

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE JAMES V. GO AND CLERK OF COURT MA. ELMER M.
ROSALES, MUNICIPAL TRIAL COURT IN CITIES (MTCC), BRANCH 2,
BUTUAN CITY, RES...**

A.M. No. MTJ-07-1667. April 10, 2012

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PER CURIAM:

Once again, in this administrative case, the Court is called to rule on the question of whether respondent Judge James V. Go, presiding judge of the Municipal Trial Court in Cities (MTCC), Branch 2, Butuan City, is still fit to continue as a member of the bench. The Court takes upon this matter again in light of the violations Judge Go subsequently committed after he was found administratively liable by this Court on September 27, 2007.

This administrative case stemmed from a judicial audit and physical inventory of pending cases conducted from September 25, 2006 to October 2, 2006 by the Office of the Court Administrator (OCA) in the said court.

The audit team found that as of audit date, Judge Go failed to immediately arraign the accused in 632 criminal cases, to archive 140 criminal cases, to act on summons (should be subpoenas) issued in 477 criminal cases, to act on 13 cases which had not been acted upon for a considerable length of time, to resolve the pending incidents or motions in 15 criminal cases, to act on 17 civil cases from the time of their filing, to take further action on 32 civil cases, and to resolve motions or incidents in 88 civil cases. The audit team also noted the reports of some court officials and employees that Judge Go would always leave the court in the morning after finishing all hearings scheduled for the day and would return only on the following day. When the audit team confronted the judge, he replied that he leaves early to rest as he suffered a stroke before, and that being a judge, he is not required to render eight hours of service a day. The OCA recommended that the judicial audit report be treated as an administrative complaint against Judge Go.[1]

On October 4, 2006, the Integrated Bar of the Philippines, Butuan City and Agusan del Norte Chapter, likewise issued Resolution No. 2, Series of 2006,[2] expressing disappointment over Judge Go's inefficiency and incompetence, which has caused undue delay in the disposition of cases pending before his court. The Resolution was submitted to the OCA and was docketed as A.M. No. 07-9-221-MTCC.

In a Memorandum[3] dated December 29, 2006, the OCA required Judge Go to take appropriate action on 1262 criminal cases and 32 civil cases that have not been acted upon for a considerable length of time, to take appropriate action on 17 civil cases which have not been acted upon since their filing, to resolve the pending incidents or motions in 15 criminal cases and 88 civil cases that have remained unresolved beyond the reglementary period, and to decide with dispatch 21 civil cases that have remained undecided beyond the reglementary period. The OCA likewise directed Judge Go to resolve the pending motions or incidents in 30 cases and to decide 17 cases submitted for decision, all within the reglementary period, and to furnish the OCA with copies of his orders, resolutions and decisions on the said cases. Judge Go was additionally ordered (1) to render eight hours of service every working day pursuant to various circulars[4] of the Court; (2) to conduct the raffle of

cases every Monday and/or Thursday pursuant to A.M. No. 03-8-02-SC and to submit compliance within 15 days from notice. Lastly, the OCA directed him to immediately issue orders on newly filed cases indicating whether the cases are being tried under the regular procedure or under the summary procedure as mandated by Section 2 of the Rules on Summary Procedure.

On January 29, 2007, the Court resolved to treat the judicial audit report as an administrative complaint for gross inefficiency and gross neglect of duty against Judge Go and his clerk of court, Ma. Elmer M. Rosales, and required them to comment within 15 days from notice.[5] The audit report, which was formerly docketed as A.M. No. 07-1-02-MTCC, was also re-docketed as A.M. No. MTJ-07-1667.

Instead of filing a comment, Judge Go wrote a letter[6] dated March 12, 2007 addressed to the Court Administrator, as follows:

Sir:

I hereby deny all the allegations in the judicial audit report.

I am electing formal hearing.

Thank you.

Very truly yours,

(Sgd.)

JAMES V. GO

Judge

Nonetheless, Judge Go transmitted copies of constancia, orders and decisions[7] but did not act on the remaining cases. Neither did he respond to the issue of rendering eight hours of service every working day.

On September 27, 2007, the Court rendered a decision[8] finding Judge Go and his clerk of court administratively liable. The Court held:

ACCORDINGLY, we find:

x x x x

2. Clerk of Court Ma. Elmer M. Rosales guilty of manifest negligence in the performance of her duties and is ordered to pay a FINE in the amount of P5,000.00, with WARNING that a repetition of the same or similar act will be dealt with more severely. She is also DIRECTED to inform the Court, through the Office of the Court Administrator, of the status of Civil Case Nos. 8141 and 8142;

3. Judge James V. Go guilty of undue delay in rendering decision or order and is hereby SUSPENDED from office for three months without salary or other benefits effective upon receipt of this Resolution. He is also FINED in the amount of P10,000.00 for his display of manifest indifference to the Resolution of this Court and further REPRIMANDED for his failure to strictly observe office hours. He is WARNED that a repetition of the same or similar act/acts will be dealt with more severely. He is also DIRECTED to fully comply with the directives of the Memorandum dated December 29, 2006, within sixty (60) days from receipt of this Resolution.

