



Republic of the Philippines
Supreme Court
 Manila

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SUPREME COURT OF THE PHILIPPINES
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**FAILURE TO DISCLOSE
 CASES SUBMITTED FOR
 DECISION AND PENDING
 MOTIONS OF JUDGE TIRSO
 F. BANQUERIGO, THEN
 PRESIDING JUDGE,
 MUNICIPAL CIRCUIT TRIAL
 COURT, TAYASAN-
 JIMALALUD, TAYASAN,
 NEGROS ORIENTAL**

A.M. No. MTJ-20-1938
 [Formerly A.M. No. 20-02-14-MCTC]

Present:

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

Promulgated:

November 17, 2020

Done by J. A. Peralta-Gonzales

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DECISION

ZALAMEDA, J.:

In a Memorandum¹ dated 05 February 2020 addressed to Chief Justice Diosdado M. Peralta, Court Administrator Jose Midas Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino reported that respondent Judge Tirso F. Banquerigo (respondent), then Presiding Judge of

* On official leave.

** On official leave.

¹ Rollo, pp. 1-6.

the Municipal Circuit Trial Court (MCTC), Tayasan-Jimalalud, Tayasan, Negros Oriental, misrepresented and concealed to the Court twenty-five (25) cases still pending before his retirement, eighteen (18) of which were submitted for decision, while seven (7) others had unresolved motions. Respondent compulsorily retired from the Judiciary on 04 October 2019.

On February 2019, respondent reported a caseload of only fifty-six (56) cases. As a matter of policy, his court should have been the subject of a judicial audit six (6) months before his retirement. Nevertheless, the Office of the Court Administrator (OCA) decided to forego the judicial audit considering respondent's minimal caseload, his previous monthly report of cases indicating that he had no case submitted for decision, the expenses to be incurred by the audit team, and the time and resources to be spent for the same.

However, it was later found that at the time of respondent's retirement on October 2019, he still had sixty (60) active cases. On 07 January 2020, pending the issuance of respondent's clearance, the OCA received copies of the Tayasan-Jimalalud MCTC's Monthly Report of Cases for September 2019,² October 2019,³ and November 2019,⁴ and subsequently, an amended Monthly Report of Cases for October 2019.⁵ Readily apparent in the amended October 2019 and the November 2019 reports were the entries for nine (9) civil and nine (9) criminal cases already submitted for decision, but remained undecided. Ms. Jocene R. Valencia (Valencia), the Branch Clerk of Court, disclosed these cases were not indicated in the first October 2019 report upon instruction of respondent. The corrections were made only upon the request of Acting Presiding Judge Katrina C. Gonzales-Pasicaran after she assumed the post and conducted a physical inventory of the cases. The OCA also found seven (7) motions left unresolved by respondent.⁶

The cases submitted for decision were as follows:

Case No.	Accused/Parties	Nature	Date Submitted	Date Due	Delay incurred until 03 October 2019

² *Id.* at 33-35.

³ *Id.* at 36-38.

⁴ *Id.* at 42-44.

⁵ *Id.* at 39-41.

⁶ *Id.* at 2.

1	361	Sps. Jiji Erk, et al. vs. Artemio Ojales, et al.	Damages with prayer for TRO and/or Preliminary Injunction	03 October 2003	31 October 2003	15 years, 9 months and 2 days
2	388	Roberto Lim vs. Dolores Panoy, et al.	Unlawful Detainer and Damages	08 February 2007	10 March 2007	12 years, 6 months and 23 days
3	2758-J	Federico Real	Malicious Mischief	14 January 2009	13 February 2009	10 years, 7 months, and 20 days
4	390	Felixberto Duplo, et al. vs. Vernon Barraquias	Unlawful Detainer and Damages	23 May 2008 (defendant) 09 July 2010 (plaintiff)	08 August 2010	9 years, 1 month and 25 days
5	2954-T	Jessica Tubio	Malicious Mischief	18 January 2011	17 February 2011	8 years, 7 months and 16 days
6	2953-T	Jessica Tubio	Grave Oral Defamation	18 September 2011	17 December 2011	7 years, 9 months and 16 days
7	2966-J	Ambrosio de la Lina	Grave Slander	20 February 2013	21 May 2013	6 years, 4 months and 12 days
8	320	Abdulah Bahandi, et al. vs. Andrew Kadile	Recovery of Possession, Demolition and Damages	27 August 2013	25 November 2013	5 years, 10 months and 8 days
9	3057-J	Ariel Alberto	Reckless Imprudence resulting in Less Serious Physical Injuries	07 September 2016	07 October 2016	2 years, 11 months and 26 days
10	420	Emiliano Dayuday, et al. vs. Welbita dela Lina, et al.	Unlawful Detainer, Ejectment and Damages	09 December 2016	08 January 2017	2 years, 8 months and 25 days

