

RE: REQUEST FOR THE EXPEDITIOUS RESOLUTION OF CASE NOS. 4666 TO 4669.*ADM. MATTER NO. 04-6-141-MTC. September 20, 2005*

Ponente: PUNO, J.

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PUNO, J.:

The administrative case at bar stems from a letter, dated February 28, 2002, received by the Office of the Court Administrator (OCA) from one Emma S. Bernardo complaining about the delay in the disposition of Criminal Case Nos. 4666 to 4669 pending before the Municipal Trial Court (MTC) in Cabuyao, Laguna. Ms. Bernardo informed the OCA that no action had been taken by the MTC in said cases and she learned from the court personnel that the records of these cases were missing.

In a 1st Indorsement, dated March 11, 2002, the OCA, thru Deputy Court Administrator Jose P. Perez, referred the letter-complaint to Presiding Judge Zenaida Galvez, MTC, Cabuyao, Laguna, for comment and/or appropriate action. No action was taken on the matter as it appears that Judge Galvez was suspended from office by the Court and eventually resigned from the service.

Consequently, on April 24, 2002, the OCA referred the letter-complaint to Judge Alden V. Cervantes, then Acting Presiding Judge of MTC Cabuyao where the subject cases were pending. The OCA directed Judge Cervantes to investigate the reported loss of the records of the subject cases and inform Ms. Bernardo of the action taken thereon within ten (10) days from receipt of said Indorsement. Despite the lapse of time, no action was taken by Judge Cervantes. Neither did he file with the OCA a report or comment regarding the subject cases.

On March 8, 2004, the OCA called up the MTC Cabuyao to inquire about the status of Criminal Case Nos. 4666 to 4669. The OIC-Clerk of Court therein requested the OCA to call back after three (3) days as she would need time to retrieve the records of the subject cases. However, on March 11, 2004, an MTC Cabuyao personnel informed the OCA that Judge Cervantes refused to inform the OCA regarding the status of the subject cases as he will await another order from the OCA to require him to comment on the matter.

Thus, in a letter dated March 11, 2004, the OCA reiterated its directive to Judge Cervantes to submit his comment on the action taken on the complaint of Ms. Bernardo and to explain within five (5) days from receipt thereof why he failed to comply with a similar, earlier directive. Still, Judge Cervantes paid no heed to these orders.

Finally, in a Resolution, dated July 21, 2004, this Court directed Judge Cervantes to comment on the delay in the disposition of Criminal Case Nos. 4666 to 4669 and on the alleged loss of the records of these cases. He was also required to explain why no administrative sanction should be imposed against him for his obstinate refusal to comply with the previous OCA directives.

In his Comment, dated August 9, 2004, Judge Cervantes explained that Criminal Case Nos. 4666 to 4669, entitled *People of the Philippines vs. Amitas T. Billones*, involve a violation of Batas Pambansa Blg. 22. These cases were originally filed on May 30, 1996 before the sala of MTC Judge Estanislao S. Belen. However, during the

pendency of the cases, Judge Belen was dismissed from the service.

Subsequently, Judge Zenaida Galvez was appointed to the vacant sala. She failed to take action on the subject criminal cases. She was suspended by this Court from office and eventually resigned from service. Her clerk of court, Eugenio Sto. Tomas, was likewise suspended by the Court from the service.

On October 4, 2001, Judge Cervantes assumed office as Acting Presiding Judge of the MTC Cabuyao. He contends that when he assumed his new post, both Judge Galvez and her clerk of court were already suspended from office. Hence, the records of the pending cases were not formally turned over to him, including the records of the subject criminal cases. Thus, the auditors from the Supreme Court found several records missing. Judge Cervantes contends that these records were lost during the incumbency of Judge Galvez and her clerk of court. Despite diligent efforts, his acting clerk of court, Elvira B. Manlegro, failed to locate the missing records.

In a Resolution, dated September 22, 2004, the Court referred the Comment of Judge Cervantes to the OCA for evaluation, report and recommendation.

In its Report, the OCA recommended that the Court impose a fine on Judge Cervantes for: (a) failure to immediately take action on the missing records of Criminal Case Nos. 4666 to 4669 upon his assumption of office as acting presiding judge of MTC, Cabuyao, Laguna; and, (b) for failure to comply with the two directives of the OCA (dated April 24, 2002 and March 11, 2004) to submit his Comment on the matter. The OCA likewise recommended that Judge Cervantes be directed to: (a) immediately identify all the missing records in MTC, Cabuyao, Laguna; (b) cause the reconstitution of these records; and, (c) submit a list of the missing records of cases in his sala and a full report of the actions taken thereon.

The Court fully agrees with the report and recommendation of the OCA.

