



Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT ADMINISTRATOR, *Complainant,* A.M. No. RTJ-16-2463
[Formerly A.M. No. 16-05-110-RTC]

Present:

GESMUNDO, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO, and

- versus -

JUDGE CANDELARIO V. LOPEZ, J., JJ.
GONZALES,* REGIONAL
TRIAL COURT, BRANCH 45, Promulgated:
BAIS CITY,

Respondent. July 27, 2021

X-----*Antonio - Agredo*-----X

DECISION

PER CURIAM:

The 1987 Constitution mandates that all cases or matters be decided or resolved by the lower courts within three months from date of submission. The failure of a judge to decide a case within the required

* Per 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.

period is not excusable and is a ground for administrative sanction against the defaulting judge.¹

This is an administrative complaint based on the Judicial Audit and Inventory of Cases conducted in Branch 45, Regional Trial Court (RTC), Bais City, Negros Oriental presided by Judge Candelario V. Gonzales (Judge Gonzales) from November 24 to 26, 2014 pursuant to Travel Order No. 133-2014 dated November 18, 2014.²

The Antecedents

In the Memorandum³ dated February 20, 2015 of the Office of the Court Administrator (OCA), the judicial audit team reported that as of audit date, Branch 45 had a total case load of 962 active cases, consisting of 649 criminal cases and 313 civil cases, classified below according to the status/stage of proceedings:

STATUS/STAGE OF PROCEEDINGS	CRIMINAL	CIVIL	TOTAL
Warrants/Summons	19	4	23
Arraignment	46	0	46
Preliminary Conference/Pre-Trial	55	50	105
Trial/Hearing	296	66	362
For Compliance	10	14	24
No Action Taken	0	7	7
No Further Action/Setting	18	24	42
With Pending motions/Incidents:			
Judge Gonzales	54	17	71
Judge Tinagan	0	6	6
Judge Repollo	0	4	4
Submitted for Decision			
Judge Gonzales	100	111	211
Judge Tinagan	13	3	16
Judge Repollo	0	2	2

¹ *Office of the Court Administrator (OCA) v. Judge Lopez, et al.* 723 Phil. 256, 267-268 (2013).

² See Memorandum for Hon. Jenny Lind R. Aldecoa-Delorino, Deputy Court Administrator, dated February 20, 2015, *rollo*, Vol. II, pp. 606.

³ *Id.* at 606-671.

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Decided	3	0	3
Archived	22	0	22
Suspended Proceedings	13	1	14
Newly Filed	0	4	4
TOTAL	649	313	962 ⁴

The audit team's general adverse findings stated that: (a) out of Judge Gonzales' 100 criminal cases that were submitted for decision, 61 were decided beyond the required period; (b) Judge Gonzales inhibited himself in Criminal Case Nos. 11-01-B to 11-04-B which were submitted for decision on September 13, 2011, in Criminal Case Nos. 13-01-B and APL-13-02-B which were submitted for decision on June 27, 2013, and transferred all of these cases to another judge in several Orders, all dated January 16, 2015;⁵ (c) Judge Gonzales has 54 criminal cases and 17 civil cases with unresolved motions;⁶ (d) Judge Gonzales made no requests for any extension of time to decide and resolve the motions;⁷ (e) although the data provided by the Statistical Reports Division of the Court Management Office-OCA showed that Judge Gonzales had 178 cases submitted for decision as of January 2014, 177 as of February 2014, 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 2014⁸ indicated that there were no cases submitted for decision or pending motions before him;⁹ (f) the case records were neither stitched or held together by fasteners nor paginated or chronologically arranged;¹⁰ (g) there was no actual physical inventory of pending cases in the court;¹¹ (h) there were documents attached to the records without time and date of receipt;¹² (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;¹³ and (j) the court's docket books for criminal and civil cases were likewise not updated.¹⁴

⁴ *Id.* at 607.

⁵ *Id.* at 667.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 1264-1287.

⁹ *Id.* at 667.