11	3082-J	Cipriano Huradas	Grave Threats	09 November 2016	07 February 2017	2 years, 7 months and 26 days
12	427	Gabriel Cimafrancia, Jr. vs. Celso Estolonio	Forcible Entry	23 January 2017	22 February 2017	2 years, 7 months and 11 days
13	430	Gina Z. Ridad, et al. vs. Richard Abujan, et al.	Unlawful Detainer and Damages	10 October 2017	11/09/17	1 year, 10 months and 24 days
14	3116-T	Ronald Casilo	Attempted Homicide	27 October 2017	25 January 2018	1 year, 8 months and 8 days
15	3106-T	Bonifacio Amistoso	Other Mischief	02 March 2018	01 April 2018	1 year, 6 months and 2 days
16	2988-T	Camilo Soreño, et al.	Slander by Deed	18 June 2018	16 September 2018	1 year and 17 days
17	436	ORBYSY Holdings, Inc. vs. Gerald Rio, et al.	Unlawful Detainer	23 April 2019	23 May 2019	4 months and 10 days
18	434	Pedro Calijan, et al vs. Pedrino Calijan, et al.	Judicial Settlement, Partition and Damages	29 April 2009	28 July 2019	2 months and 5 days

Findings and Recommendations of the OCA

The OCA found that respondent concealed the eighteen (18) cases submitted for decision, which were not decided within the reglementary period to render a decision. According to the OCA, in view of the attending circumstances, a fine in the amount of Php20,000.00 would be a mere slap on the wrist, but noted that forfeiture of respondent's retirement benefits would be too harsh.⁷ Accordingly, the OCA recommended that the case be re-docketed as a regular administrative matter, and that respondent be fined in the amount of Php300,000.00, to be deducted from his retirement benefits.⁸

⁷ *Id.* at 5.

⁸ *Id.* at 6.

In addition, the OCA recommended that Valencia be directed to show cause why she should not be administratively charged for her failure to indicate the true number of cases submitted for decision in the court's Monthly Report of Cases from October 2003 to October 2019.⁹

Ruling of the Court

The Court adopts and approves the recommendation of the OCA to re-docket the case as a regular administrative matter, but orders respondent to pay a fine of Php100,000.00 instead of Php300,000.00 to be deducted from his retirement benefits, and directs Valencia to show cause why she should not be administratively charged.

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. Similarly, Canon 3, Rule 3.05 of the Code of Judicial Conduct states that a judge should promptly dispose of the court's business and 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.¹⁰

Based on the OCA's audit, respondent had a total of twenty-five (25) cases pending before his court, eighteen (18) of which were already submitted for decision, while seven (7) others had unresolved motions. The delay in the resolution of these cases ran for as long as fifteen (15) years at the time of the audit. Worse, three (3) of those cases remained unresolved for more than a decade. For these, respondent should have been administratively dealt with. This Court has consistently held that the failure of a judge to decide a case within the required period is not excusable and constitutes gross inefficiency, and non-observance of said rule is a ground for administrative sanction against the defaulting judge.¹¹

⁹ *Id.*

¹⁰ *Office of the Court Administrator v. Andaya*, A.M. No. RTJ-09-2181, 25 June 2013, 712 Phil. 33 (2013).

¹¹ *Lambino v. De Vera*, A.M. No. MTJ-94-1017, 07 July 1997, 341 Phil. 62 (1997).

