OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE REYNALDO M. ALON, REGIONAL TRIAL COURT, BRANCH 40, SILAY CITY, RESPONDENT.

A.M. No. RTJ-06-2022. June 27, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.

Before the Court is an administrative charge against Judge Reynaldo M. Alon (respondent), Regional Trial Court (RTC), Branch 40, Silay City for Gross Misconduct and Gross Negligence.

The present administrative case is an offshoot of the administrative complaint of Lina Lim Tan against Homero L. Robles, Sheriff IV, RTC, Branch 69, Silay City and docketed as A.M. OCA IPI No. 01-1167-P.

In its Resolution of July 1, 2002, the Court referred the said administrative complaint to respondent for investigation, report, and recommendation within 60 days from receipt of the records. Respondent submitted his investigation, report, and recommendation on May 13, 2005 or almost three years from the date of the Resolution requiring him to do so. The Court directed respondent to explain the unreasonable delay in rendering his report.

Explaining the delay in the submission of his report, respondent avers that he has not given much thought about the case and among several causes of such delay was his being replaced as executive judge in 2003 and being re-appointed only in April 2005, in addition to his tasks as judge designate of Branch 63, La Carlota City.

The Court, in its Resolution in A.M. OCA IPI No. 01-1167-P dated September 13, 2006 resolved, to wit:

> WHEREFORE, the complaint against Homero L. Robles, Sheriff IV, RTC, Branch 69, Silay City is DISMISSED for lack of merit.
>
> Judge Reynaldo M. Alon, is DIRECTED to show cause within ten (10) days from receipt hereof, why he should not be disciplinarily dealt with for Gross Misconduct and Gross Negligence. Let the case against Judge Alon be given a regular administrative docket number and raffled for assignment.[1]

In his Compliance dated October 11, 2006, respondent avers: He had been in the service for 31 years. The delay in the disposition of the administrative case was not done on purpose but by reason of the delay on the part of the complaining party who requested that the same be held in abeyance until such time as the affidavit of retraction shall have been available. He admits that he failed to submit a partial report to the Honorable Court about the status of the case. Upon discovery of the fact that the original record of the administrative case was misplaced, he went out of his way and took pains to locate the same and even reconstituted the documents just to comply with the requirement of the Honorable Court. The RTC of Silay has two branches, Branch 40 and Branch 69, and one Administrative Office of the Clerk of Court with only three rooms inclusive of the court rooms and staff room. The court personnel from the two branches and the staff of the OCC commonly occupy the room where court records are usually filed. There is therefore the possibility that said rollo might have been misplaced unintentionally. Having in mind his duty to swiftly dispose cases referred to him, he immediately prepared his

report and proper documentations after the affidavit of retraction was executed. The delay in the submission of the original records was not intentional on his part. It was a result of some facts not attributable to him, not only by reason of the loss of the original records, but more importantly, the delay of the parties to the case who failed to submit their persons for investigation until such time as the affidavit of retraction shall have been filed. He could not possibly ignore all directives of this Honorable Court. He had religiously complied with all orders and directives of this Honorable Court to the best of his ability and in utter respect of the Rules of Law. Not even for a single time did he neglect his duty as a judge.

We find respondent's explanation unacceptable.

Rule 3.05, Canon 3, Code of Judicial Conduct, provides that a judge shall dispose of the court's business promptly and decide cases within the required periods.

Time and again, this Court has emphasized that any delay in the rendition of judgments diminishes our people's faith in the judiciary. If, for some valid reason, a judge cannot comply with the required deadline, he should seek an extension to avoid administrative sanctions.[2] In this case, respondent admitted his failure to submit a partial report on the status of the case. Moreover, he failed to ask for any extension within which to submit his investigation, report and recommendation. Records show that the administrative case was forwarded to respondent on July 1, 2002 with specific instruction to submit his investigation, report, and recommendation within 60 days from receipt of the same. However, respondent submitted his investigation, report and recommendation only on May 13, 2005 or almost three years after the same had been assigned to him and after the OCA required him to submit a status report on April 12, 2005.

Respondent's asseveration that the delay in the disposition of the administrative case was due to the request of the complainant that the investigation be held in abeyance until the affidavit of retraction shall have been filed, is untenable. Respondent should have known that an affidavit of desistance does not operate to divest this Court of jurisdiction to determine the truth behind the matter stated in the complaint.[3] The Court's disciplinary authority cannot be dependent on or frustrated by private arrangements between parties. An administrative complaint against an official or employee of the judiciary cannot simply be withdrawn by a complainant who suddenly claims a change of mind.[4] Respondent should have, therefore, met the issue head-on without any further delay. The delay of almost three years in the submission of his report and recommendation clearly shows that respondent was remiss in his obligation to act promptly and expeditiously on his official duties.