¹⁰ *Id.*

¹¹ *Id.* at 668.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

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Regarding cases involving annulment of marriages and declaration of nullity of marriages, the team noted the following irregularities:

a) Summons dtd. 19 March 2013 was served by Sheriff Norberto Lacorte thru Ruel Ferreron despite the fact that the petition in Civil Case No. F-11-29-A, entitled "*Fedire vs. Matsuo*," states that respondent resides in Sakaide City, Kagawa Pref. Japan;

b) Service of Summons in Civil Case No. F-13-11-MY, entitled "*Binas v. Eijkelkamp*," was immediately made on Ms. Precy Mae Buscato;

c) There was no pre-trial brief attached to the records of Civil Case No. 09-18-MY, entitled "*Rejado vs. Regado*," which is already at the trial stage;

d) The Notice dtd. 10-21-14 in Civil Case No. F-13-23-MJ, entitled "*Cunanan v. Cunanan*," informing petitioner's counsel Atty. Inso that Summons was unserved [and] was returned to the court with a notation that there was insufficient address. However, there was no address of counsel stated in the mailed envelop[e].¹⁵

With the adverse findings, 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.¹⁶

In another Memorandum¹⁷ dated March 9, 2015, the OCA further ordered Judge Gonzales: (1) to show cause why he should not be

¹⁵ *Id.*

¹⁶ *Id.* at 669.

¹⁷ *Id.* at 1334-1340. See also Memorandum for Hon. Candelario V. Gonzales (Judge Gonzales) dated March 9, 2015, *id.* at 1341-1344.

disciplinarily dealt with for issuing orders of inhibition in Civil Case No. 03-13-A, Civil Case No. B-07-14, Criminal Case Nos. 11-01-B to 11-04-B, Criminal Case No. 12-01-B, Criminal Case No. APL 13-02-B, and Criminal Case No. APL 13-01-B¹⁸ which were all submitted for decision; and (2) to immediately refrain from issuing orders of inhibition involving cases already submitted for decision.

On March 25, 2015, Judge Gonzales explained¹⁹ that he had decided almost all of the 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 (RCAO) 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.²⁰ 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 Certificate²¹ dated April 24, 2013 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.²² He also mentioned that the hospitalization of one of his two stenographers and the contraction of pneumonia of the other contributed to the delay.²³ His letter reads in part:

As to the backlog of Criminal and Civil Cases for decision, may I humbly seek for your empathy and understanding as these cases [were] not intentionally left still without compelling reasons. At the latter part of November 2012, I was already advised by my doctor to slow down on my work, due to my serious health condition. This prompted me to write the Honorable Chief Justice on February 6, 2013, asking reliefs to solve the situation, especially the assignment in Bais City of the newly created [R]egional [T]rial [C]ourt. xxx

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I was already in the process of recovery and I already started to resume with the hectic pace of hearing schedules, when I was overtaken by the Judicial Audit which I already anticipated. However, as a result of my absence for a considerable length of time, cases submitted for resolution piled up uncontrollably, and I failed to

¹⁸ See Certification dated February 26, 2015, *id.* at 1320-1321.

¹⁹ See Letter dated March 25, 2015, *rollo*, Vol. III, pp. 1441-1442.

²⁰ *Id.* at 1441. See also Memorandum for Hon. Jenny Lind R. Aldecoa-Delorino, Deputy Court Administrator, dated July 22, 2015, *id.* at 1376-1377.

²¹ *Id.* at 1447.

²² *Id.* at 1377, 1441.

²³ *Id.* at 1377, 1442.

indicate these cases in my Certificate of Service, without malicious intent, as I intended to do the same after the 2014 inventory.

x x x x

x x x In December, 2014, one of my stenographers, Santiago Lucero suffered a stroke, and up to now, is still on sick leave. He was scheduled for open heart surgery last January 2015, but his condition had to be stabilized yet before proceeding with the surgery. Hence, he cannot report for work. My other [s]tenographer Socorro Katipunan also suffered pneumonia, and was hospitalized last January 22-26, 2015. She took more than a month of sick leave and is still very weak even up to now. Attached hereto as Annexes "6" and "7" [are] their respective Medical Certificates. Thus, I have only two (2) fully functioning stenographers who assist me in drafting my decisions and resolutions. These are the reasons why there is a little delay in resolving a few remaining cases in the list produced by the audit team.

I undertake to submit the list of cases that are still unresolved and hereby assure, your honor, that these cases will soon be disposed in the month of March, 2015.²⁴

This notwithstanding, the OCA, on July 22, 2015,²⁵ 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 Civil Case No. 03-13-A, Civil Case No. B-07-14, Criminal Case Nos. 11-01-B to 11-04-B, Criminal Case No. 12-01-B, Criminal Case No. APL 13-02-B, and Criminal Case No. APL 13-01-B, 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.²⁶

In a Letter²⁷ dated September 14, 2015, Judge Gonzales reiterated his explanation in his previous letters:²⁸

²⁴ *Id.* at 1441-1442.

