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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

**OFFICE OF THE COURT
ADMINISTRATOR,**

Complainant,

- versus -

**A.M. No. RTJ-15-2432
[Formerly A.M. No. 15-06-195-
RTC] (Re: Letter of Atty.
Isagani S. Espada, Clerk of
Court, Regional Trial Court, Br.
10, Abuyog, Leyte, Informing
the Court of the Backlog of
Cases Submitted for Decision
Before Presiding Judge
Buenaventura A. Pajaron)**

**PRESIDING JUDGE
BUENAVENTURA A. PAJARON,
REGIONAL TRIAL COURT (RTC),
BRANCH 10, ABUYOG, LEYTE,**

Respondent.

Present:

LEONEN, Chairperson
CARANDANG,
ZALAMEDA,
ROSARIO, and
DIMAAMPAO, JJ.*

Promulgated:

October 6, 2021

Mis-ADC B-11

X-----X

DECISION

ZALAMEDA, J.:

The present case arose from a Letter¹ dated 08 August 2014 by Atty.

* Designated additional member per Special Order No. 2839 dated 16 September 2021.

¹ Rollo, p. 23.

Isagani S. Espada (Atty. Espada), then Clerk of Court of Branch 10, Regional Trial Court (RTC), Abuyog, Leyte, informing the Court of the backlog of cases submitted for decision before then Presiding Judge of said court, Judge Buenaventura A. Pajaron (respondent Judge).

To verify the allegations of Atty. Espada, the Office of the Court Administrator (OCA) examined the monthly reports of cases and semestral docket inventories from January 2013 to October 2014 submitted by Branch 10, RTC of Abuyog, Leyte. The reports show that cases submitted for their respective decision in the years 2011 to the first semester of 2014 were not decided even after the lapse of the reglementary period to decide.²

The following cases were submitted for decision before respondent Judge but remained undecided in the docket of Branch 10, RTC, Abuyog, Leyte as of October 2014:³

No.	Case Number and Title	Date SFD	Date Due
1 to 6	Crim 1902/P v. Tuale, et al. Crim 1926-28 Crim 1965-66	6/10/13	9/11/13
7 to 8	Crim 2024-25/P v. Terado	7/18/12	10/19/12
9	Crim 2317/P v. Manacpo	6/7/13	9/8/13
10	Crim 2405/P v. Closa	6/15/12	9/16/12
11	Crim 2505/P v. Andrade	12/20/12	3/21/13
12	Crim 2618/P v. Ramos	5/4/12	8/5/12
13	Crim 2655/P v. Apejas	11/7/12	2/8/13
14	Crim 2682/P v. Espina	3/28/11	6/29/11
15	Crim 2683/P v. Balosca	3/28/11	6/29/11
16	Crim 2731/P v. Ritaga, et al.	11/23/12	2/24/13
17	Crim 2742/P v. Cerna	Not indicated	Not indicated
18	Crim 2793/P v. Lerion, et al.	11/5/11	2/6/12
19	Crim 2815/P v. Cordial	1/25/12	3/26/12
20	Crim 2820/P v. Quimzon, et al.	12/7/11	3/8/12
21	Crim 2866/P v. De Paz, et al.	4/23/12	7/24/12
22	Crim 2870/P v. Clave, [et al.]	11/19/11	2/20/12
23	Crim 2881/P v. Dublado	9/7/12	12/8/12
24 to 25	Crim 2892-93/P v. Agrava, Jr.	10/10/12	1/11/13
26	Crim 2907/P v. Caicdoy, Jr.	12/12/12	3/13/13
27 to 29	Crim 2954-56/P v. Sevillano, et al.	7/8/12 9/16/13	10/9/12 12/17/13
30	Crim 2973/P v. Torres	3/28/12	6/29/12
31	Crim 2979/P v. Codilla	9/15/12	12/16/12
32	Crim 2982/P v. Macrayo, et al	6/15/12	9/16/12
33	Crim 2993/P v. Orbello	6/7/13	9/8/13
34	Crim 2999/P v. Japon, et al.	9/4/14	12/05/14

² *Id.* at 1.

³ *Id.* at 4-6.

