



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-21-005
(Formerly A.M. No. 20-11-161-RTC)

Present:

PERALTA, *Chief Justice,*
 PERLAS-BERNABE,
 LEONEN,
 CAGUIOA,
 GESMUNDO,*
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ,*
 DELOS SANTOS,
 GAERLAN, *and*
 ROSARIO, *JJ.*

- versus -

HON. EVELYN A. ATIENZA-TURLA, Presiding Judge, Branch 40, Regional Trial Court, Palayan City, Nueva Ecija.
Respondent.

Promulgated:
 December 9, 2020

X-----X

DECISION

GAERLAN, J.:

The speedy disposition of cases in our courts is a primary aim of the Judiciary, so that the ends of justice may not be compromised and the Judiciary will be true to its commitment to provide litigants their constitutional rights to a speedy trial and a speedy disposition of their cases.¹

This administrative matter stemmed from the judicial audit and physical inventory of cases conducted in the Regional Trial Court (RTC), Palayan City, Nueva Ecija, on January 31, 2019 to February 23, 2019 pursuant to Travel Order No. 12-2019 dated January 18, 2019. The court was formerly presided by Hon. Evelyn A. Atienza-Turla, who has compulsory retired on March 18,

* On official leave.

¹ Re: Report on the Judicial Audit Conducted in the RTC-Br.37, Lingayen, Pangasinan, 391 Phil. 222, 227 (2000).

2019, and is now presided by Hon. Eleanor Teodora Marbas-Vizcarra in an acting capacity. The report of the judicial audit team disclosed that the court had a total caseload of 833 cases, 666 of which are criminal cases and 167 are civil cases.² The audit team found out that two criminal cases³ were still submitted for decision but are beyond the period to decide ordinary cases. A number of criminal cases⁴ with pending incidents for resolution had not been acted upon despite considerable length of time to resolve. There were also criminal cases⁵ that were ripe for archiving and issuance of alias warrant but were not acted upon within a reasonable time.

In civil cases, the audit team discovered that there are 18 cases⁶ submitted for decision which are beyond the period to decide, and without any proof of extension requested from the Office of the Court Administrator (OCA). The report also revealed that several cases⁷ have no initial action or further action/setting. Meanwhile, some civil cases⁸ have pending motions/incidents which have yet to be acted upon at the time of the audit. Moreover, records show that there are numerous civil cases⁹ decided by Judge Atienza-Turla, which were beyond the period to decide without proof of request for extension of time.

The audit team likewise observed that the court's case records were mismanaged and unorganized, to wit:

1. No compliance with the continuous trial as manifested by the delays in the progress of most of the cases pending;
2. Lack of corresponding orders;
3. Failure to usually state the status of the cases in the notices of hearing/orders;
4. Failure to produce the corresponding minutes and stenographic notes within the reasonable time;
5. Failure to use case indexes to properly monitor the cases and to avoid overlooking pending incidents for action;

² *Rollo*, p. 1. Judge Evelyn A. Atienza-Turla availed of her terminal leave from November 1, 2018 until the effectivity of her compulsory retirement.

³ *Id.* at 2. Criminal Case Nos. 1626-P-06, 1721-P-06 (consolidated cases) and Criminal Case No. 2168.

⁴ *Id.* at 2-3. Criminal Case Nos. 3424, 2157, 3582, 2226, 2227, 2228, 2896, 1837, 2538, 2539, 2572, 2564, 3315 and 3316.

⁵ *Id.* at 3. Criminal Case Nos. 3474-P-18, 3445-P-18 and 3406-P-18.

⁶ *Id.* at 3-4. Civil Case Nos. 850, 0236, 315, 0279, 0006, 0892, 0936, 0771, 0642, 0935, 0285, 0599, 0909, 0333, 0336, 0338, 0297 and 0339.

⁷ *Id.* at 4-5. Civil Case Nos. 858-P-16, 0009-P-17, 0786-P-14, 0010-P-18, 0653, 0553, 0912, 1033-P-18, 0288-P-16, 0299-P-17 and 340-P-18.

⁸ *Id.* at 5-6. Civil Case Nos. 906, 0535, 0979, 0534, 0761, 0735, 0867, 0803, 0776, 0753, 321 and 510.

⁹ *Id.* at 6-7. Civil Case Nos. 896, 869, 0946, 0930, 0848, 0856, 0816, 0933, 0944, 0907, 0794, 0333, 0336, 0338, 0339, 0297, 0972, 0950, 0959, 0808, 0877, 0947, 0337, 0334, 0275, 0928, 0879, 982, 327, 955, 0931 and 813.