At the outset, we emphasize that the Court does not tolerate or condone any act, conduct or omission which violates the norm of public accountability or diminish the people's faith in the legal system. Repeatedly, we have reminded judges that delay in the disposition of cases erodes a public's confidence in the judicial system.[1]

In the case at bar, the records reveal that Judge Cervantes was remiss in his duty to conduct a complete inventory of the cases and records in his sala. He admitted that when he assumed office on October 4, 2001, several court records were already missing. Nonetheless, he failed to take immediate action on the matter or start with the reconstitution of the records of these cases. Administrative Circular No. 10-94, dated June 29, 1994, issued by this Court, mandates all trial judges to conduct a physical inventory of their cases at the end of each semester (every June 30[th] and December 31[st] of each year) to determine the actual number of cases pending in their sala and to give them an overview of the status of each case. This directive does away with the need to officially turn over the cases and their records to a judge who newly assumes a post. He automatically inherits the cases pending in the sala where he is appointed. Moreover, the fact that the records of the subject cases may have been lost before Judge Cervantes took over the court where these cases are pending does not justify the judge's inability to immediately act on them. He cannot simply take refuge behind the inefficiency of his predecessor. The OCA correctly pointed out that had Judge Cervantes ordered a complete inventory of the cases in his court as required of him, he would have immediately discovered that there were missing records and took action to have them reconstituted. However, even with the repeated directions from the OCA to do so, Judge Cervantes continued to ignore the problem. Under the circumstances, Judge Cervantes cannot validly claim inadvertence.

The Court has constantly impressed upon judges that their duties and functions are not limited to presiding over the hearing of cases filed before their sala or deciding on these cases. Equally important is the administrative responsibility attached to their position. Judges have the duty to ensure that the reports relative to the number and

status of cases raffled off to his sala are accomplished fully and every record and exhibits in each case are accounted for. They must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of court business.[2] Judges are responsible not only for the dispensation of justice but also for managing their courts efficiently to ensure the prompt delivery of court services.[3]

What aggravates the omission of Judge Cervantes in the case at bar is his refusal to heed the directives of the OCA relative to the investigation of the complaint filed by Ms. Bernardo. The records show that as early as April 24, 2002, the OCA has called his attention to the complaint of Ms. Bernardo regarding the delay in the disposition of the subject criminal cases. He was also required by the OCA to conduct an investigation on the reported loss of the records of these cases. Nothing was heard from him. The OCA issued another similar directive. Still, Judge Cervantes ignored the orders of the OCA and failed to furnish his comment or report of investigation to the OCA. The records bear that it was only after more than two (2) years, when this Court issued a Resolution requiring Judge Cervantes to file his Comment on the matter, that he heeded the directive. His prolonged and repeated refusal to comply with the simple directives of the OCA to report on the action taken on the complaint constitutes a clear and willful disrespect for lawful orders of the OCA. It bears stress that it is through the OCA that the Supreme Court exercises supervision over all lower courts and personnel thereof.[4] At the core of a judge's esteemed position is obedience to the dictates of the law and justice. A judge must be the first to exhibit respect for authority. Judge Cervantes failed in this aspect when he repeatedly ignored the lawful orders of the OCA.

IN VIEW WHEREOF, the Court imposes a FINE on Judge Alden V. Cervantes, Acting Presiding Judge of the Municipal Trial Court of Cabuyao, Laguna, in the amount of TWENTY THOUSAND PESOS (P20,000.00) for his: (a) failure to immediately take appropriate action on the missing records of Criminal Case Nos. 4666 to 4669 upon his assumption in office as acting presiding judge of MTC, Cabuyao, Laguna; and, (b) failure to comply with the two (2) directives of the Office of the Court Administrator, dated April 24, 2002 and March 11, 2004, to investigate the complaint referred to him and submit his report thereon. Moreover, Judge Cervantes is DIRECTED to: (a) immediately identify all the missing records in his sala; (b) cause the reconstitution of these missing records; and, (c) submit to this Court a complete list of the missing court records and a full report of the actions thereon, within thirty (30) days from notice hereof. Judge Cervantes is further WARNED that a repetition of similar infractions in the future shall be dealt with more severely by the Court.

SO ORDERED.

Austria-Martinez, Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Office of the Court Administrator vs. Quizon, 376 SCRA 579 (2002); Yalung vs. Pascua, 359 SCRA 241 (2001).

[2] Monterola vs. Caoibes, Jr., 379 SCRA 334 (2002).

[3] Buenaflor vs. Ibarreta, Jr., 381 SCRA 518 (2002); Office of the Court Administrator vs. Sayo, Jr., 381 SCRA 659 (2002).

[4] Court Administrator vs. Abdullahi, 379 SCRA 521 (2002).

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