

Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: COMPLAINT-AFFIDAVIT
OF ELVIRA N. ENALBES,
REBECCA H. ANGELES, AND
ESTELITA B. OCAMPO
AGAINST FORMER CHIEF
JUSTICE TERESITA J.
LEONARDO-DE CASTRO [RET.],
RELATIVE TO G.R. NOS. 203063
AND 204743.

A.M. No. 18-11-09-SC

Present:

BERSAMIN, *J.*, Chief Justice,
CARPIO,
PERALTA,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
REYES, A., JR.,
GESMUNDO,
REYES, J., JR., and
HERNANDO,
CARANDANG, *JJ.*

Promulgated:

January 22, 2019

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RESOLUTION

LEONEN, *J.*:

Courts are not unmindful of the right to speedy disposition of cases enshrined in the Constitution. Magistrates are obliged to render justice in the swiftest way possible to ensure that rights of litigants are protected. Nevertheless, they should not hesitate to step back, reflect, and reevaluate their position even if doing so means deferring the final disposition of the

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case. Indeed, justice does not equate with hastily giving one's due if it is found to be prejudicial. At the end of the day, the duty of the courts is to dispense justice in accordance with law.

This administrative matter originated from a Complaint-Affidavit¹ filed by complainants Elvira N. Enalbes, Rebecca H. Angeles, and Estelita B. Ocampo against former Chief Justice Teresita J. Leonardo-De Castro (Chief Justice De Castro), charging her with gross ignorance of the law, gross inefficiency, gross misconduct, gross dishonesty, and conduct prejudicial to the best interest of the service.²

In their Complaint-Affidavit, complainants state that on September 4, 2012, Spouses Eligio P. Mallari and Marcelina I. Mallari (the Mallari Spouses) filed before this Court a Petition for Mandamus and Prohibition with Prayer for Temporary Restraining Order.³

The Petition, docketed as G.R. No. 203063, was filed against: (1) the Court of Appeals First Division represented by then Presiding Justice Andres B. Reyes, Jr. (Presiding Justice Reyes),⁴ Associate Justices Ramon M. Bato, Jr. and Rodil V. Zalameda; and (2) the Court of Appeals Special Former Fourth Division of Five represented by Presiding Justice Reyes, Associate Justices Noel G. Tijam,⁵ Soccoro B. Inting, Edwin D. Sorongon, and Agnes Reyes-Carpio.⁶

On January 25, 2013, the Mallari Spouses filed a Petition for Review on Certiorari before this Court, docketed as G.R. No. 204743, against the Philippine National Bank and the Court of Appeals Special Former Fourth Division of Five.⁷

Both Petitions were assigned to this Court's First Division and were raffled to then Chief Justice De Castro.⁸

Complainants aver that despite the lapse of more than five (5) years,⁹ respondent failed to decide on both Petitions of Spouses Mallari.¹⁰

Complainants maintain that respondent's failure to promptly act on

¹ *Rollo*, pp. 2-8.

² *Id.* at 7.

³ *Id.* at 5.

⁴ Now an Associate Justice of this Court.

⁵ Now a retired Associate Justice of this Court.

⁶ *Rollo*, p. 5.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.* at 7.

¹⁰ *Id.* at 6.

the Petitions resulted in a violation of the spouses' constitutional right to speedy disposition of their cases.¹¹

Complainants further argue that respondent committed graft and corruption for giving the Philippine National Bank unwarranted benefits through manifest partiality, evident bad faith, or gross inexcusable negligence, causing undue injury to the Mallari Spouses.¹²

The sole issue for this Court's resolution is whether or not respondent, former Chief Justice Teresita J. Leonardo-De Castro, should be held administratively liable for gross ignorance of the law, gross inefficiency, gross misconduct, gross dishonesty, and conduct prejudicial to the best interest of the service.

I

Gross ignorance of the law is the failure of a magistrate to apply "basic rules and settled jurisprudence."¹³ It connotes a blatant disregard of clear and unambiguous provisions of law¹⁴ "because of bad faith, fraud, dishonesty[,] or corruption."¹⁵ It is a serious charge¹⁶ that is punishable by the following:

RULE 140

Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan

....

SECTION 11. 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 P20,000.00 but not exceeding P40,000.00.¹⁷

¹¹ Id. at 6.

¹² Id.

¹³ *Department of Justice v. Judge Mislang*, 791 Phil. 219, 227 (2016) [Per Curiam, En Banc].

¹⁴ Id.

¹⁵ *Re: Anonymous Letter dated Aug. 12, 2010, Complaining Against Judge Ofelia T. Pinto, RTC, Br. 60, Angeles City, Pampanga*, 696 Phil. 21, 28 (2012) [Per Curiam, En Banc].

¹⁶ RULES OF COURT, Rule 140, sec. 8(9).