Clerk of Court Rosales and Judge Go are DIRECTED to inform this Court of the respective dates of receipt of this Resolution.

The Office of the Court Administrator is likewise DIRECTED to conduct an investigation on the allegation that some court personnel in Butuan City do not observe the eight-hour working day service requirement and

to submit a Report thereon to this Court.

SO ORDERED.[9]

On October 15, 2007, the Court, upon the recommendation of the OCA, resolved to consolidate A.M. No. 07-9-221-MTCC with A.M. No. MTJ-07-1667.[10] Subsequently, on December 3, 2007, the Court resolved to consider A.M. No. 07-9-221-MTCC closed and terminated considering that this Court's September 27, 2007 Decision in A.M. No. MTJ-07-1667 has resolved the issues raised by the IBP, Butuan City and Agusan del Norte Chapter, on the delay in the disposition of cases in the subject court.[11]

Judge Go paid the imposed fine and served the penalty of suspension from October 22, 2007 to January 22, 2008. On three separate occasions, he also submitted matrices of the action taken on the cases subject of the audit without, however, attaching any notice of hearing, order, resolution or decision. He submitted (1) a 17-page matrix attached to a letter dated May 20, 2009;[12] (2) a 2-page matrix annexed to his letter dated August 24, 2009;[13] and (3) an 11-page matrix attached to a letter dated September 1, 2009.[14] In the said letters, he stated that the attached matrices were his and his co-respondent's comments.

In a Resolution[15] dated March 9, 2009, the Court directed Judge Go to (1) fully comply with the directives regarding the remaining cases that require his immediate action and submit compliance therewith within 60 days from notice; (2) resolve the pending incidents or motions which remained unresolved despite the lapse of the reglementary period to resolve the same and to furnish the OCA copies of the resolutions within 10 days from date of rendition; (3) decide with dispatch the civil cases which were already submitted for decision but which have not been decided beyond the reglementary period to decide the same and furnish the OCA copies of the decisions within 10 days from the rendition of the said decisions; (4) comply with the provisions of Circular No. 13-87 dated July 1, 1987, Circular No. 1 dated January 28, 1988, Circular No. 2-99 dated January 15, 1999, Circular No. 63-2001 dated October 3, 2001 and Circular No. 87-2001 dated November 29, 2001, among others, on the rendition of eight hours of service every working day; (5) comply with the provisions of the Administrative Matter No. 03-8-02-SC on the Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties, which mandate that the raffling of cases be regularly conducted at two o'clock in the afternoon every Mondays and/or Thursdays as warranted by the number of cases to be raffled; (6) submit compliance with said guidelines within 15 days from receipt; and (7) immediately issue orders on newly filed cases indicating whether the cases are being tried under the regular procedure or summary procedure as mandated by Section 2 of the Rule on Summary Procedure and submit compliance therewith also within 15 days from receipt. Judge Go was likewise directed to explain within 15 days from receipt why he should not be administratively charged anew for his contumacious disregard of the directives of the Court.

On April 28, 2010, the Court issued another resolution, directing Judge Go to inform the Court of the action taken on each of the cases subject of this administrative matter by furnishing the Court, through the OCA, with copies of his orders, resolutions, decisions, subpoenas and warrants relative to said cases within 30 days from notice. The Court also ordered Judge Go to fully comply with the directives of the Resolution dated March 9, 2009, also within 30 days from notice.[16] A copy of the Resolution was received in the MTCC, Branch 2, Butuan City, on June 15, 2010.[17] However, respondent judge again failed to comply with the Court's directives.

Thus, on February 2, 2011, the Court directed Judge Go to show cause why he should not be administratively dealt with for noncompliance with the previous Resolution and reiterated the directive for him to submit copies of the decisions, orders, subpoenas and warrants issued in the remaining cases subject of the March 9, 2009 Resolution, both within fifteen (15) days from notice.[18] Despite the lapse of a considerable length of time, however, Judge Go still failed to fully comply with the Court's directives in the Resolutions dated March 9, 2009

and April 28, 2010.

Noting Judge Go's deplorable failure to comply with the said directives, the OCA in a Memorandum[19] dated December 1, 2011, recommended to the Court that Judge Go be dismissed from the service. The OCA stated that under Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, violation of Supreme Court rules, directives and circulars, and gross inefficiency are categorized as less serious charges with the following sanctions: (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than P10,000 but not exceeding P20,000. However, considering that Judge Go had previously been suspended by the Court for three (3) months and fined in the amount of P10,000 in the Decision dated September 27, 2007, and considering further that he had repeatedly ignored and failed to abide with the directives of the Court's Resolutions regarding the submission of copies or orders, resolutions and decisions on cases subject of the judicial audit, the OCA recommended that Judge Go be dismissed from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch, agency or instrumentality of the government including government-owned or controlled corporations for his display of manifest indifference to the Resolutions of this Court.

