TEOFILO C. SANTOS, COMPLAINANT, VS. JUDGE FELICIANO V. BUENAVENTURA, PRESIDING JUDGE, RTC, BRANCH 27, CABANATUAN CITY AND ATTY. NUMERIANO Y. GALANG, CLERK OF COURT, RTC, CABANAT...

A.M. No. RTJ-99-1485. October 11, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In this administrative complaint, respondents stand charged with irregularity in the conduct of the raffle of Civil Case No. 2269.

It appears that complainant Teofilo C. Santos is the defendant in Civil Case No. 2269 before the Regional Trial Court of Cabanatuan City. The case was originally raffled to Branch 86, presided by Judge Raymundo Z. Annang. However, upon motion of the plaintiff, Judge Annang inhibited himself from hearing the case. Hence, the case was re-raffled and assigned to Branch 30 of the same court, presided by Judge Federico B. Fajardo, Jr. Judge Fajardo also inhibited himself, resulting in another re-raffle. The case was subsequently assigned to Judge Adriano I. Tuason, Branch 28, of the same court who conducted the formal hearing and reception of evidence of both parties.

On September 18, 1997, after both parties rested their case, the plaintiff in Civil Case No. 2269 moved for the inhibition of Judge Tuason, which was granted. Upon order of Executive Judge Federico B. Fajardo, Jr., the re-raffle of the case was held on September 24, 1997 at the Office of Clerk of Court, respondent Numeriano Y. Galang. The case was eventually assigned to Branch 27, presided by respondent Judge Feliciano V. Buenaventura.

Complainant alleges that the raffle was attended by irregularity considering that the same was not conducted personally by the Executive Judge but by respondent Clerk of Court; and that that Executive Judge was not present when the raffle was held. Moreover, the drawing of lots was done inside and beyond public view.

Thus, complainant brought the present administrative case, charging respondents, Judge Buenaventura and Clerk of Court Galang, with irregularity in the raffling of Civil Case No. 2269.

Judge Buenaventura denied the charges. He claimed that he was not present during the raffle of the case and, therefore, could not have known of the absence of the Executive Judge or of the manner in which the questioned raffle was conducted.

On the other hand, respondent Clerk of Court Galang refuted the allegations of the complaint. He claimed that he was given specific instructions by the Executive Judge to proceed with the raffle, since the latter was then busy hearing cases; that the raffle was done in full view of the representatives of the nine branches of the RTC, Cabanatuan City; and that complainant's representative did not object to the conduct of the raffle.

On December 2, 1998, a Resolution was issued by this Court adopting the following recommendations of the Office of the Court Administrator:

> (a) to NOTE the Order of Inhibition dated September 23, 1997 of Judge Adriano I. Tuason from hearing Civil Case No. 2269;
>
> (b) to DIRECT Executive Judge Federico B. Fajardo Jr.. RTC, Cabanatuan City to RAFFLE Civil Case No. 2269 among Branches 23, 25, 26 and 29, thus excluding from the raffle Branches 30 and 86 presided by Judge Federico B. Fajardo, Jr., and Raymundo Z. Annang, who previously inhibited themselves from trying the said case. Also excluded from the raffle are Branches 27 and 24 presided by respondent Judge Feliciano V. Buenaventura in a permanent and in an acting capacity respectively; xxx xxx xxx

Civil Case No. 2269 was raffled to Branch 26, presided by Judge Johnson Ballutay. The case has already been decided, and is pending appeal before the Court of Appeals.

Meanwhile, Executive Judge Federico B. Fajardo, Jr. and the representatives of the nine (9) branches of the Regional Trial Court of Cabanatuan City filed their respective comments on the comment of respondent Clerk of Court Galang. Judge Fajardo alleged in his comment that the raffle of cases is held every Wednesday at 10:00 o'clock in the morning. Since judges are busy during that time with their court hearings, it became customary for the raffle to start even when the Executive Judge is not yet personally present at the Office of the Clerk of Court. However, Executive Judge Fajardo allegedly sees to it that he catches up with the raffle as soon as he is free from his court hearings. On September 24, 1997, the raffle as already finished by the time Executive Judge Fajardo arrived at the OCC, considering there were only twenty-six (26) cases scheduled, including the questioned Civil Case No. 2269. This notwithstanding, Executive Judge Fajardo claims that he did not receive any complaint of any irregularity in the conduct of the raffle on September 24, 1997.