¹⁷ RULES OF COURT, Rule 140, sec. 11(A).

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To hold a magistrate administratively liable for gross ignorance of the law, it is not enough that his or her action was erroneous; it must also be proven that it was driven by bad faith, dishonesty, or ill motive.¹⁸

Complainants' Complaint-Affidavit is predicated on respondent's failure to resolve the Mallari Spouses' Petitions for more than five (5) years. They insist that respondent's neglect to promptly decide on the Petitions resulted in a violation of the spouses' constitutional right to speedy disposition of their cases. Complainants rely on the constitutional provision requiring this Court to decide on cases within 24 months from their submission.¹⁹

Complainants' arguments lack merit.

Article VIII, Section 15 of the 1987 Constitution states:

ARTICLE VIII
Judicial Department

....

SECTION 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved *within twenty-four months from date of submission for the Supreme Court*, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

(2) *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.* (Emphasis supplied)

In relation, Rule 13, Section 1 of the Internal Rules of the Supreme Court provides:

RULE 13
Decision-Making Process

SECTION 1. Period for Deciding or Resolving Cases. — The Court shall decide or resolve all cases within twenty-four months from the date of submission for resolution. A case shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum that the Court or its Rules require.

¹⁸ *Department of Justice v. Judge Mislang*, 791 Phil. 219, 228 (2016) [Per Curiam, En Banc].

¹⁹ *Rollo*, p. 6.

Both the 1987 Constitution and the Internal Rules state that the 24-month period for deciding on or resolving a case is reckoned from the date of its submission for resolution. The 24-month period does not run immediately upon the filing of a petition before this Court, but only when the last pleading, brief, or memorandum has been submitted.

II

Article VIII, Section 15 of the 1987 Constitution provides the period within which courts must decide on or resolve cases or matters brought before it.

A provision of similar import was written under the 1973 Constitution:

ARTICLE X The Judiciary

....

SECTION 11. (1) Upon the effectivity of this Constitution, the maximum period within which a case or matter shall be decided or resolved from the date of its submission, shall be eighteen months for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all inferior collegiate courts, and three months for all other inferior courts.

In *Marcelino v. Hon. Cruz, Jr., etc. et al.*,²⁰ this Court had the opportunity to shed light on the proper interpretation of Article X, Sec. 11(1) of the 1973 Constitution.

Marcelino involved a petition for prohibition and writ of habeas corpus filed against respondent Judge Fernando Cruz, Jr., praying that he be enjoined from promulgating a decision in Criminal Case No. C-5910, entitled *People of the Philippines v. Bernardino Marcelino*. Petitioner Bernardino Marcelino argued that respondent Judge Cruz lost his jurisdiction on the case when he failed to render a decision within 90 days from the case's submission for resolution. This Court, upon receiving the case, found that respondent Cruz did render a decision within the three (3)-month period prescribed under the 1973 Constitution. Nevertheless, this Court further continued that the constitutional provision was merely directory in nature:

²⁰ 206 Phil. 47 (1983) [Per J. Escolin, Second Division].

The established rule is that “*constitutional provisions are to be construed as mandatory, unless by express provision or by necessary implication, a different intention is manifest.*” “The difference between a mandatory and a directory provision is often determined on grounds of expediency, the reason being that less injury results to the general public by disregarding than by enforcing the letter of the law.”

In *Trapp v. McCormick*, a case calling for the interpretation of a statute containing a limitation of thirty [30] days within which a decree may be entered without the consent of counsel, it was held that “the statutory provisions which may be thus departed from with impunity, without affecting the validity of statutory proceedings, are usually those which relate to the mode or time of doing that which is essential to effect the aim and purpose of the Legislature or some incident of the essential act.” Thus, in said case, the statute under examination was construed merely to be directory.

On this view, authorities are one in saying that:

“*Statutes requiring the rendition of judgment forthwith or immediately after the trial or verdict have been held by some courts to be merely directory so that non-compliance with them does not invalidate the judgment, on the theory that if the statute had intended such result it would clearly have indicated it.*” . . .

Such construction applies equally to the constitutional provision under consideration. In *Mikell v. School Dis. of Philadelphia*, it was ruled that “the legal distinction between directory and mandatory laws is applicable to fundamental as it is to statutory laws.”

. . . .

As foreseen by Mr. Henry Campbell Black in his *Construction and Interpretation of the Laws*, the constitutional provision in question should be held merely as directory. “Thus, where the contrary construction would lead to absurd, impossible or mischievous consequences, it should not be followed.”²¹ (Emphasis supplied, citations omitted)

The doctrine laid down in *Marcelino* was echoed in *De Roma v. Court of Appeals*.²²

In *De Roma*, a procedural issue on the proper interpretation of Article X, Section 11(1) of the 1973 Constitution was raised. This Court reiterated that this constitutional provision was merely directory in nature:

There is no need to dwell long on the other error assigned by the petitioner regarding the decision of the appealed case by the respondent court beyond the 12-month period prescribed by Article X, Section 11(1) of the 1973 Constitution. As we held in *Marcelino v. Cruz*, the said

²¹ Id. at 53–55.