35	Crim 3014/P v. Coper	9/16/13	12/17/13
36	Crim 3019/P v. Ruela	2/14/13	5/15/13
37	Crim 3025/P v. Bonajos	4/28/11	7/29/11
38	Crim 3041/P v. Truilen	1/24/13	4/25/13
39	Crim 3048/P v. Lazar	9/29/13	12/30/13
40	Crim 3062/P v. Almedilla	9/16/13	12/17/13
41	Crim 3078/P v. Sabalza	2/13/13	5/14/13
42	Crim 3092/P v. Capones	11/22/13	2/23/14
43	Crim 3248/P v. Tabada	4/20/13	7/21/13
44	Civ 321/Hrs. of Tiozon v. Paminiano	4/29/14	7/30/14
45	Civ 456/Reyes v. Barquin, et al.	4/22/13	7/23/13
46	Civ 479/Bohol, et al. v. Barbarona, et al.	12/28/12	3/29/13
47	Civ 490/Alpino v. Sia, et al.	9/16/13	12/17/13
48	Civ 493/Japon, et al. v. Ludo	11/23/12	2/24/13
49	Civ 500/Sps. Villote v. Arias, Sr.	9/16/13	12/17/13
50	Civ 506/Valero, et al. v. CAVDEAL	2/12/13	5/13/13
51	Civ 508/de los Santos, Jr. v. Navarro	8/5/14	11/6/14
52	Civ 517/Barquin v. Reyes, et al.	4/22/13	7/23/13
53	Civ 518/Reyes v. Reyes	9/27/13	12/28/13
54	Civ 561/Betangcol v. Tano, et al	9/16/13	12/17/13
55	Civ 594/Merka v. Merka	11/27/12	2/28/13
56	Civ 612/Reas v. Reas	3/27/14	6/28/14
57	Civ 621/Abuyog St. Francis Coop.	10/29/12	1/30/13
58	Civ 631/Yoly Fe Villegas-Linson	3/25/12	6/26/12
59	Civ 646/Delia Gadista	1/26/12	4/27/12
60	Civ 648/Crispina Mazo	1/26/12	4/27/12
61	Civ 649/Marol Horca	1/26/12	4/27/12
62	Civ 662/Hrs. of Bito	9/26/12	12/11/12
63	Civ 666/Lelis v. Lelis	9/16/13	12/17/13
64 to 65	Civ 677-678/NIA v. Melo, et al	9/16/13	12/17/13
66	Cad 131/Lilia Palomina	7/18/12	10/19/12

The OCA directed respondent Judge to explain why he should not be held liable for gross neglect of duty and gross inefficiency. In his Explanation⁴ dated 04 December 2014, respondent Judge alleged that his court lacks personnel and those newly appointed to his court are still familiarizing themselves with their respective duties. Further, Atty. Isagani, the Clerk of Court in his branch, abandoned his office after the super

⁴ *Id.* at 26-27.

typhoon “Yolanda” hit the island of Leyte on 08 November 2013. From then, he has been partly discharging the duties and functions left by Atty. Isagani. Despite the advice of his ophthalmic surgeon to rest, as evidenced by a copy of his medical certificate, respondent Judge alleged that he continued to go to work and has disposed a total of twenty-two (22) cases for the months of October and November 2014.⁵

In its Resolution⁶ dated 05 August 2015, the Court resolved, among others, to:

x x x x

2. **RE-DOCKET** this case as a regular administrative matter against Judge Buenaventura A. Pajaron, RTC, Br. 10, Abuyog, Leyte for gross neglect of duty and gross inefficiency for his failure to decide the cited cases within the reglementary period to decide based on the monthly reports submitted by this court for the period from January 2013 to October 2014;

3. **DIRECT** Judge Pajaron, considering his pending compulsory retirement on 30 December 2015, to: (a) **CEASE AND DESIST** from conducting trial and instead to **IMMEDIATELY DECIDE** within ninety (90) days from notice all the cases submitted for decision which have remained unresolved despite the lapse of the reglementary period to decide; (b) **OBSERVE** the provisions of Sec. 15(1) and (2) Article VIII of the 1987 Constitution with respect to other cases submitted for decision in his court; and (c) **FURNISH** the Court, through the Office of the Court Administrator, copies of the decisions in said cases within ten (10) days from their rendition/promulgation;

4. **DESIGNATE** Presiding Judge CARLOS O. ARGUELLES, RTC, Br. 14, Baybay, Leyte as Assisting Judge in RTC, Br. 10, Abuyog, Leyte, to try and decide pending and newly-filed cases in the latter court until further orders from the Court; and

5. **DIRECT** both Presiding Judge Buenaventura A. Pajaron and Atty. Isagani S. Espada, to explain within fifteen (15) days from notice why they should not be held administratively liable for dishonesty and gross misconduct for their failure to accurately report the cases submitted for decision and the actual dates when these cases became ripe for decision; and Judge Pajaron for his failure to state in his certificates of service from March 2014 to January 2015 that he has dozens of cases submitted for decision which are already beyond the period to resolve.⁷

Respondent Judge submitted his Explanation dated 05 November 2015, which the OCA received on 14 January 2016. He adopted his initial

⁵ *Id.* at 26-27.