²⁵ See Memorandum for Hon. Jenny Lind R. Aldecoa-Delorino, Deputy Court Administrator, dated July 22, 2015, *id.* at 1376-1415. See also Memorandum for Judge Gonzales dated July 22, 2015, *id.* at 1416-1439.

²⁶ *Id.* at 1414-1415.

²⁷ *Rollo*, Vol. I, p. 75.

In compliance with OCA Memorandum dated July 22, 2015, received by our office on August 4, 2015, may I resubmit my Letters dated March 25, 2015 and March 31, 2015, herein attached as Annexes "A" and "B", respectively, which embody my explanation for Item 1, paragraphs (a) and (b) of the Memorandum.

As regards Item 2 of the said Memo, the undersigned undertakes to refrain from acting on Manifestations signed by parties without counsel, and to conduct actual physical conduct of inventory of active cases, together with the Clerk of Court of this Court.

And finally, for Item 3, the undersigned hereby attach the list of cases acted upon by the undersigned, together with their respective copies of Orders and Decisions. May I pray that this will merit your kind consideration.²⁹

The Report and Recommendation of the OCA

In the Memorandum³⁰ for Chief Justice Maria Lourdes P. A. Sereno dated 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.

The OCA observed the following:

As regards the motions/incidents in the 54 criminal cases that were already submitted for resolution: (a) seven motions were resolved within the prescribed period; (b) 29 motions remained unresolved; (c) 13 motions lacked sufficient data to determine whether they were timely resolved; and (d) four motions were deemed unresolved since no copies of the orders or resolutions were forwarded to the OCA.³¹

As to the 17 civil cases with pending motions: (a) one motion was resolved within the prescribed period; (b) five motions were resolved beyond the prescribed period; (c) nine motions were deemed unresolved because no copies of the orders or resolutions were forwarded to the

²⁸ See Letters dated March 25, 2015 and March 31, 2015, *rollo*, Vol. III, pp. 1441-1442 and 1452-1453, respectively.

²⁹ *Rollo*, Vol. I, p. 75

³⁰ *Id.* at 1-74.

³¹ *Id.* at 68.

OCA; and (d) two motions lacked sufficient data to determine whether they were timely resolved.³²

As regards the 100 criminal cases submitted for decision: (a) 10 cases were decided within the prescribed period; (b) 81 cases were decided beyond the prescribed period; (c) Judge Gonzales inhibited himself from seven cases after they were submitted for decision; and (d) two cases, namely, Criminal Case Nos. F-10-49-MJ and F-10-50-MJ, both due on September 2, 2014, remained undecided.³³

Anent the 111 civil cases submitted for decision: (a) 102 cases were decided beyond the prescribed period; (b) one case was decided within the prescribed period; (c) Judge Gonzales inhibited himself in two cases after they were submitted for decision; (d) five cases remained undecided; and (e) one case was without sufficient data to determine whether it was timely resolved.³⁴

The Issue

Whether Judge Gonzales is guilty of the charges against him.

The Ruling of the Court

After a judicious review of the records of the case, the Court agrees with the findings and recommendations of the OCA.

On the delay in rendering judgment and issuing orders.

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. Moreover, under Section 5, Canon 6 of the New Code of

³² *Id.*

³³ *Id.*

³⁴ *Id.* at 68-69.

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Judicial Conduct for the Philippine Judiciary, judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness. It is axiomatic that “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.”³⁵

The Court has consistently impressed upon judges that cases should be decided promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Judges should decide cases with dispatch and should be careful, punctual, and observant in the performance of their 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.³⁶ Inexcusable failure to decide cases within the reglementary period constitutes gross inefficiency, warranting the imposition of an administrative sanction on the defaulting judge.³⁷

In *OCA v. Judge Arreza*,³⁸ the audit team examined a total of 35 pending cases for the respondent as of August 31, 2016. Of these cases, 23 were already submitted for decision and were overdue for several months or even years, with the exception of one case. With only 12 cases in active trial to handle, the audit team said that the respondent had more than enough time to render decisions. The OCA recommended that respondent be held liable for gross inefficiency and undue delay in deciding cases and fined in the amount of ₱40,000.00. In adopting the findings of the OCA, the Court instructed:

