

REPORT ON THE ON-THE-SPOT JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCHES 45 AND 53, BACOLOD CITY.

A.M. NO. 00-2-65-RTC. February 15, 2005

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is an administrative matter entitled, Report on the On-the-Spot Judicial Audit Conducted in the Regional Trial Court, Branches 45 and 53, Bacolod City.

Based on the report of the Judicial Audit Team of the Office of the Court Administrator (OCA) regarding the on-the-spot judicial audit they conducted on September 8 and 9, 1999 in the Regional Trial Court of Bacolod City, Branches 45 and 53, presided over by Judge Edgardo L. De Los Santos and Judge Pepito B. Gellada, respectively, the Court issued a Resolution dated February 23, 2000[1] directing:

a) Judge Edgardo L. De Los Santos, Regional Trial Court, Branch 45, Bacolod City to:

[1] EXPLAIN, within ten (10) days from notice hereof, why no administrative sanction should be imposed on him for his failure to decide/resolve within the 90-day reglementary period (1.a) the following seven (7) cases which he totally tried: Criminal Case No. 16854 and Civil Cases Nos. 93-8064, 93-8106, 93-8140, 94-8190, 96-9385 and 99-10642; (1.b) the following seven (7) cases which were appealed from the inferior courts: Criminal Case No. 98-19069 and Civil Cases Nos. 95-9146, 96-9243, 96-9442, 97-9665, 97-9924 and 98-10405; and (1.c) the pending incidents in the following twenty-two (22) cases: Criminal Cases Nos. 94-15728 to 94-15731, and Civil/Other Cases Nos. 3876, 3882, 4291, 7053, 7430, 7461, 94-8445, 95-8876, 95-9067, 96-9422, 96-9588, 97-9777, 97-9872, 97-9897, 98-10110, 98-10353, SP-4805 and SP 97-223;

[2] RENDER, within sixty (60) days from notice hereof, his decisions in the aforementioned thirty-six (36) cases including the pending incidents in Criminal Case No. 96-17581 and Civil Cases Nos. 98-10514 and 98-10515 which were found to be still within the reglementary period as of audit;

[3] DECIDE immediately upon completion of the transcripts of stenographic notes the following cases which he partly tried: Criminal Cases Nos. 8612 and 8613 and Civil Cases Nos. 261 and 7556;

[4] RESOLVE the pending incident in Civil Case No. 4334 which he inherited immediately upon completion of the transcripts of stenographic notes;

[5] TAKE APPROPRIATE ACTION on the following five (5) civil cases which were not further acted on or without further setting despite the lapse of considerable length of time: Civil Cases Nos. 6741, 6841, 6867, SP-94-8661 and SP-97-340; and

[6] SUBMIT IMMEDIATELY to this Court through the Office of the Court Administrator a report of compliance with the herein directives,

b) Judge Pepito B. Gellada, Regional Trial Court, Branch 53, Bacolod City to:

[1] EXPLAIN, within ten (10) days from notice hereof, why no administrative sanction should be imposed on him for his failure to decide/resolve within the 90-day reglementary period Civil Case No. 96-9412 which he totally heard, and for his failure to resolve within the period the pending incident in Criminal Case No. 13339;

[2] RENDER, within fifteen (15) days from notice hereof, his decisions/resolutions in the aforementioned two (2) cases;

[3] DECIDE IMMEDIATELY, upon completion of the transcripts of stenographic notes, Criminal Cases Nos. 170 and 1128 and Civil Cases Nos. 4498, 4628 and 5399 which he inherited from his predecessor, and Civil Case No. 6200 which he partly heard;

[4] TAKE APPROPRIATE ACTION on the following four (4) criminal cases which were not further acted on or without further setting despite the lapse of considerable length of time: Criminal Cases Nos. 10220, 95-16950, 95-17417 and 95-17418; and

[5] SUBMIT IMMEDIATELY to this Court through the Office of the Court Administrator a report of compliance with the herein directives,

c) Branch Clerk of Court Connie F. Tan, Regional Trial Court, Branch 45, Bacolod City to:

[1] INFORM this Court through the Office of the Court Administrator, within five (5) days from notice hereof, whether or not the decisions in Criminal Cases Nos. 13351 to 13353 and 13637 were promulgated as scheduled on October 6 and 7, 1999, respectively;

[2] CAUSE, within twenty (20) days from notice hereof, the completion of the transcripts of stenographic notes in Criminal Cases Nos. 8612 and 8613 and Civil Cases Nos. 261, 7556, and 4434; and

[3] SUBMIT the records of said cases together with the complete transcripts of stenographic notes to the Presiding Judge for decision-writing,

[4] SUBMIT to this Court thru the Office of the Court Administrator a report of compliance herewith within five (5) days from expiration of the 20-day period,

d) Branch Clerk of Court Victor B. Tañoso, Regional Trial Court, Branch 53, Bacolod City to:

[1] INFORM this Court through the Office of the Court Administrator, within five (5) days from notice hereof, whether or not the decision in Criminal Case No. 98-19422 was promulgated as scheduled on 30 September 1999;

[2] CAUSE, within twenty (20) days from notice hereof, the completion of the transcripts of stenographic notes in Criminal Cases Nos. 170 and 1128 and Civil Cases Nos. 4498, 4628, 5399 and 6200; and

[3] SUBMIT the records of said cases together with the complete transcripts of stenographic notes to the Presiding Judge for decision-writing; and

[4] SUBMIT to this Court thru the Office of the Court Administrator a report of compliance herewith within five (5) days from expiration of the 20-day period.