The recommendations of the OCA are well-taken.

Resolutions of this Court should not be treated lightly. As a judge, respondent must be the first to exhibit respect for authority.[20] *Gaspar v. Adaoag*[21] teaches:

Judges should respect the orders and decisions of higher tribunals much more so this Court from which all other courts should take their bearings. A resolution of the Supreme Court should not be construed as a mere request and should not be complied with partially, inadequately or selectively.

The disrespect of respondent becomes more pronounced as the Court has noted that to date, he has not even complied with its latest Resolution of February 2, 2011 nor adequately complied with the Decision dated September 27, 2007.

In *Guerrero v. Judge Deray*,[22] the Court held that a judge "who deliberately and continuously fails and refuses to comply with the resolution of [the Supreme] Court is guilty of gross misconduct and insubordination." This ruling was reiterated in *Dela Cruz v. Vallarta*[23] and *Visbal v. Tormis*. [24] Also in *Guerrero*, this Court held that "indifference or defiance to the Court's orders or resolutions may be punished with dismissal, suspension or fine as warranted by the circumstances." [25]

In the present case, we find that Judge Go failed to heed the above pronouncements. He did not file the required comment to our show cause resolutions despite several opportunities granted him by this Court. His willful disobedience and disregard to our show-cause resolutions constitutes grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.[26] It is noteworthy that Judge Go was afforded several opportunities to explain his failure to decide the subject cases long pending before his court and to comply with the directives of this Court, but he has failed, and continuously refuses to heed the same. This continued refusal to abide by lawful directives issued by this Court is glaring proof that he has become disinterested to remain with the judicial system to which he purports to belong.[27]

In view of the foregoing, we find that the dismissal of the respondent judge from service is indeed warranted. This Court has long maintained the policy of upholding competence and integrity in the administration of justice. Incompetence and inefficiency have no place in the judiciary. Respondent's indifference to the charges against him only proves his lack of commitment to the duties of his office, making him unfit to continue in public service.

WHEREFORE, respondent Judge James V. Go, presiding judge of the Municipal Trial Court in Cities, Branch 2,

Butuan City is DISMISSED from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch, agency or instrumentality of the government including government-owned or controlled corporations.

This Decision is immediately EXECUTORY.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Sereno, and Reyes, JJ., concur.
Perlas-Bernabe, J., on official leave.

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- [1] Rollo, A.M. No. MTJ-07-1667 (formerly A.M. No. 07-1-02-MTCC), pp. 61, 67.
- [2] Rollo, A.M. No. 07-9-221-MTCC, pp. 11-13.
- [3] Rollo, A.M. No. MTJ-07-1667 (formerly A.M. No. 07-1-02-MTCC), pp. 102-161.
- [4] Circular No. 13-87 dated July 1, 1987, Circular No. 1 dated January 28, 1988, Circular No. 2-99 dated January 15, 1999, Circular No. 63-2001 dated October 3, 2001 and Circular No. 87-2001 dated November 29, 2001.
- [5] Rollo, A.M. No. MTJ-07-1667 (formerly A.M. No. 07-1-02-MTCC), p. 165.
- [6] Id. at 231.
- [7] Id. at 325-759.
- [8] Id. at 865-876. Penned by Associate Justice Consuelo Ynares-Santiago with Associate Justices Ma. Alicia Austria-Martinez, Minita V. Chico-Nazario, Antonio Eduardo B. Nachura and Ruben T. Reyes concurring.
- [9] Id. at 875-876.
- [10] Rollo, A.M. No. 07-9-221-MTCC, p. 33.
- [11] Id. at 34-35.
- [12] Id. at 66-83.
- [13] Rollo, A.M. No. MTJ-07-1667 (formerly A.M. No. 07-1-02-MTCC), pp. 1319-1322.
- [14] Id. at 1332-1333.
- [15] Rollo, A.M. No. 07-9-221-MTCC, pp. 39-65.
- [16] Rollo, A.M. No. MTJ-07-1667 (formerly A.M. No. 07-1-02-MTCC), p. 1328.
- [17] Per registry return receipt, id. at 1328 (reverse portion).
- [18] Id. at 1335.
- [19] Id. at 1339-1343.
- [20] Office of the Court Administrator v. Legaspi, Jr., A.M. No. MTJ-06-1661, January 25, 2007, 512 SCRA 570, 583.
- [21] A.M. No. MTJ-04-1565, August 16, 2006, 499 SCRA 1, 6.

[22] 442 Phil. 85, 95 (2002). Italics in the original.

[23] A.M. No. MTJ-04-1531, March 6, 2007, 517 SCRA 465, 477-478.

[24] A.M. No. MTJ-07-1692, November 28, 2007, 539 SCRA 9, 17.

[25] Supra note 22.

[26] See Longboan v. Polig, A.M. No. R-704-RTJ, June 14, 1990, 186 SCRA 557, 561.

[27] See Parane v. Reloza, A.M. No. MTJ-92-718, November 7, 1994, 238 SCRA 1, 4.

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