As “delay in the disposition of cases is tantamount to gross inefficiency on the part of a judge,” the OCA correctly found Judge Arreza guilty of gross inefficiency for his undue delay in rendering decisions and failure to act on cases with dispatch. Under Section 11, Rule 140 of the Rules of Court, the same is punishable by (1) suspension from office without salary and other benefits for not less

³⁵ *Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branch 24, Cebu City*, A.M. No. 13-8-185-RTC, October 17, 2018, citing *Re: Findings on the Judicial Audit Conducted in RTC, Br. 8, La Trinidad, Benguet*, 806 Phil. 786, 817 (2017) and *Report on the Judicial Audit Conducted in the RTC, Br. 8, Cebu City*, 496 Phil. 478, 487 (2005).

³⁶ *Re: Findings on the Judicial Audit Conducted in RTC, Br. 8 La Trinidad, Benguet*, 806 Phil. 786, 816 (2017), citing *Re: Cases Submitted for Decision before Hon. Teofilo D. Baluma, Former Judge, Branch 1, Regional Trial Court, Tagbilaran City, Bohol*, 717 Phil. 11, 17 (2013).

³⁷ *OCA v. Judge Chavez, et al.*, 806 Phil. 932, 951 (2017), citing *OCA v. Soriano*, 717 Phil. 548, 558 (2013).

³⁸ 829 Phil. 598 (2018).

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. Considering that this is Judge Arreza's first offense, the imposition of fine in the amount of P15,000.00 is in order.³⁹

Similarly, in *OCA v. Guiling*,⁴⁰ the Court found the respondent guilty of gross dereliction of duty, gross inefficiency, and gross incompetence for undue delay in rendering judgment in 23 criminal cases and 40 civil cases; undue delay in the resolution of motions or incidents in 17 criminal cases and 63 civil cases; and violation of the Court's rules, directives, and circulars. He was fined ₱50,000.00 to be deducted from his retirement benefits.

More recently, in *OCA v. Galvez*,⁴¹ the Court held that the imposition of the penalty of suspension from office for six months, without salary, was commensurate to the respondent's transgressions, specifically, the delay for at least 17 years, or from 2001 to 2018, in the resolution of 13 cases and his indifference and recalcitrant behavior towards judicial processes. In view of his retirement, however, the alternative penalty of fine equivalent to his six months' salary was imposed.

In the case, 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. Per the OCA report, the period of delay by Judge Gonzales in criminal cases ranges from one day to six years, while the delay in civil cases ranges from eight years to 11 years. Worse, the cases were not indicated in the Certificates of Service of Judge Gonzales for the years 2013 and 2014.⁴² The unreasonable delay in deciding cases and resolving incidents and motions, including orders of inhibition, constitute gross inefficiency which cannot be tolerated.⁴³

In his Letter⁴⁴ dated March 25, 2015, Judge Gonzales admitted the delay in the resolution of pending incidents and deciding cases. He

³⁹ *Id.* at 604-605.

⁴⁰ A.M. No. RTJ-19-2549, June 18, 2019.

⁴¹ A.M. No. RTJ-19-2567, August 14, 2019.

⁴² *Rollo*, p. 667.

⁴³ *OCA v. Judge Chavez, et al.*, *supra* note 37.

⁴⁴ *Rollo*, Vol. I, pp. 76-77 and *rollo*, Vol. III, pp. 1441-1442.

attributed the delays to heavy pressure in work, serious health condition, and the absence of his two 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 *Re: Cases Submitted for Decision before Judge Damaso A. Herrera, RTC, Br. 24, Binan, Laguna*⁴⁵ the Court reminded that:

Judge Herrera's plea of heavy workload, lack of sufficient time, poor health, and physical impossibility could not excuse him. Such circumstances were not justifications for the delay or non-performance, given that he could have easily requested the Court for the extension of his time to resolve the cases. Our awareness of the heavy caseload of the trial courts has often moved us to allow reasonable extensions of the time for trial judges to decide their cases. But we have to remind Judge Herrera and other trial judges that no judge can choose to prolong, on his own, the period for deciding cases beyond the period authorized by the law. Without an order of extension granted by the Court, a failure to decide even a single case within the required period rightly constitutes gross inefficiency that merits administrative sanction.⁴⁶

The Court is fully aware of the heavy dockets of the lower courts. 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.⁴⁷ Regrettably, for Judge Gonzales, a close 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 finds no reason to exonerate him.