In their joint comment, the representatives of the nine branches and the OCC-in-charge of raffle alleged that they knew that the Executive Judge was pre-occupied with the trial of the cases pending before his sala, for which reason they were instructed to proceed with the raffle of the cases; and that the raffle was done above board and in accordance with the formal procedure in the raffle of cases.

On the basis of the foregoing factual findings, the OCA recommended that: (1) the charge of irregularity in the raffling of Civil Case No. 2269 against respondent Judge Feliciano V. Buenaventura be dismissed for lack of merit; (2) respondent Clerk of Court Numeriano Y. Galang be fined P5,000.00 for proceeding with the raffle of cases in the absence of the Executive Judge, with a stern warning that a repetition of the same or similar offense in the future will be dealt with more severely by the Court; and, (3) then Executive Judge Federico B. Fajardo, Jr., RTC, Branch 30, Cabanatuan City be fined P5,000.00 for allowing the raffle of cases in his station to be conducted by the clerk of court without his being personally present thereat, in violation of Supreme Court Circular No. 7 dated September 23, 1974.

According to the Court Administrator:

> Administrative Order No. 6 (June 30, 1975) states that one of the specific powers, prerogatives and duties of the Executive Judge is "(t)o supervise the raffling and assignment of all cases, in accordance with Circular No. 7, dated September 23, 1974 x x x."
>
> Circular No. 7, on the other hand, provides, inter alia:
>
> "The raffle must be conducted at the lawyer's table in open court by the Executive Judge personally with the attendance of two other judges, or in case of the latter's inability, of their duly authorized representatives. x x x"

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Clearly, supervision over the raffling of cases is the personal duty and responsibility of the Executive Judge. Judge Federico B. Fajardo, Jr., therefore, violated the explicit mandate of the Honorable Court when he allowed the raffle to proceed despite his absence therefrom. He cannot excuse himself from his gross neglect of duty as Executive Judge by claiming to be burdened by court hearings at the time of the scheduled raffle. As Executive Judge, he has the authority, by virtue of Supreme Court Circular No. 7, to fix the day, as well as the hour of the raffle. He can, therefore, schedule the raffle in such a manner as not to unduly interfere with his other duties. Nor can he exculpate himself by the simple expedient of resorting to merely "catching up" with the raffle as soon as he is free from his court hearings.

The Honorable Court, enunciating the importance of the raffling of cases, held in the case of Ang Kek Chen v. Bello:[1]

> "The procedure for the raffling of cases under Supreme Court Circular No. 7 is of vital importance to the administration of justice because it is intended to ensure the impartial adjudication of cases. By raffling the cases, public suspicion regarding the assignment of cases to predetermined judges is obviated. A violation or disregard of the Court's circular on how the raffle of cases should be conducted is not to be countenanced."

As emphasized by the Court in the case of Bayog vs. Natino:[2]

> "Judges are expected to keep abreast of and be conversant with the rules and circulars adopted by the Supreme Court which affect the conduct of cases before them."

In view of this, respondent Judge Feliciano V. Buenaventura cannot be held responsible for the irregularity committed in the raffle of Civil Case No. 2269. The irregularity occurred with respect to the officer primarily charged with the duty of overseeing the raffling of cases. As discussed above, this duty pertains to the Executive Judge, who therefore incurred liability for the malfeasance. Judge Buenaventura was not even present during the raffle. Complainant was unable to prove his claim that respondent "has a keen interest" in the aforementioned civil case. Absent any showing that respondent Judge had a participation in the irregularity, the charge against him cannot be given credence.

As far the respondent Clerk of Court Numeriano Y. Galang is concerned, the functions and duties of his office should have warned him of the irregularity of the manner by which the raffle was being conducted.

Chapter III, Section D (1) of the Manual for Clerks of Court is explicit regarding the procedure for the raffle of cases; hence, there was no way that respondent could not have known that the method they were employing in the conduct of the raffle runs counter to what the Manual provides. In the case of RTC Makati Movement Against Graft and Corruption vs. Dumlao,[3] the Court declared that "(t)he Manual for Clerks of Court is in essence the `Bible for Clerks of Court'."