Judge De Los Santos submitted his explanation in his letter dated August 15, 2000[2] after numerous requests for extension of time to submit his compliance. Judge De Los Santos averred that except for one inherited case, Civil Case No. 261, all the cases enumerated in the February 23, 2000 Resolution have already been decided and/or resolved. He committed that Civil Case No. 261 will be decided on or before August 31, 2000 due to its voluminous records.

Judge Gellada submitted his explanation in his letter dated April 14, 2000[3] stating that when he went over the

records of the cases reported by the judicial audit team as submitted for decision but not decided within the reglementary period, he found out that the transcripts of stenographic notes were still untranscribed so he directed the stenographers to immediately transcribe the stenographic notes. Thus, upon submission of the said TSNs on early part of March 2000, he rendered the decision in Civil Case No. 96-9412 on March 15, 2000. He also reported that the incident in Criminal Case No. 13339 was resolved and said case was decided on April 5, 2000 and is ready for promulgation.

However, Judge Gellada failed to mention in his letter whether decisions had been rendered in Criminal Cases Nos. 170 and 1128 and in Civil Cases Nos. 4498, 4628, 5399 and 6200. He likewise failed to mention whether or not he had taken appropriate action on Criminal Cases Nos. 10220, 95-16950, 95-17417 and 95-17418.

In her letter dated April 10, 2000,[4] Branch Clerk of Court Connie F. Tan informed the Court through the OCA that Criminal Cases Nos. 13351 to 13353 and 13637 which were earlier scheduled for promulgation on October 6 and 7, 1999, respectively, were actually promulgated on October 28, 1999.

In another letter dated April 28, 2000,[5] Clerk of Court Tan reported that Criminal Cases Nos. 8612 and 8613 were scheduled for promulgation on May 9, 2000 and that the TSNs in Civil Cases Nos. 261 and 7556 were all submitted to Judge De Los Santos for decision writing while the TSN in Civil Case No. 4434 was likewise submitted to Judge De Los Santos for resolution of the pending incidents.

In his letter dated April 4, 2000,[6] Branch Clerk of Court Victor B. Tañoso stated that Criminal Case No. 98-19422 was decided on September 30, 1999 but no promulgation was scheduled as it has been their practice in cases of appeal from the lower court to dispense with the promulgation and serve the copies of the decision to the parties. In his letter dated October 24, 2000,[7] he reported that Civil Cases Nos. 5399 and 6200 had been decided by Judge Gellada[8]; that all TSNs in Criminal Case No. 170 were submitted to Judge Gellada for decision writing; and that the TSNs in Civil Cases Nos. 4628 and 4498 are now ready for submission to Judge Gellada except the one taken on February 4, 1991 since the stenographer who took down the notes requested more time to retrieve the TSN from her voluminous files. He further informed that the TSNs in Criminal Case No. 1128 is still not available explaining that the case is an inherited case and the whereabouts of the stenographers who took down the stenographic notes are already unknown.

In a Resolution dated April 1, 2002,[9] the Court referred this administrative matter to the OCA for evaluation, report and recommendation. The OCA submitted the following recommendation in its Memorandum dated May 29, 2002:[10]

- The letter-explanation of Branch Clerk of Court Connie Tan, RTC, Branch 45, Bacolod City, be ACCEPTED and ADMITTED as satisfactory compliance with the directive of the Court;

- Branch Clerk of Court Victor Tañoso, RTC, Branch 53, Bacolod City, be DIRECTED to inform the Court through the Office of the Court Administrator, within ten (10) days from notice, whether or not decisions had been rendered in Criminal Cases Nos. 170 and 1128, and Civil Cases Nos. 4498, 4628, 5399 and 6200;

- Judge Pepito B. Gellada, RTC, Branch 53, Bacolod City be:

a) DIRECTED anew to decide Criminal Cases Nos. 170 and 1128, and Civil Cases Nos. 4498, 4628, 5399 and 6200, and to SUBMIT to the Court through the OCA a report of compliance thereto;

b) TAKE APPROPRIATE ACTION on Criminal Cases Nos. 10220, 95-16950, 95-17417 and 95-17418 which were not acted on despite a considerable length of time and to SUBMIT a report of compliance thereto; and

c) REPRIMANDED for his failure to decide Civil Case No. 96-9412 and to resolve incidents in Criminal Case No. 13339 within the reglementary period,

- Judge Edgardo Delos (sic) Santos, RTC, Branch 45, Bacolod City be:

a) DIRECTED anew to decide Civil Cases Nos. 261 and 7576 and to SUBMIT to the Court through the OCA a report of compliance thereto; and (sic)

b) SEVERELY REPRIMANDED for his failure to decide and resolve the above described cases within the reglementary period; and

c) REMINDED to request extensions of time to decide or resolve cases whenever appropriate.