Undue delay in rendering a decision or order is classified as a less serious charge and punishable under Rule 140 of the Rules of Court by either: (1) suspension from service without salary and other benefits for not less than one month nor more than three months; or (2) a fine of not less than ₱35,000.00 but not exceeding ₱100,000.00.⁴⁸

⁴⁵ 647 Phil. 311 (2010).

⁴⁶ *Id.* at 322, citing *Saceda v. Judge Gestopa, Jr.*, 423 Phil. 420, 424 (2001).

⁴⁷ *Re: Findings on the Judicial Audit Conducted at the 7th Municipal Circuit Trial Court, Liloan-Compostela, Liloan, Cebu*, 784 Phil. 334, 341 (2016).

⁴⁸ The amount of fine imposed is amended by A.M. No. 21-03-17-SC dated May 31, 2021.

*On 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*.⁴⁹ In *Fernandez v. Judge Hamoy*,⁵⁰ the Court ruled that a judge who failed to decide cases within the prescribed period but collects his salary upon a false certificate is guilty of dishonesty amounting to gross misconduct and deserves the condemnation of all right thinking men.⁵¹

Here, Judge Gonzales failed to indicate the 211 cases submitted for decision in his Certificates of Services for 2013 to 2014.⁵² He stated in the certificates that he had “decided and resolved all cases or incidents within three (3) months from the date of submission x x x.”⁵³ 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.

Untruthful statements in the certificate of service is a less serious charge and is punishable by either: (1) suspension from service without salary and other benefits for not less than one month nor more than three months; or (2) a fine of not less than ₱35,000.00 but not exceeding ₱100,000.00.⁵⁴

⁴⁹ *Id.* citing *OCA v. Judge Trocino*, 551 Phil. 258, 268 (2007).

⁵⁰ 479 Phil. 840 (2004).

⁵¹ *Id.* at 848, citing *OCA v. Butalid*, 355 Phil. 337, 351 (1998)

⁵² *Rollo*, Vol. II, pp. 1264-1287

⁵³ *Id.* at 1264.

⁵⁴ Paragraph B, Section 25 of A.M. No. 21-03-17-SC.

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Other violations.

The administration of justice demands that those who don judicial robes be able to comply fully and faithfully with the tasks before them. 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.⁵⁵

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: (1) dismissal from the service; (2) suspension from office for more than three months but not exceeding six months; or (3) a fine of more than ₱100,000.00 but not exceeding ₱200,000.00.⁵⁶

Penalties

The following are the guidelines in the imposition of penalties in administrative matters involving members of the Bench and the Court personnel:

(a) Rule 140 of the Rules of Court shall exclusively govern administrative cases involving judges or justices of the lower courts. If the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation; and

⁵⁵ Rule 3.08. — A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

x x x x

Rule 3.09. — A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

x x x x

Rule 3.10. — A judge should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

⁵⁶ Paragraph A, Section 25 of A.M. No. 21-03-17-SC.

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(b) The administrative liability of court personnel (who are not judges or justices of the lower courts) shall be governed by the Code of Conduct for Court Personnel, which incorporates, among others, the civil service laws and rules. If the respondent court personnel is found guilty of multiple administrative offenses, the Court shall impose the penalty corresponding to the most serious charge, and the rest shall be considered as aggravating circumstances.⁵⁷

Rule 140, as amended by A.M. No. 21-03-17-SC dated May 31, 2021, classifies the administrative charges against members of the Bench as serious, less serious and light.⁵⁸

The corresponding penalties for a finding of guilt on any of these charges are provided in Rule 140, as amended by A.M. No. 21-03-17-SC:

Section 25. *Sanctions.*

- A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
 2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
 3. A fine of more than ₱100,000.00 but not exceeding ₱200,000.00.
- 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

⁵⁷ *Elgar v. Santos, Jr., et al.*, A.M. No. MTJ-16-1880, February 4, 2020, citing *Boston Finance and Investment Corp. v. Gonzales*, A.M. No. RTJ-18-2520, October 9, 2018.

⁵⁸ *Id.*

2. A fine of not less than ₱35,000.00 but not exceeding ₱100,000.00.
- C. If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:
1. A fine of not less than ₱1,000.00 but not exceeding ₱35,000.00; and/or
 2. Censure;
 3. Reprimand;
 4. Admonition with warning.