Precisely, the Manual exists for the guidance and information of all Clerks of Court. Therefore, respondent's failure to adhere to the simple mandate of the Manual demonstrates how remiss he had been in the performance of his duties.

The Court agrees with the findings and recommendations of the OCA. It bears stressing that "[p]ublic service requires utmost integrity and the strictest discipline possible on every public servant. A public office is a public trust that enjoins all public officers and employees, particularly those serving in the judiciary, to respond with the highest degree of dedication often even beyond personal interest."[4] Indeed -

> We must once again emphasize that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct at all times, must not only be characterized by propriety and

> decorum but above all else must be above suspicion.[5] A clerk of court, like herein respondent x x x is a ranking and essential officer in any judicial system. His office is the hub of activities. He performs delicate administrative functions essential to the prompt and proper administration of justice. He keeps the records and seal, issues processes, enters judgments and orders and gives, upon proper request, certified copies from the records.[6]

With regard to Executive Judge Federico B. Fajardo, Jr., he likewise needs be reminded that -

> Verily, no position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench. Within the hierarchy of courts, trial courts stand as an important and visible symbol of government, especially considering that as opposed to appellate courts, trial judges are those directly in contact with the parties, their counsel and the communities which the Judiciary is bound to serve. Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, the judge must comport himself at all times in such manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.[7] In insulating the bench from the unwarranted criticism, thus preserving our democratic way of life, it is essential that judges, like Caesar's wife, should be above suspicion.[8]

As administration of justice is a sacred duty, this Court has continuously condemned any omission or act which tends to undermine the faith and trust of the people in the judiciary.[9] Thus, every employee or officer involved in this task should be circumscribed with the heavy burden of responsibility and their conduct must, at all times, be above suspicion.[10]

WHEREFORE, respondent Clerk of Court Numeriano Y. Galang, RTC-OCC, Cabanatuan City, is FINED P3,000.00 for proceeding with the raffle of cases in the absence of the Executive Judge and STERNLY WARNED that a repetition of the same or similar offense in the future will be dealt with more severely; and respondent Executive Judge Federico B. Fajardo, Jr., RTC, Branch 30, Cabanatuan City is FINED P5,000.00 for allowing the raffle of cases in his station to be conducted by a clerk of court without his being personally present thereat. The charge of irregularity in the raffling of Civil Case No. 2269 against respondent Judge Feliciano V. Buenaventura, RTC, Branch 27, Cabanatuan City is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Pardo, JJ., concur.
Kapunan, J., on official leave.

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[1] 163 SCRA 358 [1988].

[2] 258 SCRA 378 [1996].

[3] 247 SCRA 108 [1995].

[4] Re: Report of Senior Chief Staff Officer Antonia A. Soria, On The Financial Audit Conducted On The Accounts of Clerk of Court Elena E. Jabao, Municipal Circuit Trial Court, Jordan-Buenavista-Nueva Valencia, Guimaras, A.M. No. 98-30-MCTC, 24 November 1998, citing Code of Conduct and Ethical Standards for Public Officials and Employees; Report On Audit And Physical Inventory of the Records of Cases in MTC of Penaranda, Nueva Ecija, 276 SCRA 257 [1997], reiterating JDF Anomaly in Ligao, Albay, 255 SCRA 221 [1996] and Gano v. Leonen, 232 SCRA 98 [1994].

[5] Lloveras v. Sanchez, 229 SCRA 302 [1994].

[6] Court of Appeals v. Escalante, 277 SCRA 331 [1997], citing Juntilla v. Branch COC Teresita Calleja and Court Stenographer Salome A. Montezon, 262 SCRA 291 [1996] and Angeles v. Bantug, 209 SCRA 413 [1992].

[7] Jugueta v. Boncaros, 60 SCRA 27 [1974]; Dia-Anonuevo v. Bercacio, 66 SCRA 81 [1975]; Association of Court Employees of Panabo, Davao v. Tupas, 175 SCRA 292 [1989]; Imbing v. Tiongson, 229 SCRA 690 [1994]; National Intelligence and Security Authority v. Tablang, 199 SCRA 766 [1991].

[8] Vedana v. Judge Valencia, A.M. No. RTJ-96-1351, 3 September 1998.

[9] Alivia v. Nieto, 251 SCRA 62 [1995].

[10] Cunanan v. Tuazon, 237 SCRA 380 [1994].

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