⁶ *Id.* at 224-228.

⁷ *Id.* at 227-228



justifications in his said Explanation and further explained that from the time typhoon Yolanda hit on 08 November 2013, electric power was only reconnected at the Bulwagan in the middle of February 2014. While respondent Judge admitted that he incurred some lapses, he argued that Atty. Espada's allegations were inaccurate and had already been addressed with his submission to the OCA through copies of his decisions on the cases referred to in paragraph 3(c) of the Court's Resolution dated 05 August 2015.⁸

The records of the Office of Administrative Services showed that Atty. Espada has filed his resignation from his office, which took effect on 31 August 2014. The resignation letter was accepted by the Court Administrator on 07 September 2015.⁹

Verification with the Docket Division, Legal Office, OCA, also revealed that a Manifestation dated 25 October 2016 by Atty. Espada was received on 12 January 2017. However, the Manifestation has not been appended to the case records and earnest efforts seeking the re-submission of the same were in vain.¹⁰

Meanwhile, respondent Judge compulsorily retired on 30 December 2015.¹¹

Findings and Recommendations of the OCA

In a Memorandum¹² dated 18 January 2019, the OCA recommended that:

- 1) Judge BUENAVENTURA A. PAJARON (Ret.), former Presiding Judge, Regional Trial Court, Branch 10, Abuyog, Leyte, be found **GUILTY** of Gross Neglect of Duty and Gross Inefficiency for failure to decide sixty-six (66) cases within the reglementary period in violation of the Constitution; and, of Dishonesty for knowingly certifying under oath that he decided and resolved all pending incidents within three (3) months from their submission, when in fact, he did not, and be meted the penalty of **FINE** in the amount of TWO HUNDRED THOUSAND PESOS (P200,000.00);
- 2) Judge PAJARON be **DIRECTED** to return the records of Criminal Case No. 648, entitled *Mazo vs. Dela Cruz* to the RTC, Branch 10,

⁸ *Id.* at 236-237.

⁹ *Id.* at 285.

¹⁰ *Id.* at 284.

¹¹ *Id.* at 227.

¹² *Id.* at 282-290.



Abuyog, Leyte, for Forcible Entry with Prayer for Preliminary Injunction and Damages; and

3) Acting Presiding Judge CARLOS O. ARGUELLES be **DIRECTED** to decide with dispatch Criminal Case No. 2820, entitled "*People vs. Paquito Quimson, et al.*," which has been submitted for decision as to accused Quimson; and that he be further **DIRECTED** to reconstitute the records of Civil Case No. 648 in the event Judge Pajaron fails to return the records thereof and to **DECIDE** the case with dispatch.¹³

According to the OCA, respondent Judge was grossly inefficient when he allowed cases to languish in his files for years despite the Constitutional requirement to render judgment within ninety (90) days from the time the cases became ripe for decision. He also committed dishonesty for falsely stating in his certificates of service for the months of March 2014 to January 2015 that he has resolved all incidents in accordance with the deadline. In addition, the legal researcher for Branch 10, RTC of Abuyog, Leyte stated in a Letter dated 15 March 2018 that respondent Judge is still in possession of the record of Civil Case No. 648, which has yet to be decided. Atty. Ruby Christie C. Jordan-Merilo, the new Clerk of Court of Branch 10, RTC of Abuyog, Leyte also reported in her Certification under Oath dated 31 May 2018 that respondent Judge has not decided Criminal Case No. 2820, which was already submitted for decision. Hence, the Court directed respondent Judge to return the relevant records and for the Acting Presiding Judge of Branch 10, RTC of Abuyog, Leyte to decide said cases.¹⁴

Ruling of the Court

The Court adopts and approves the recommendation of the OCA, but orders respondent Judge to pay a fine of Php100,000.00 instead of Php200,000.00 to be deducted from his retirement benefits.¹⁵

No less than Section 15(1), Article VIII of the Constitution decrees lower courts to decide or resolve cases or matters for decision or resolution within three (3) months from date of submission. In consonance thereto, Section 5 of Canon 6 of the New Code of Judicial Conduct requires judges to perform all judicial duties efficiently, fairly and with reasonable promptness. Rule 3.05, Canon 3 of the Code of Judicial Conduct also 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

¹³ *Id.* at 289-290.