As for the loss of the original records of the case, the Court held in Bernardo v. Fabros,[5] citing Office of the Court Administrator v. Villanueva,[6] to wit:

> A judge x x x is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. x x x Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions.[7]

Judges are charged with exercising extra care in ensuring that the records of the cases and official documents in their custody are intact. They must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business.[8] There is no justification for missing records, save fortuitous events.[9] The loss of records in his office indicates gross negligence on his part.[10]

We find respondent judge administratively liable for gross negligence in misplacing the records of the case for his investigation, report, and recommendation. It is of no moment that respondent reconstituted the records of the case just to comply with the requirement of the Court because it is his duty to ensure that records of such nature

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be properly kept and disposed of promptly and expeditiously, bearing in mind that the Court prescribed a 60-day period within which to comply; and absent any request for an extension, the investigation, report, and recommendation must be submitted on time together with the original records of the case. It was bad enough that respondent failed to submit his investigation, report, and recommendation within the prescribed period, but to also lose the records of the case is unjustifiable.

As administrative officers of the courts, judges should organize and supervise court personnel to ensure the prompt and efficient dispatch of business, as well as the observance of high standards of public service and fidelity at all times.[11] Respondent should have adopted a system of records management, so that files are kept intact despite the cramped situation in Branches 40 and 69, and failure to do so makes him administratively liable for infidelity in the custody of official documents. There are cases on record where court personnel like the clerk of court have been called to task and penalized for their failure to safely keep court records.[12] Judges should be no exception.

Judges are called upon to comply with the directives of the OCA, which is mandated to assist this Court in the exercise of its power of administrative supervision over all courts.[13] When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.[14]

In Tugot v. Coliflores,[15] the Court found respondent judge guilty of negligence and violation of a Supreme Court Rule and imposed a fine of P20,000.00. Likewise, in Imbang v. Del Rosario,[16] the Court finds respondent liable for violation of Supreme Court directives and was fined P21,000.00.

Respondent's gross negligence and violation of a Supreme Court Rule and directive are less serious charges that may be sanctioned by suspension from office without salary and other benefits for not less than one month nor more than three months, or a fine of more than P10,000.00 but not exceeding P20,000.00.[17]

As this is respondent's first offense of this nature and taking into account his 31 years of service in the judiciary, the penalty of fine in the amount of P10,000.00 is in order.

WHEREFORE, the Court finds Judge Reynaldo M. Alon of the Regional Trial Court, Branch 40, Silay City GUILTY of gross negligence and violation of a Supreme Court Rule and directive, for which he is FINED P10,000.00, with stern warning that a repetition of the same or similar offense in the future shall be dealt with more severely.

SO ORDERED.
Ynares-Santiago, (Chairperson), and Nachura JJ., concur.
Chico-Nazario, J., No part. being a former colleague.

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[1] Rollo, p. 5.

[2] Office of the Court Administrator v. Javellana, A.M. No. RTJ-02-1737, September 9, 2004, 438 SCRA 1, 3.

[3] Go v. Achas, A.M. No. MTJ-04-1564, March 11, 2005, 453 SCRA 189, 196.

[4] Id.

[5] 366 Phil. 485 (1999).

[6] 344 Phil. 677 (1997).

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[7] Id. at 683.

[8] Jacinto v. Layosa, A.M. No. RTJ-02-1743, July 11, 2006, 494 SCRA 456, 465.

[9] Id..

[10] Tolentino v. Cabral, 385 Phil. 631, 648 (2000).

[11] CODE OF JUDICIAL CONDUCT, Rule 3.09.

[12] Office of the Court Administrator v. Carriedo, A.M. No. P-04-1921, October 20, 2005, 473 SCRA 443, 446; Legaspi, Jr. v. Montero III, A.M. No. P-05-1986, April 15, 2005, 456 SCRA 137, 143.

[13] P.D. No. 828, Creating the Office of the Court Administrator in the Supreme Court and Providing Funds Therefor and For Other Purposes, November 18, 1975.

[14] Dela Cruz v. Vallarta, A.M. No. MTJ-04-1531, March 6, 2007.

[15] 467 Phil. 391, 403 (2004).

[16] A.M. No. 03-1515-MTJ, November 19, 2004, 443 SCRA 79, 86.

[17] RULES OF COURT, Rule 140, Sec. 11(b).

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