6. Lack of pagination;
7. Failure to use detainee's notebooks properly as most are not updated;
8. Errors in the names of the parties and dates of the pleadings and orders by reason of carelessness;
9. Most orders and decisions issued by the court lack proof of mailing since no return card/registry return receipt are attached thereto;
10. Resettings of cases are caused mostly by the court's own initiative by reason of official business and/or absence of the judge; while those caused by the parties are consistently granted; and
11. Failure to use the docket inventory format provided by the OCA as can be downloaded from its official website.¹⁰

On February 22, 2019, the audit team scheduled an exit conference with the court employees in order to seek explanation and to discuss its factual findings. However, when the audit team arrived in the court at around 8:00 in the morning of said date, no court employee was present with the exception of the utility, Mr. Harold Joseph Mones Rupac. When team requested for the logbook attendance of the court, it was discovered that almost all of the court employees failed to sign therein. The utility was asked about the whereabouts of his officemates, but he simply replied "*nagmarathon po.*" The team contacted Ms. Catherine V. Nad, Officer-in-Charge/Branch Clerk of Court on her mobile phone to seek further explanation. She informed them that the court employees were attending a marathon in Cabanatuan City, Nueva Ecija. Thereafter, the audit team took pictures of the office and made photocopies of the logbook as evidence, copies of which are attached to the Judicial Report as annexes.¹¹

The OCA's Recommendation

On October 26, 2020, the OCA issued a Memorandum addressed to Chief Justice Diosdado M. Peralta. The memorandum based its findings and recommendations contained in the Judicial Report dated October 2, 2020 of the judicial audit team. The Court Administrator recommended as follows:

1. the instant matter be **RE-DOCKETED** as a regular administrative matter against retired Judge Evelyn A. Atienza- Turla, formerly of Branch 40, RTC, Palayan City, Nueva Ecija;

¹⁰ Id. at 7-8.

¹¹ Id. at 8-9.

2. Judge Atienza- Turla be found **GUILTY** of the less serious charge of undue delay in rendering decision or order under Section 9 and 11, Rule 140 of the Rules of Court, and Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct;

3. Considering the retirement of Judge Atienza-Turla which took effect on 18 March 2019, a **PENALTY OF FINE** equivalent to three (3) months salary at the time of her retirement should be imposed, to be deducted from her retirement/gratuity benefits;

4. The following court employees be directed to **EXPLAIN** why they should not be held administratively liable for not being present on the scheduled exit conference last 22 February 2019 and to present their authority, if any, as to their absences on the said date:

- a. Catherine Valdez-Nad (Officer-in-Charge/COC)
- b. Shamin De Guzman-Madrid (Court Interpreter);
- c. Rubentito V. Alomia (Sheriff);
- d. Alma Villanueva-Eubank (Stenographer);
- e. Mary Grace Labiano-Medoza (Stenographer);
- f. Rosita Reyes-Caramancion (Stenographer);
- g. Mark Joseph Magdaong Legaspi (DEMO);
- h. Mark Bryan Avila Coguiz (Docket Clerk); and
- i. Alejandro Cabico Fabian (Process Server);

5. The Officer-in-Charge be **DIRECTED** to update all corresponding orders, minutes and stenographic notes; to attach to the case records updated indexes of case events and necessary proofs of service/ mailing; to expedite the disposition of cases which have been pending in the docket of the court for an unreasonable length of time; to submit quarterly reports on the status of cases which have been pending in the court docket for a year or more; and to submit quarterly reports on the status such cases; and

6. The Officer-in-Charge be **DIRECTED** 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).

RESPECTFULLY SUBMITTED.

We agree with the findings and recommendations of the OCA.

Time and again, the Court has emphasized that the office of a judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Article III, Section 16 of the Constitution,¹² which guarantees the right to speedy disposition of cases. Likewise, Article VIII, Section 15(1) of the 1987 Constitution mandates that the first and second level courts should decide

¹² Section 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

every case within three months from its submission for decision or resolution. A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the *Rules of Court* or by the court itself.¹³

Indeed, rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period within which to decide cases is mandatory.¹⁴ The Court has consistently emphasized strict observance of this rule in order to minimize the twin problems of congestion and delay that have long plagued our courts.¹⁵ Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case, for, 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.¹⁶

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. 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.¹⁷

Furthermore, failure to render decisions and orders within the mandated period constitutes a violation of Rule 3.05, Canon 3, of the Code of Judicial Conduct, which states:

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

Based on the foregoing provisions of law and jurisprudence, it is evident that Judge Atienza-Turla violated both the Constitution and the Code of Judicial Conduct when she failed to decide numerous cases and resolve pending motions and incidents within the reglementary period. Her failure to do so constitutes gross inefficiency which consequently warrants the imposition of administrative sanctions.

¹³ Section 15(2), Article VIII, 1987 Constitution.

¹⁴ *OCAD v. Judge Garcia-Blanco*, 522 Phil. 87, 98 (2006).