¹⁴ *Id.* at 287-288.

¹⁵ *Id.* at 28-290.

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 23, Rule 140,¹⁶ 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.¹⁷

Based on the audit conducted by the OCA, respondent had a total of sixty-six (66) unresolved cases, which were already submitted for decision before his court. The unresolved cases consist of forty-three (43) criminal cases and twenty-three (23) civil cases that were already beyond the reglementary period to decide. The delay in some of the cases ran for at least three (3) years at the time of audit. These facts were not denied nor sufficiently explained by respondent as the cases have been submitted for decision even before the typhoon Yolanda hit Leyte. Further, respondent falsely stated in his monthly certificates of service for the months of March 2014 to January 2015 that he has "decided and resolved all incidents within three (3) months from the date of submission pursuant to Section 15(1) and (2) Article VIII of the 1987 Constitution." Such certifications were misleading since there were unresolved cases as reflected in the monthly reports of cases covering the same period.¹⁸

Accordingly, respondent Judge should be held administratively liable for his lapses. Indeed, the failure of a judge to decide a case within the required period is not excusable and constitutes gross inefficiency. Non-observance of said rule is a ground for administrative sanction against the defaulting judge.¹⁹ Moreover, dishonesty is deemed a serious charge, punishable by: (a) the ultimate penalty of dismissal from the service with forfeiture of all or part of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service; (b) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (c) a fine of more than Php100,000.00 but not exceeding Php200,000.00.²⁰

The Court, in some cases, has refrained from imposing the maximum penalty based on several factors such as length of service and the case being

¹⁶ Creating the Judicial Integrity Board and the Corruption Prevention and Investigation Office, A.M. No. 18-01-05-SC, 02 October 2018.

¹⁷ *Office of the Court Administrator v. Andaya*, 712 Phil. 33 (2013) [Per J. Leonen].

¹⁸ *Rollo*, pp. 286-287.

¹⁹ *Re: Result of the Judicial Audit Conducted in Branch 49, Regional Trial Court, Puerto Princesa City, Palawan*, A.M. No. 19-12-293-RTC, 30 June 2020 [Per J. Delos Santos].

²⁰ Section 25, Rule 140, Revised Rules of Court; See also A.M. No. 18-01-05-SC (Resolution), 02 October 2018; Sections 1 and 2, Rule XII, Internal Rules of the Judicial Integrity Board, A.M. No. 18-01-05-SC, 15 December 2020; A.M. No. 21-03-17-SC, Amendments to the Fines Provided in Rule 140 of the Revised Rules of Court, 16 March 2021.

the first offense against the erring judge.²¹

The Court, in *Re: Emuslan*,²² found therein respondent guilty of gross inefficiency for failure to decide forty-three (43) cases submitted for decision within the reglementary period. A fine of Php50,000.00 was imposed to be deducted from his retirement or gratuity benefits.

Similarly, in *Report on the Judicial Audit Conducted in the RTC Br. 22 Kabacan North Cotabato*,²³ Judge Hurtado, Jr. was found guilty of gross inefficiency and was fined the amount of Php50,000.00 for his failure to decide seventy (70) criminal cases before his court.

Meanwhile, in *Re: Result of the Judicial Audit Conducted in Branch 49, Regional Trial Court, Puerto Princesa City, Palawan*,²⁴ Judge Legaspi was found guilty of gross inefficiency for his undue delay in rendering decisions or orders, and was fined an amount of Php50,000.00. A judicial audit report on his court revealed he had eighty-eight (88) cases submitted for decision, seventy-nine (79) of which were beyond the reglementary period to decide. The report further revealed that the cases were not properly reflected in the monthly report of cases and there is no showing on record of any request for extension of time to decide the cases.

In *Re: Tirso F. Banquerigo*,²⁵ the Court directed the erring judge to pay a fine of Php100,000.00 to be deducted from his retirement benefits after he was found guilty of gross inefficiency and dishonesty. The erring judge had a total of twenty-five (25) cases pending before his court, eighteen (18) of which were already submitted for decision, while the other seven (7) were unresolved motions. He also submitted a false report of pending cases.