In this case, 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*,⁵⁹ Judge Gonzales was found guilty of Gross Ignorance of the Law and Undue Delay in Rendering an Order. He was fined ₱30,000.00 and ₱11,000.00, respectively, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.

Under Rule 140 of the Rules of Court, as amended, a serious charge like Gross Misconduct may be punishable by: (a) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned and -controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (b) suspension from office without salary and other benefits for more than three but not exceeding six months; or (c) a fine of more than ₱100,000.00 but not exceeding ₱200,000.00. A less serious charge may be punishable by: (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of not less than ₱35,000.00 but not exceeding ₱100,000.00.

⁵⁹ A.M. No. RTJ-18-2520, October 9, 2018.

Considering that Judge Gonzales has been previously found guilty of a serious offense,⁶⁰ the Court is constrained to impose the penalty of dismissal against him, and separately, a fine of ₱35,000.00 each 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.⁶¹ These infractions raise a serious question on Judge Gonzales' competence and integrity in the performance of his functions as a magistrate. The Court can no longer afford to be lenient this time, lest it would give the impression that incompetence and repeated violation of the Rules are being countenanced in the judiciary. Considering Judge Gonzales' repeated violations, the Court is constrained to impose the supreme penalty of dismissal.⁶²

WHEREFORE, the Court finds respondent Judge Candelario V. Gonzales **GUILTY** of the following:

1. *Gross Misconduct* for which Judge Candelario V. Gonzales is meted out the penalty of **DISMISSAL FROM THE SERVICE** with forfeiture of all benefits due him, except accrued leave benefits, if any, with prejudice to reemployment in any branch of the government, including government-owned or -controlled corporations, effective immediately;

⁶⁰ *Id.*

⁶¹ *Philippine National Construction Corp. v. Mupas*, A.M. No. RTJ-20-2593, November 10, 2010.

⁶² *OCA v. Flor, Jr.*, A.M. No. RTJ-17-2503, July 28, 2020.

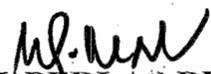
2. The *less serious charge of delay in rendering decisions* for which Judge Candelario V. Gonzales is **FINED** the amount of ₱35,000.00, to be paid within 30 days from notice; and
3. The *less serious charge of making untruthful statements in the Certificates of Service and Docket Inventory* for which Judge Candelario V. Gonzales is **FINED** the amount of ₱35,000.00, to be paid within 30 days from notice.

Let a copy of this Decision be entered in respondent Judge Candelario V. Gonzales' record of membership in the Bar and notice of the same be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all courts in the country.

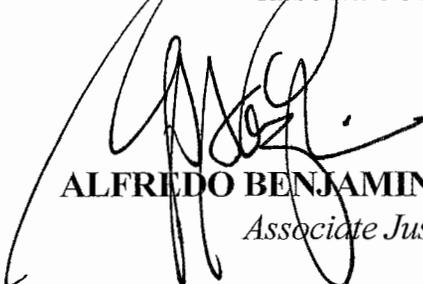
This Decision is immediately executory.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

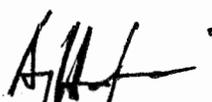

ESTELA M. PERALTA-BERNABE
Associate Justice


MARVIC M. V. F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

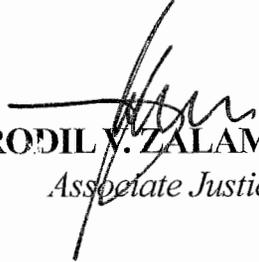

RAMON PAUL L. HERNANDO
Associate Justice


ROSALIND D. CALANDANG
Associate Justice

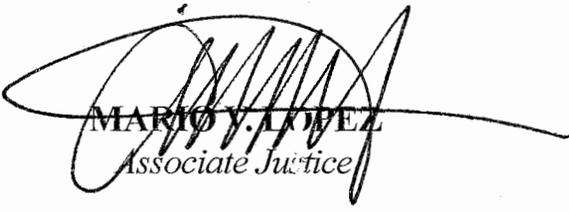

AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL Y. ZALAMEDA
Associate Justice



MARIO Y. LOPEZ
Associate Justice



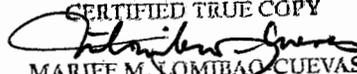
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

CERTIFIED TRUE COPY

MARIFE M. LOMIBAO CUEVAS
Clerk of Court
Supreme Court