²² 236 Phil. 220 (1987) [Per J. Cruz, First Division].

provision was merely directory and failure to decide on time would not deprive the corresponding courts of jurisdiction or render their decisions invalid.

It is worth stressing that the aforementioned provision has now been reworded in Article VIII, Section 15, of the 1987 Constitution, which also impresses upon the courts of justice, indeed with greater urgency, the need for the speedy disposition of the cases that have been clogging their dockets these many years. Serious studies and efforts are now being taken by the Court to meet that need.²³ (Citation omitted)

Being the court of last resort, this Court should be given an ample amount of time to deliberate on cases pending before it.

Ineluctably, leeway must be given to magistrates for them to thoroughly review and reflect on the cases assigned to them. This Court notes that all matters brought before it involves rights which are legally demandable and enforceable. It would be at the height of injustice if cases were hastily decided on at the risk of erroneously dispensing justice.

While the 24-month period provided under the 1987 Constitution is persuasive, it does not summarily bind this Court to the disposition of cases brought before it. It is a mere directive to ensure this Court's prompt resolution of cases, and should not be interpreted as an inflexible rule.

Magistrates must be given discretion to defer the disposition of certain cases to make way for other equally important matters in this Court's agenda.

In *Coscolluela v. Sandiganbayan, et al.*, this Court noted that "the right to speedy disposition of cases should be understood to be a relative or flexible concept such that a mere mathematical reckoning of the time involved would not be sufficient."²⁴

As a final note, the prescribed time limit should not be ignored as to render nugatory the spirit which breathes life to the letter of the 1987 Constitution. Ultimately, courts must strike an objective and reasonable balance in disposing cases promptly, while maintaining judicious tenacity in interpreting and applying the law.

Accordingly, respondent's failure to promptly resolve the Mallari Spouses' Petitions does not constitute gross ignorance of the law warranting administrative liability.

²³ Id. at 224-225.

²⁴ 714 Phil. 55, 61 (2013) [Per J. Perlas-Bernabes, Second Division].

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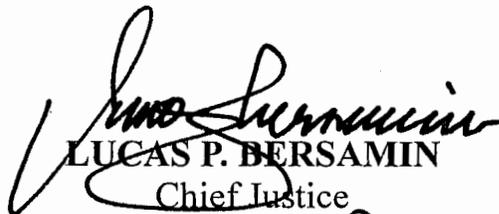
Besides, on October 10, 2018, respondent has already vacated her office due to her mandatory retirement, rendering complainants' Administrative Complaint moot.

WHEREFORE, premises considered, the Administrative Complaint against respondent, former Chief Justice Teresita J. Leonardo-De Castro, for gross ignorance of the law, gross inefficiency, gross misconduct, gross dishonesty, and conduct prejudicial to the best interest of the service is **DISMISSED** as there is no showing of a prima facie case against her.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

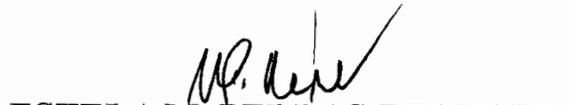
WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice

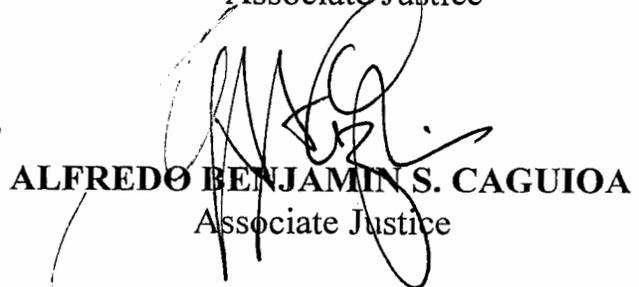

ANTONIO T. CARPIO
Associate Justice


DIOSDADO M. PERALTA
Associate Justice

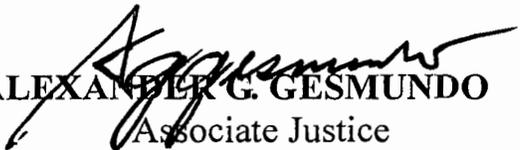

MARIANO C. DEL CASTILLO
Associate Justice

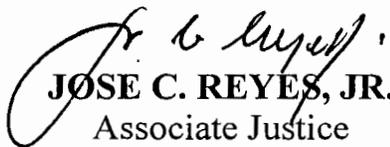

ESTELA M. PERLAS-BERNABE
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice


JOSE C. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARID. CARANDANG
Associate Justice