

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 343

REQUIRING DISTRICT JUDGE PERFECTO QUICHO TO RESIGN FROM THE SERVICE.

This is an administrative case filed with the Supreme Court by the Secretary of Justice against District Judge Perfecto Quicho of the Court of First Instance of Legazpi City for serious misconduct and inefficiency allegedly committed as follows:

1. That as of July 1968 the respondent Judge had failed to decide 34 civil and criminal cases submitted for decision as early as August 3, 1962, and as late as January 17, 1968;


2. That as of July 1968 the respondent Judge had failed to resolve pending motions in 23 civil and criminal cases;

3. That, notwithstanding the failure of the respondent Judge to decide and resolve said cases and motions, and for the purpose of collecting his salary as required by Section 5 of the Judiciary Act, he falsely stated in his monthly certificates of service during the period from August 1958 to November 1968 that he had decided and resolved all cases and motions within 90 days after their submission for decision and resolution; and

4. That as of July 1968 the respondent Judge had failed to arraign the accused in 312 criminal cases, some dating back to 1964.

The charges were referred for investigation to a Justice of the Court of Appeals, who found: (1) that the respondent Judge failed to arraign the accused in 311 criminal cases in which the informations had been filed as early as 1959; (2) that respondent failed to decide 45 cases within the statutory period of 90 days; and (3) that respondent nevertheless stated in his monthly certificates of service for the period from August 1958 to November 1968 that all cases and motions had been decided and resolved within 90 days after submission.

With respect to the failure of respondent Judge to arraign the accused in pending criminal cases, the certified statement of the Clerk of Court of First Instance of Albay fixes the number of these



cases at 304. Although the charge is not denied by the respondent, he argues that the "calendaring of the arraignment of the accused in criminal cases is primarily the duty and concern of the Branch Clerk of Court and not of the presiding Judge himself."


It was nevertheless the duty of the respondent Judge to personally inquire into the condition of his docket and to see that the normal movement of cases was not unnecessarily delayed. He could not simply leave the calendaring of the arraignment to the Clerk of Court. As observed by the Supreme Court:

". . . There can be no acceptable explanation why the accused in over three hundred criminal cases should not be arraigned at least so that where there were pleas of guilty judgments could be rendered right away, and where there were none the cases could be calendared for trial. Indeed it appears from the certified statement of the Clerk of Court that after the accused were arraigned all in 1969, subsequent to the filing of the administrative complaint herein, many of the cases were dismissed without trial.

". . . The fact that the accused in all the 304 criminal cases were arraigned in less than a year after the present administrative complaint was filed only serves to project more clearly the dismal picture of neglect and inefficiency on the part of respondent in the performance of his duties."

The respondent Judge, by way of explaining his delay in deciding cases and/or resolving motions already submitted, pleads lack of sufficient personnel in his court. It is true that for certain periods his court was undermanned, but this fact does not justify the delay, involving decisions in 28 cases and resolutions of motions in 17 others. The task of deciding and/or resolving cases and incidents therein pertains to the presiding Judge alone. As aptly pointed out by the Justice Investigator, "While indeed, said employees may be of considerable assistance to the Judge, the ultimate judicial task is his--it cannot be delegated." The High Court thus found:

"It is noteworthy that after the present administrative case was filed respondent was able, in less than one year, to decide the cases and resolve the motions which had been submitted for decision or resolution, some for as long as seven years prior to 1968. This only goes to show that the insufficiency of personnel in his Court was not the cause of the delay."



To explain his submission of false certificates of completion of work within the 90-day period prescribed in Section 5 of the Judiciary Act, for purposes of collecting his monthly salaries, the respondent Judge admits that he left the checking and verification of the status of cases pending for decision to his Branch Clerk of Court. The explanation is untenable. As observed by the Supreme Court:

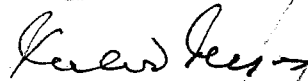
"In the first place, such utter dependence upon a subordinate employee in a matter that requires, or at least presupposes, personal knowledge on the part of the judge is entirely unjustified. Secondly, it is strange to the point of incredibility that respondent should believe--with or without verification by his Branch Clerk of Court--that there were no cases pending decision and/or motions pending resolution for more than ninety days when the record shows that some of them had been submitted for decision since 1962 and 1963, or for resolution since 1966 and 1967."

It may, however, be stated in favor of the respondent Judge that, after the present case was filed, he was able to decide the cases and resolve the motions which had long been submitted, as well as to arraign the accused in the criminal actions pending in his court.

Wherefore, and as recommended by the Supreme Court, Judge Perfecto Quicho is hereby required to resign from the service without loss of the rights and privileges which may pertain to him under the law upon such resignation, including retirement benefits, if he is qualified therefor. He should submit his resignation within three (3) days from receipt of a copy of this order, and if he fails to do so, he shall be considered resigned upon the expiration of the period given.

Done in the City of Manila, this 9th day of October, in the year of Our Lord, nineteen hundred and seventy-two.

By the President:



ROBERTO V. REYES
Acting Executive Secretary