¹⁵ *Id.*

¹⁶ *Id.* at 99.

¹⁷ *Petallar v. Judge Pullos*, 464 Phil. 540, 546 (2004).

We are not unmindful of the burden of heavy caseloads heaped on the shoulders of every trial judge. But that cannot excuse them from doing their mandated duty to resolve cases with diligence and dispatch. Judges burdened with heavy caseloads should request the Court for an extension of the reglementary period within which to decide their cases if they think they cannot comply with their judicial duty.¹⁸ Hence, under the circumstances, all that said judge needed to do was request for an extension of time since this Court has, almost invariably, been considerate with regard to such requests.¹⁹ Judge Atienza-Turla, however, did not avail of such remedy.

As to the imposible penalty, the failure to render decisions and orders within the mandated period constitutes a violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct. Section 9, Rule 140 of the Revised Rules of Court classifies undue delay in rendering a decision or order as a less serious charge punishable under Section 11(B) of the same Rule, thus:

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) nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00.

In this case, considering the number of cases that were left unresolved and undecided, resolved and decided beyond the reglementary period, and motions or pending incidents that were unresolved or unacted upon, the maximum penalty of suspension from office for three (3) months, as recommended by OCA, is in order. However, considering that Judge Atienza-Turla has retired from service on March 18, 2019, a penalty of fine equivalent to three (3) months salary should be imposed.

WHEREFORE, Judge Evelyn A. Atienza-Turla, formerly of Branch 40, Regional Trial Court, Palayan City, Nueva Ecija is hereby found **GUILTY** of the less serious charge of undue delay in rendering decision or order under Section 9, Rule 140 of the Rules of Court, and Rule 3.05 of Canon 3 of the Code of Judicial Conduct. Considering her retirement which took effect on March 18, 2019, a **PENALTY OF FINE** equivalent to three (3) months salary at the time of her

¹⁸ *Report on the Judicial Audit Conducted in the RTC, Branches 2 and 31, Tagum City*, 492 Phil. 1, 6 (2005).

¹⁹ *Re: Judicial Audit Conducted in the Regional Trial Court, Branch 54, Lapu-Lapu City*, 511 Phil. 71, 78 (2005).


retirement is hereby imposed, to be deducted from her retirement/gratuity benefits.

The following court employees are directed to **EXPLAIN** why they should not be held administratively liable for not being present on the scheduled exit conference last February 22, 2019 and to present their authority, if any, as to their absences on the said date:

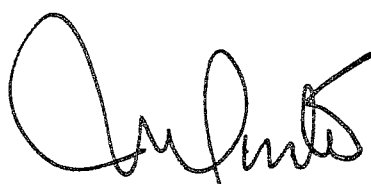
- a. Catherine Valdez-Nad (Officer-in-Charge/COC)
- b. Shamin De Guzman-Madrid (Court Interpreter);
- c. Rubentito V. Alomia (Sheriff);
- d. Alma Villanueva-Eubank (Stenographer);
- e. Mary Grace Labiano-Mendoza (Stenographer);
- f. Rosita Reyes-Caramancion (Stenographer);
- g. Mark Joseph Magdaong Legaspi (DEMO);
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- i. Alejandro Cabico Fabian (Process Server);

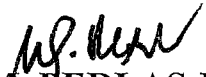
The Officer-in-Charge is hereby **DIRECTED** to update all corresponding orders, minutes and stenographic notes; to attach to the case records updated indexes of case events and necessary proofs of service/mailling; to expedite the disposition of cases which have been pending in the docket of the court for an unreasonable length of time; to submit quarterly reports on the status of cases which have been pending in the court docket for a year or more; and to submit quarterly reports on the status of such cases. He is further **DIRECTED** to strictly comply with Administrative Circular No. 76-2007 (Submission of Semestral Docket Inventory Report) and Administrative Circular No. 60-2001 (Revised Rules, Guidelines, and Instructions on Accomplishing Monthly Report of cases).


SO ORDERED.

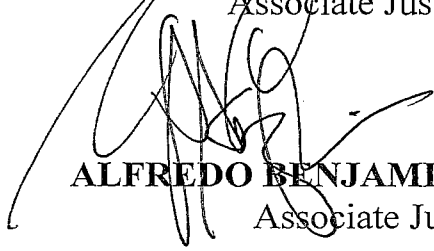

SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:

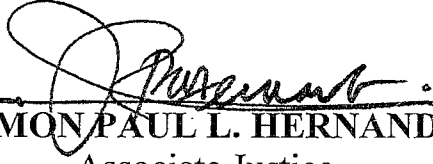

DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


(On official leave)
ALEXANDER G. GESMUNDO
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

(On official leave)
MARIO V. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


RICARDO R. ROSARIO
Associate Justice

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court