While respondent had been previously meted a fine of Php21,000.00 for gross ignorance of the law, bias and partiality,²⁶ the present infraction is the first of such nature. Moreover, respondent has resolved all but one (1) of the sixty-six (66) undecided cases before his branch. Considering respondent's thirty-nine (39) years of government service and loyalty, which were all rendered in the judiciary, the Court deems it fitting to impose a fine of Php100,000.00 to be deducted from his retirement benefits.

²¹ *Report on the Judicial Audit Conducted in the RTC Br. 22 Kabacan North Cotabato*, 468 Phil. 338 (2004) [Per J. Tinga].

²² A.M. No. RTJ-10-2226, 630 Phil. 269 (2010) [Per J. Nachura].

²³ *Supra* at note 19.

²⁴ *Supra* at note 17.

²⁵ A.M. No. MTJ-20-1938, 17 November 2020 [Per J. Zalameda].

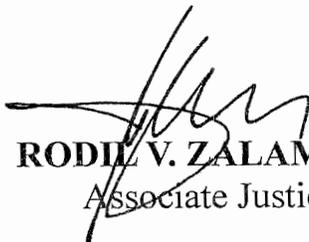
²⁶ *Rollo*, p. 288.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the recommendation of the Office of the Court Administrator with **MODIFICATION** as to the penalties imposed. Respondent Judge Buenaventura A. Pajaron is found **GUILTY** of gross inefficiency and dishonesty and is **DIRECTED** to pay a fine of Php100,000.00, to be deducted from his retirement benefits.

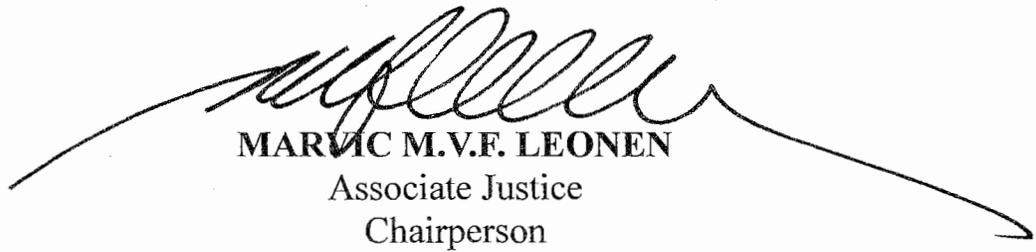
Respondent Judge is also **DIRECTED** to return the records of Criminal Case No. 648, entitled *Mazo v. Dela Cruz* to the Regional Trial Court, Branch 10, Abuyog, Leyte, for Forcible Entry with Prayer for Preliminary Injunction and Damages.

The Acting Presiding Judge of the Regional Trial Court, Branch 10, Abuyog, Leyte is **DIRECTED** to decide with dispatch Criminal Case No. 2820 entitled "*People vs. Paquito Quimson, et al.*," which has been submitted for decision as to accused Quimson. He or she is further **DIRECTED** to reconstitute the records of Civil Case No. 648 in the event respondent fails to return the records thereof and to **DECIDE** the case with dispatch.

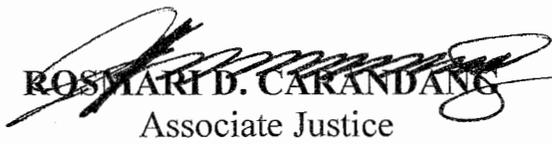
SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

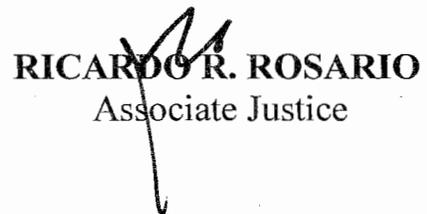
WE CONCUR:



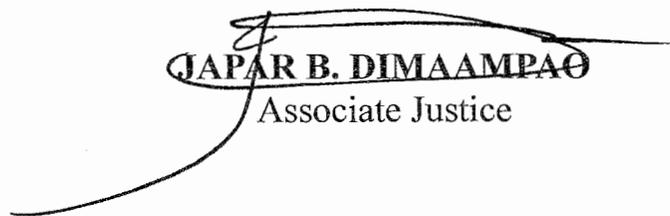
MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



ROSMARI D. CARANDANG
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice