



Republic of the Philippines
Supreme Court
 Baguio City

EN BANC

OFFICE OF THE COURT ADMINISTRATOR, A.M. No. RTJ-23-037 [Formerly
 JIB FPI No. 21-017-RTJ]

Complainant,

Present:

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR., and
 SINGH, JJ.

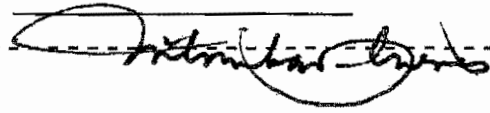
-versus-

HON. LORENZO F. BALO,*
 FORMER PRESIDING JUDGE,
 BRANCH 44, REGIONAL TRIAL
 COURT, SURALLAH, SOUTH
 COTABATO,

Promulgated:

April 16, 2024

Respondent

X----------X

D E C I S I O N

INTING, J.:

The Court resolves the administrative disciplinary proceedings against respondent Judge Lorenzo F. Balo (Judge Balo), charging him

* Erroneously referred to as "Lorenzo F. Balo, Jr." in some parts of the *rollo*.

In the meantime, the OCA sent to Judge Balo the OCA Memorandum⁶ dated September 30, 2020, directing him to explain, within 10 days from notice, his failure to decide/resolve the cases enumerated in the OCA Memorandum, and/or incidents pending before his official station as Presiding Judge of Branch 44, RTC Surallah. An extension of time to respond to the OCA Memorandum was requested by Judge Balo, which was granted by the OCA.⁷

Judge Balo received the OCA Memorandum on October 2, 2020, a day before his retirement on October 3, 2020. Thus, the deadline for Judge Balo's submission of his reply to the OCA Memorandum was extended from the original date of October 12, 2020, to October 27, 2020.⁸

In his Letter⁹ dated October 27, 2020 (Letter), Judge Balo admitted that he incurred delay in the disposition of two criminal cases¹⁰ pending before Branch 44, RTC Surallah, particularly by failing to immediately promulgate judgment after the accused pleaded guilty to a lesser offense. He also admitted that he incurred delay in the resolution of pending incidents in several criminal and civil cases before the same *sala*. He mainly pointed to heavy workload and the COVID-19 pandemic as the main reasons for the delay.¹¹

However, the OCA found no merit in Judge Balo's explanations. It emphasized that Judge Balo should have requested for an extension of time to resolve the cases pending before Branch 44, RTC Surallah instead of unilaterally prolonging the disposition of the cases or resolution of the

⁶ A copy of the Memorandum is not attached to the *rollo*, but mentioned in Judge Balo's Letter dated October 27, 2020 [*id.* at 20].

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 20-30.

¹⁰ *Id.* at 20 and 23. These are Criminal Case No. 915-2019-B and Criminal Case No. 1087-2019-TB, where the accused pleaded guilty to a lower offense but Judge Balo did not immediately promulgate judgment and instead, scheduled the same on a later date.

¹¹ *Id.* at 29-30. Judge Balo explained the reason for his delay in disposition of cases as follows:

The undersigned was not able to resolve such cases or incidents within the reglementary period due to voluminous cases that I handle as Presiding Judge of two Courts, Branch 44 in Surallah, South Cotabato and Branch 19 in Isulan, Sultan Kudarat. At the same time, I was also the Executive Judge in Surallah where, [sic] the fulfillment of my obligations incidental to this office, in effect, resulted to [sic] a loaded schedule, and ultimately contributed to the delay in the resolution of these incidents.

Moreover, the unforeseen spread of COVID 19 pandemic also caused reshuffling in the calendar of the Court and irregularities in Court processes. This adversely affected the Court's activities, hence, contributed to the delay in the resolution of the subject cases before RTC Branch 44[.]

However, the JIB found that while Judge Balo was guilty of multiple counts of delay in the disposition of cases and of acting on incidents without authority, it suggested that the infractions be penalized collectively as *one count* of Gross Ignorance of the Law and *one count* of Undue Delay in Rendering Decisions or Orders “because no separate intention for each count was clearly established.”¹⁷ It thus recommended the imposition of the following penalties upon Judge Balo:

WHEREFORE, it is respectfully RECOMMENDED to the Honorable Supreme Court that:

1. [T]his administrative complaint be RE-DOCKETED as a regular administrative matter against former Presiding Judge Lorenzo F. Balo, Jr., Branch 44, Regional Trial Court, Surallah, South Cotabato;
2. Judge Balo be found GUILTY of gross ignorance of the law and be FINED in the amount equivalent to his salary for six (6) months;
3. Judge Balo be found GUILTY of undue delay in rendering decisions or orders and be FINED in the amount equivalent to his salary for three (3) months; and
4. Such fines may be deducted from his retirement benefits, if any.¹⁸

In the Resolution¹⁹ dated June 27, 2023, the Court resolved to redocket the present administrative complaint as a regular administrative matter.

Issues

The issues to resolve are: (1) whether the Court continues to exercise jurisdiction over the present administrative disciplinary proceedings notwithstanding the optional retirement of Judge Balo on October 3, 2020; and (2) whether there are grounds to hold Judge Balo administratively liable.

¹⁷ *Id.* at 162.

¹⁸ *Id.* at 164.

¹⁹ *Id.* at 168.

Relevantly, in *OCA v. Judge Mantua*,²⁰ *Re: Missing Exhibits and Court Properties in RTC Branch 4, Panabo City, Davao del Norte*,²¹ and *Office of the Court Administrator v. Grageda*,²² the Court reckoned the date of the institution of the administrative case from the time when the OCA submitted to the Court its memorandum recommending the imposition of administrative penalties upon therein respondent judges.

With the foregoing, it may appear at first sight that the present disciplinary proceedings were instituted against Judge Balo when the OCA filed its Memorandum with the JIB, or on **May 25, 2021**, after Judge Balo's optional retirement took effect on **October 3, 2020**. Had this been the case, the proceedings would be *dismissible for lack of jurisdiction*²³ pursuant to Section 2(1),²⁴ Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

However, in the recent case of *Office of the Court Administrator v. Hon. Lorenzo F. Balo, Presiding Judge, Branch 44, Regional Trial Court, Surallah, South Cotabato, in his capacity as Acting Presiding Judge of Branch 19, Regional Trial Court, Isulan, Sultan Kudarat*²⁵ (*OCA v. Judge Balo, Presiding Judge, Branch 19, RTC Isulan*), the Court decreed that administrative disciplinary cases against a judge which are based on lapses and anomalies discovered during the course of judicial audits that were initiated *before* the judge's retirement are *deemed instituted from the time when the respondent judge received a show-cause order or order to explain from the OCA*, viz.:

The Court here rules and holds that in administrative cases against judges based on lapses and anomalies discovered during the course of judicial audits of their respective *salas* that were initiated

²⁰ 681 Phil. 261, 269 (2012).

²¹ 705 Phil. 8, 12 (2013).

²² 706 Phil. 15, 22 (2013).

²³ It is a well-settled principle that the Court may only acquire jurisdiction over an administrative proceeding if the complaint is filed *during the incumbency* of the court employee or member of the Judiciary. [*Office of the Court Administrator v. Fuensalida*, 880 Phil. 561, 569-570 (2020), and *Office of the Court Administrator v. Grageda*, 706 Phil. 15, 21 (2013)] This is because the filing of an administrative case is predicated on the holding of a position or office in the government service. [*Office of the Court Administrator v. Fuensalida*, 880 Phil. 561, 570 (2020)].

²⁴ Rule 140, sec. 2(1), states:

SEC. 2. *Effect of Death, Retirement, and Separation from Service to the Proceedings.*—

(1) *Circumstances Already Existing Prior to the Institution of the Proceedings.*— Disciplinary proceedings may not be instituted against a Member, official, employee, or personnel of the Judiciary who has already died, retired, or otherwise separated from service. If such proceedings have been instituted notwithstanding the foregoing circumstances, the administrative case against said Member, official, employee, or personnel of the Judiciary shall be dismissed.

²⁵ A.M. No. RTJ-23-027 [formerly JIB FPI No. 22-111-RTJ], October 3, 2023.

However, an issue exists as to the existence of the third requisite.

It was only in the OCA Memorandum that Judge Balo was directed to explain, *within 10 days from notice*, the alleged infractions or lapses that he committed as Presiding Judge of Branch 44, RTC Surallah. To repeat, Judge Balo received the OCA Memorandum only on **October 2, 2020**, a day *before* his retirement on **October 3, 2020**. Further, the deadline for Judge Balo to submit his reply to the OCA Memorandum was 10 days from notice, or until **October 12, 2020**, a date which is clearly *after* his optional retirement.

Despite the foregoing, the Court finds that the third requisite is deemed met because of peculiar circumstances present in the case.

In *In re: Judge Banquerigo*,²⁷ therein respondent judge was still found administratively liable for failure to resolve cases within the reglementary period, even though the OCA filed its report with the Court only *after* the judge had retired, because *the delay in the judicial audit was brought about by therein respondent judge* when he misrepresented the true status of his case docket, to wit:

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 [reemployment] in the government service.²⁸

The situation in *Judge Banquerigo* is akin to the present case because the delay in the conclusion of the judicial audit in question was brought about by Judge Balo.

It must be stressed that as early as **August 13, 2020**, the OCA already directed Judge Balo to submit his verified report in lieu of the judicial audit. While Judge Balo made a first submission on **September 7, 2020**, it was rejected by the OCA because it did not comply with the

²⁷ 890 Phil. 380 (2020).

²⁸ *Id.* at 387-388.

Judge Balo acted with gross neglect of duty when he delayed the resolutions of several cases and pending incidents in Branch 44, RTC Surallah

Having resolved the issue of jurisdiction, the Court proceeds to rule on the administrative liabilities of Judge Balo.

There is no question that Judge Balo delayed the disposition of cases and pending incidents before Branch 44, RTC Surallah. Judge Balo himself admitted the delays in his Letter, though he insisted that they were brought about by the COVID-19 pandemic. As determined by the OCA, there were delays in 7 criminal cases that were not decided within the reglementary period, 14 criminal cases with pending incidents, and 5 civil cases with pending incidents, or a total of **26 cases** before Branch 44, RTC Surallah, as follows:

Cases submitted for decision but rendition of judgment was delayed		
Case No.	Incidents	Length of Delay³¹
Criminal Case No. 915-2019-B	Accused entered his plea of guilty to a lesser offense on May 21, 2019, but Judge Balo did not promulgate judgment on the same day. Promulgation was reset to a later date, to as late as April 21, 2020.	11 months
Criminal Case Nos. 990 to 991-2019-SN	On June 27, 2019, the prosecution was given a period of 10 days within which to comment on an offer of plea of guilty to a lesser offense. The comment was received on July 19, 2019, but the accused was re-arraigned only on July 20, 2020, while judgment	11 months

³¹ Counted from the time that the case was submitted for decision to promulgation of judgment.

	hearing. As of March 22, 2021, the Petition was not yet resolved.	
Criminal Case No. 1002-2019-TB	A petition for bail was filed on April 22, 2019, with the initial hearing held on November 19, 2019. On August 10, 2020, the accused did not withdraw the petition, but he manifested his intention to file a motion to be allowed to enter a plea of guilty to a lesser offense. On August 10, 2020, the accused was given time to file a formal proposal for plea bargaining.	10 months
Criminal Case No. 1046-2019-TN	An offer to plead guilty to a lesser offense was filed by the accused. The comment thereon was due on October 30, 2019. The offer was approved by Judge Balo only on September 30, 2020.	11 months
Criminal Case No. 1065-2018-TB	The accused filed a Motion to Quash Information. On June 18, 2019, the prosecution was given a period of 10 days to file comment. The Motion was resolved by Judge Balo only on September 30, 2020.	1 year and 3 months
Criminal Case No. 1142-2019-LS	Accused filed a Motion to Dismiss on August 6, 2019. On September 18, 2019, the prosecution was directed to file its comment on the Motion. The incident was resolved by Judge Balo only on September 30, 2020.	1 year
Criminal Case No. 642-2018-N	An Amended Motion to Quash Search Warrant was filed by the accused and a hearing thereon was held on June 19, 2019, where the prosecution was given a	1 year and 3 months

	by Judge Balo in his Order dated March 13, 2020.	
Civil Case No. 050-2018-B	A motion to be allowed to litigate as indigents was filed on July 10, 2018, and deemed submitted for resolution on January 21, 2019. The motion was resolved by Judge Balo only on September 30, 2020.	1 year and 8 months
Civil Case No. 062-2018-TB	A pending motion to dismiss was heard on March 20, 2019, where the plaintiff was given a period of 15 days to file its comment. The motion was resolved by Judge Balo only on September 30, 2020.	1 year and 6 months
Civil Case No. 040-2018-TB	A comment on the motion for referral of the case to the Department of Agrarian Reform was filed on November 28, 2019, but the motion was resolved by Judge Balo only on September 30, 2020.	10 months

A judge has the constitutional³⁴ duty to decide cases within 90 days from the time that they were submitted for decision.³⁵ The necessity of deciding cases promptly and expeditiously cannot be overemphasized, for justice delayed is justice denied, and it undermines the people's faith and confidence in the Judiciary.³⁶ Consequently, the Court has long decreed that a judge cannot unilaterally extend the constitutionally-mandated period within which to decide cases.³⁷ Without any order of extension granted by the Court, a judge's failure to decide *even a single*

³⁴ CONST., art. VIII, sec. 15(1), which reads:

Sec. 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.

³⁵ *Cases Submitted for decision before Ret. Judge Savellano, Jr.*, 386 Phil. 80, 86 (2000).

³⁶ *Atty. Velez v. Judge Flores*, 445 Phil. 54, 63 (2003).

³⁷ *See Saceda v. Judge Gestopa, Jr.*, 423 Phil. 420, 424 (2001).

Cases, which requires judges to *immediately* promulgate judgment after the accused has entered his or her plea of guilty to a lesser offense.

Thus, in incurring delay in rendering judgment and resolving pending incidents in cases before Branch 44, RTC Surallah, Judge Balo committed Gross Neglect of Duty, which refers to “negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected.”⁴⁴

The length of delay and frequency qualify the neglect of duty of Judge Balo as *gross*,⁴⁵ given that the delays occurred in 26 cases before his court, and several of the delays ranged from eight months to almost two years. If unjustified delay in *even a single case* within the required period may constitute gross neglect of duty,⁴⁶ with more reason that delay in *multiple* cases must be considered gross neglect. Moreover, Judge Balo’s failure to immediately promulgate judgment in Criminal Case Nos. 915-2019-B and 1087-2019-TB on the same day that the accused pled guilty to a lesser offense is an egregious error that must characterize the lapses as gross.

Significantly, in *Office of the Court Administrator v. Judge Ferraris, Jr.*,⁴⁷ the Court examined the acts and omissions of therein respondent judge based on the court processes involved and the corresponding delay, namely: (1) resolution of a case; (2) resolution of pending incidents or motions; and (3) other matters that need court action. Thus, therein respondent judge was found administratively liable for three *separate* administrative offenses, particularly: *first*, gross neglect of duty

.....
8. Arraignment and Pre-trial

.....
(d) *Arraignment Proper*

i. *Plea Bargaining Except in Drug Cases.* – If the accused desires to enter a plea of guilty to a lesser offense, plea bargaining shall immediately proceed, provided the private offended party in private crimes, or the arresting officer in victimless crimes, is present to give his/her consent with the conformity of the public prosecutor to the plea bargaining. **Thereafter, judgment shall be immediately rendered in the same proceedings.** (Emphasis supplied)

⁴⁴ *Office of the Court Administrator v. Montero*, A.M. No. RTJ-20-2582, August 16, 2022; *Re: Complaint of Aero Engr. Reci against CA Marquez and DCA Bahia relative to Criminal Case No. 05-236956*, 805 Phil. 290, 292 (2017).

⁴⁵ *Office of the Court Administrator v. Judge Ferraris, Jr.*, A.M. No. MTJ-21-001, December 6, 2022.

⁴⁶ *See Office of the Court Administrator v. Judge Fuentes III*, 705 Phil. 400, 406–407 (2013), *citing OCAD v. Judge Javellana*, 481 Phil. 315, 327–328 (2004)..

⁴⁷ A.M. No. MTJ-21-001, December 6, 2022.

Nonetheless, the Court cannot impose administrative sanctions against Judge Balo for Gross Ignorance of the Law on the ground of due process.

As previously mentioned, the OCA sent to Judge Balo its Memorandum dated September 30, 2020, which he received on October 2, 2020, *before* his retirement. However, the infractions and lapses identified in the OCA Memorandum pertained *only to the delays* in the disposition of cases and pending incidents in Branch 44, RTC Surallah. Indeed, the OCA merely directed Judge Balo to explain his *failure to decide/resolve cases* and pending incidents enumerated in the OCA Memorandum.⁴⁸ It did *not* contain any averment that Judge Balo allegedly acted without authority in Branch 44, RTC Surallah after he became the full-time Presiding Judge of Branch 19, RTC Isulan. Resultantly, in his Letter,⁴⁹ Judge Balo only provided explanations on the delayed resolution of cases and pending incidents in Branch 44, RTC Surallah.

The JIB and the OCA are correct to insist that Judge Boncavil, who was appointed as Acting Presiding Judge of Branch 44, RTC Surallah on January 23, 2020, and who took over from Judge Balo, has the authority and bears the primary responsibility for the cases pending in the station.⁵⁰ Still, it should be pointed out that under OCA Circular No. 90-2004 issued on August 11, 2004, which provides the *Guidelines in the Inventory and Adjudication of Cases Assigned to Judges Who Are Promoted or Transferred to Other Branches in the Same Court Level of the Judicial Hierarchy*, “a judge transferred, detailed[,], or assigned to another branch shall be considered as *Assisting Judge* of the branch to which he was previously assigned.”

Given that Judge Balo was considered as the Assisting Judge of Branch 44, RTC Surallah, it cannot be said that he was entirely deprived of judicial authority and competence to act on incidents in that court.⁵¹ There must be circumstances showing that he acted with bad faith, corrupt motives, or an intention to violate the law, or that he issued orders contrary

⁴⁸ Rollo, p. 20, Letter dated October 27, 2020.

⁴⁹ *Id.* at 20–30.

⁵⁰ *Judge Francisco v. Judge Corcuera*, 455 Phil. 247, 255 (2003).

⁵¹ See *People v. Judge Bellaflor*, 303 Phil. 209, 218 (1994). See also *Exec. Judge Abad Santos v. Judge De Guzman, Jr.*, 444 Phil. 117, 124–125 (2003).

17(1) of Rule 140 provides the corresponding penalties for a serious charge, as follows:

SECTION 17. *Sanctions.* —

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

- (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme 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;
- (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
- (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

In the event that dismissal from the service can no longer be imposed, Section 18, Rule 140 of the Rules of Court states:

SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.*—

If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

- (a) Forfeiture of all or part of the benefits as the Supreme 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; and/or
- (b) Fine as stated in Section [17(1)(c)] of this Rule.

Further, under Rule 140, Section 21 of the Rules of Court, if the respondent is found liable for more than one offense arising from *separate* acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense:

that he neglected to act on 742 cases in Branch 19, RTC Isulan, while only 26 cases are involved in the present case. Further, Judge Balo's conduct in the case at hand is not as grievous as the erring judge in *Montero*, whose conduct even prevented his court from acquiring jurisdiction over the litigants.

Nonetheless, under Rule 140, Section 19⁵⁶ of the Rules of Court, the Court must consider aggravating and mitigating circumstances in determining the imposable penalties against Judge Balo. Under the said Rule, a previous finding of administrative liability is an aggravating circumstance.

Here, Judge Balo was previously found guilty of Gross Neglect of Duty in *OCA v. Judge Balo, Presiding Judge, Branch 19, RTC Isulan*. The previous finding of administrative liability against Judge Balo is an aggravating circumstance. Under Rule 140, Section 20⁵⁷ of the Rules of Court, if there is an aggravating circumstance without any mitigating circumstance, the Court may impose the penalties of fine for an amount not exceeding double of the maximum prescribed under the Rule.

Accordingly, the imposable penalty against Judge Balo for the three (3) counts of Gross Neglect of Duty that he committed must be increased to PHP 200,000.00 each, for a total aggregate of fines in the amount of PHP 600,000.00.

⁵⁶ SECTION 19. *Modifying Circumstances*.— In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations; and
- (e) Other analogous circumstances.


(2) Aggravating Circumstances:

- (a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

⁵⁷ SECTION 20. *Manner of Imposition*.— If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

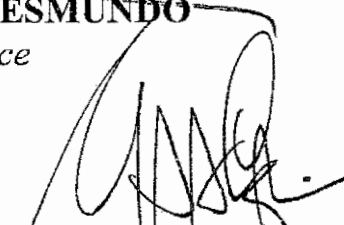
If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

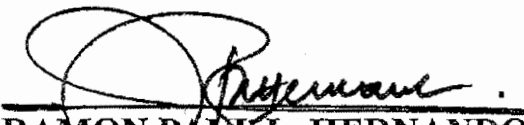


WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Senior Associate Justice

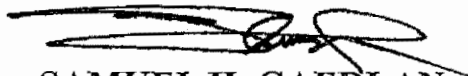

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

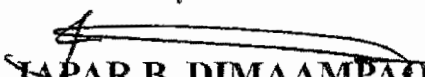

RODIL V. ZALAMEDA
Associate Justice


MARIONA LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
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JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA ELOMENA D. SINGH
Associate Justice