To emphasize, it was respondent's lack of transparency as to the true status of his case docket which prevented the OCA from immediately conducting an audit and allowed him to retire without answering for the pending matters in his court. Dishonesty is deemed a grave offense, punishable by the ultimate penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service.¹²

In some cases, however, the Court refrained from imposing the maximum penalty based on several factors attendant to the case, including length of service and the case being the first offense against the erring judge.¹³ We note in agreement the OCA's observation that a fine in the amount of Php20,000.00 would be a mere slap on the wrist, but a forfeiture of respondent's retirement benefits would be too harsh. Since respondent's clearance has not yet been issued, the Court can still penalize him by imposing upon him a fine, to be deducted from his retirement benefits, without prejudice to the filing of proper civil or criminal cases.

The Court, in *Lambino v. De Vera*,¹⁴ dismissed the erring judge for failure to timely resolve cases pending before his court within the required time compounded by his act of submitting fake certifications of service and collecting his salaries upon certification that he has no pending matters to resolve.

In *Re: Judge Segundo Catral*,¹⁵ the Court fined the retired judge for submitting a false certification of pending cases to support his retirement papers. However, the OCA later found there were still cases left unresolved. In imposing the appropriate fine despite his retirement, the Court considered Judge Catral's patent dishonesty in submitting the false certification.

We are aware that in several instances, this Court dismissed complaints against judges filed after their retirements.¹⁶ Ordinarily, respondent's compulsory retirement in October 2019 would have effectively

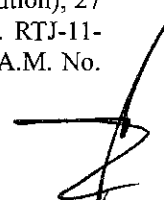
¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ A.M. No. 98-12-377-RTC, 26 July 1999.

¹⁶ See *Office of the Court Administrator v. Silongan*, A.M. No. P-13-3137, 23 August 2016; *Re: Missing Exhibits and Court Properties in RTC Branch 4, Panabo City*, A.M. No. 10-2-41-RTC (Resolution), 27 February 2013, 705 Phil. 8 (2013); *Office of the Court Administrator v. Mantua*, A.M. No. RTJ-11-2291, 08 February 2012, 681 Phil. 261 (2012); *Office of the Court Administrator v. Andaya*, A.M. No. RTJ-09-2181 (Resolution), 25 June 2013, 712 Phil. 33 (2013).



divested the OCA of authority to institute an administrative complaint against him, and for this Court to impose administrative sanctions for respondent's misdeeds.¹⁷ However, we find of little consequence the fact that the audit and resulting administrative case against herein respondent had been lodged after his retirement. After all, such predicament was a result of respondent's actions. And this Court cannot allow his retirement to be an impediment for imposing upon him the fitting administrative sanction.

In *Moncada v. Cervantes*,¹⁸ the Court ruled that it is irrelevant even if Moncada filed his complaint one (1) day after the retirement of Judge Cervantes. The administrative case filed against Judge Cervantes was in relation to his duties as a judge. As such, even if he has retired from the service, if found to be remiss in upholding his sworn responsibility, he could still be penalized for the infractions he has committed. Thus, the Court directed Judge Cervantes to pay a fine instead.

Similarly, in *Office of the Court Administrator v. Paredes*,¹⁹ the Court administratively dealt with and fined Paredes, a former clerk of court who had already retired after an audit conducted after his retirement revealed discrepancies in his books.

In *Letter dated November 12, 2004 of Judge Adolfo R. Malingan*,²⁰ it was held that discovery of a judge's failure to decide cases within the reglementary period after retirement, and pending clearance processing, cannot detract the Court from holding a judge accountable. To rule otherwise would put premium to gross inefficiency of a judge and negligence or possible collusion with those in charge of processing applications for retirement of judges in skipping on the submission of the required list of pending decisions, among others.²¹

Judges are reminded of their duty to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross

¹⁷ See *Office of the Court Administrator v. Retired Judge Andaya*, A.M. No. RTJ-09-2181, 25 June 2013, 712 Phil. 33 (2013).

¹⁸ A.M. No. MTJ-06-1639 (Formerly OCA-IPI No. 05-1803-MTJ), 28 July 2006, 529 Phil. 1 (2006).

