after his compulsory retirement* on March 27, 2009.

In the case of *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte*,²² a Memorandum recommending that court's presiding Judge, Jesus L. Grageda, who compulsorily retired on November 25, 2009, be held liable for not ordering a prompt investigation as to missing court exhibits and properties and be made to pay a fine of Twenty Thousand Pesos (₱20,000.00) was submitted by the OCA to the Court on July 10, 2012, or more than two (2) years after he retired. In dismissing the complaint against him, We ruled that:

In order for the Court to acquire jurisdiction over an administrative case, **the complaint must be filed during the incumbency of the respondent**. Once jurisdiction is acquired, it is not lost by reason of respondent's cessation from office. In *Office of the Court Administrator v. Judge Hamoy*, the Court held that:

Respondent's cessation from office x x x does not warrant the dismissal of the administrative complaint filed against him while he was still in the service nor does it render said administrative case moot and academic. The Court's jurisdiction at the time of the filing of the administrative complaint is not lost by the mere fact that the respondent had ceased in office during the pendency of the case.

In the present case, Judge Grageda's compulsory retirement divested the OCA of its right to institute a new administrative case against him **after** his compulsory retirement. **The Court can no longer acquire administrative jurisdiction over Judge Grageda by filing a new administrative case against him after he has ceased to be a public official**. The remedy, if necessary, is to file the appropriate civil or criminal case against Judge Grageda for the alleged transgression. (emphasis provided)

Similarly, in the case of *Office of the Court Administrator v. Jesus L. Grageda*,²³ the Court dismissed another pending administrative case against him, thus:

Records show that Judge Grageda compulsorily retired on November 25, 2009 while the judicial audit was conducted at RTC, Br. 4, Panabo City from November 17 to November 26, 2009. The OCA then submitted its report only on March 24, 2010, which was re-docketed as a

²² A.M. No. 10-2-41-RTC, February 27, 2013.

²³ A.M. No. RTJ-10-2235, March 11, 2013.

regular administrative matter on April 28, 2010, or months after Judge Grageda retired from the judiciary. Consequently, his retirement effectively barred the Court from pursuing the instant administrative proceeding that was instituted after his tenure in office, and divested the Court, much less the OCA, of any jurisdiction to still subject him to the rules and regulations of the judiciary and/or to penalize him for the infractions committed while he was still in the service. As held in the case of *OCA v. Judge Celso L. Mantua* [A.M. No. RTJ-11-2291, February 8, 2012]:

This Court concedes that there are no promulgated rules on the conduct of judicial audit. However, the absence of such rules should not serve as license to recommend the imposition of penalties to retired judges who, during their incumbency, were never given a chance to explain the circumstances behind the results of the judicial audit.

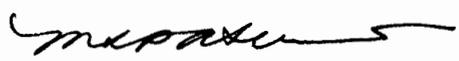
In light of these pronouncements, the Court has lost jurisdiction to find him liable for the cases and motions left unresolved prior to his retirement.

WHEREFORE, above premises considered, the complaint against respondent Judge **GUILLERMO R. ANDAYA**, formerly of the Regional Trial Court, Branch 53, Lucena City, Quezon, is **DISMISSED**. The Financial Management Office of the Office of the Court Administrator is **DIRECTED** to release the Fifty Thousand Pesos (₱50,000.00) retained from his retirement pay unless withheld for some other lawful cause.

SO ORDERED.


MARVIC MARIO VICTOR FAMORCA LEONEN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
 Associate Justice

No Part-related to party
Arturo D. Brion
ARTURO D. BRION
 Associate Justice

(On official leave)
DIOSDADO M. PERALTA
 Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
 Associate Justice

Mariano C. del Castillo
MARIANO C. DEL CASTILLO
 Associate Justice

Roberto A. Abad
ROBERTO A. ABAD
 Associate Justice

Martin S. Villarama, Jr.
MARTIN S. VILLARAMA, JR.
 Associate Justice

No part acted on matter as Court Adm
Jose Portugal Perez
JOSE PORTUGAL PEREZ
 Associate Justice

Jose Catral Mendoza
JOSE CATRAL MENDOZA
 Associate Justice

Bienvenido L. Reyes
BIENVENIDO L. REYES
 Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
 Associate Justice