¹⁹ A.M. No. P-06-2103 (Formerly A.M. No. 05-7-430-RTC), 17 April 2007, 549 Phil. 879 (2007).

²⁰ A.M. No. MTJ-05-1586 [formerly A.M. 05-2-36-MCTC] (Resolution), 20 October 2005, 510 Phil. 215 (2005).

²¹ *Id.*

inefficiency warranting the imposition of administrative sanctions on the defaulting judge.²²

In the present case, considering that respondent left a number of cases undecided for unreasonable periods ranging from ten (10) to fifteen (15) years, as well as his dishonesty in submitting a false report of pending cases, the fine of Php100,000.00 to be deducted from his retirement benefits is proper.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the recommendation of the Office of the Court Administrator. Respondent Judge Tirso F. Banquerigo is **GUILTY** of gross inefficiency and dishonesty and is **DIRECTED** to pay a fine of Php100,000.00, to be deducted from his retirement benefits.

Ms. Jocene R. Valencia, the Branch Clerk of Court of the Municipal Circuit Trial Court, Tayasan-Jimalalud, Tayasan, Negros Oriental, is **DIRECTED** to **SHOW CAUSE** within fifteen (15) days from notice, why she should not be administratively charged for her failure to indicate in the court's Monthly Report of Cases from October 2003 to October 2019 the cases which were submitted for decision before Judge Tirso F. Banquerigo.

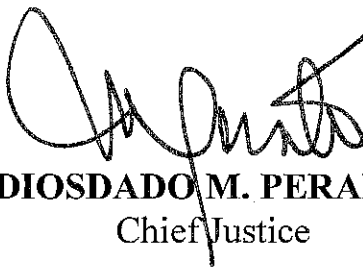
The Acting Presiding Judge of the Municipal Circuit Trial Court, Tayasan-Jimalalud, Tayasan, Negros Oriental, is **DIRECTED** to act on the eighteen (18) cases submitted for decision and seven (7) cases for resolution with dispatch, and to inform the Court of the status of these cases within thirty (30) days from notice.

SO ORDERED.




RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:

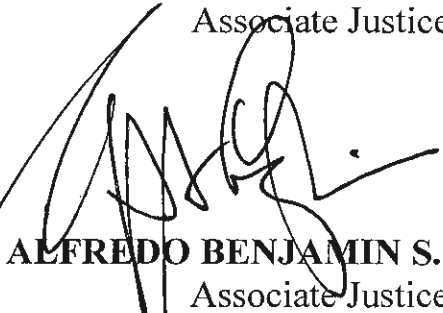


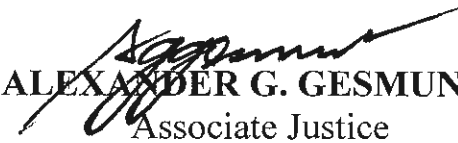
DIOSDADO M. PERALTA
Chief Justice

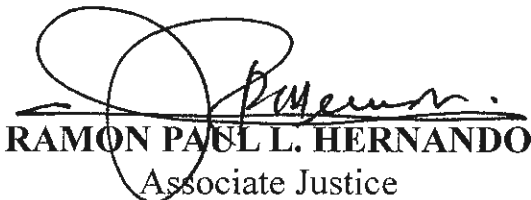
²² Re: *Baluma*, A.M. No. RTJ-13-2355, 02 September 2013.


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

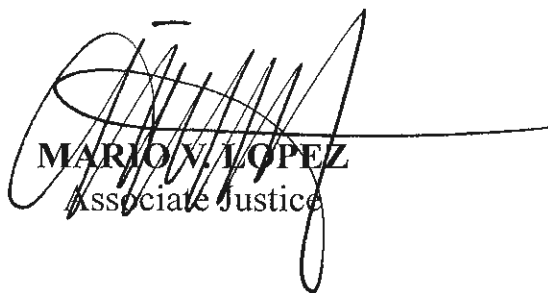

ALEXANDER G. GESMUNDO
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MARIO V. LOPEZ
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Associate Justice


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Associate Justice


RICARDO R. ROSARIO
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