Section 15(1), Article VIII of the Constitution mandates the lower courts to resolve cases within 3 months. Rule 3.05 of the Code of Judicial Conduct mandates judges to decide cases within the required period. Delay in the disposition of cases not only deprives litigants of their right to speedy disposition of their cases, but it also tarnishes the image of the judiciary. Failure to decide cases on time constitutes inefficiency that merits administrative sanction. [11]

Anent Judge De Los Santos:

Indubitably, Judge De Los Santos violated this mandate. As observed by the OCA, the judicial audit reports as well as the letter-explanation of Judge De Los Santos show that there are 14 cases that were totally heard/ tried by him and 3 cases partially heard/tried by him which he decided and, 22 case incidents he resolved, all beyond the reglementary period, to wit:

Case No. Case Submitted for Decision Due Date of Decision Date Decided

Criminal Case No.

16854 June 2, 1999 August 31, 1999 June 30, 2000

Civil Cases Nos.

93-8064 January 13, 1997 April 14, 1997 August 25, 1999

93-8106 January 28, 1998 April 29, 1998 October 28, 1999

93-8140 September 6, 1996 December 5, 1996 August 25, 1999

94-8190 October 13, 1997 January 11, 1998 February 29, 2000

96-9385 February 11, 1999 May 12, 1999 May 9, 2000

99-10642 April 28, 1999 July 27, 1999 March 30, 2000

Criminal Case No.

98-19069 July 29, 1999 October 27, 1998 March 30, 2000

Civil Cases Nos.

95-9146 March 4, 1996 June 2, 1996 October 28, 1999

96-9243 April 10, 1996 July 9, 1996 August 26, 1999

96-9442 Sept. 30, 1996 Dec. 29, 1996 August 26, 1999

97-9665 March 11, 1997 June 9, 1997 February 29, 2000

97-9924 October 3, 1997 January 5, 1998 August 25, 1999

98-10405 December 3, 1998 March 3, 1999 Dec. 15, 1999

Case No. Date Incidents submitted for Resolution Due Date of Resolution Date Resolved

Crim. Cases Nos.15728 to 15731 November 19, 1998 February 17, 1999 September 15, 1999

96-17581 June 30, 1999 September 28, 1999 March 22, 2000

Civil Cases Nos.3876 February 10, 1999 May 11, 1999 February 23, 2000

3882 February 10, 1999 May 11, 1999 February 23, 2000

4291 March 15, 1995 June 13, 1995 February 10, 2000

4434 March 18, 1993 June 16, 1993 May 24, 2000 (Inherited)

7053 June 2, 1999 August 30, 1999 February 29, 2000

7430 August 26, 1998 November 24, 1998 June 21, 2000

7461 July 1, 1998 September 29,1998 January 12, 2000

94-8445 December 14, 1998 March 14,1999 December 14, 1999

95-8876 April 18, 1995 July 17, 1995 May 9, 2000

95-9067 March 31, 1997 June 29, 1997 February 29, 2000

96-9422 October 18, 1996 January 16, 1997 March 30, 2000

96-9588 August 8, 1997 November 6, 1997 May 24, 2000

97-9777 August 22, 1997 November 20, 1997 September 16, 1999

97-9872 September 30,1997 December 28, 1997 May 24, 2000

97-9897 December 1, 1997 March 1, 1998 February 8, 2000

98-10110 June 15, 1998 September 13, 1998 September 16, 1999

98-10353 August 27, 1998 November 25, 1998 January 13, 2000

98-10514 and 10515 July 15, 1999 October 13, 1999 February 8, 2000

Spec. Pro. 4805 February 18, 1998 May 19, 1998 January 27, 2000

SP 97-223 July 30, 1998 October 28, 1998 April 4, 2000

As regard Criminal Cases Nos. 8612 and 8613 partly tried by him, Judge De Los Santos was able to decide said cases on February 29, 2000. He likewise took appropriate action in the following 5 incidents in civil cases, namely, Civil Cases Nos. 6741, 6841, 6867, SP-94-8661 and SP-97-340 which were not acted upon after the lapse of a considerable length of time.

The Court notes however that despite the asseveration of Judge De Los Santos that he had already decided all the cases as mandated of him except for Civil Case No. 261, it appears that Civil Case No. 7556 remains undecided. The OCA stated in its Memorandum dated May 29, 2002 that the said case was deemed submitted for decision after the parties thereto submitted their respective Memoranda pursuant to the Order dated June 15, 2000.

In a letter dated July 30, 2004,[12] Judge De Los Santos informed the Court that he was able to decide on March

16, 2004, Civil Case No. 261 (partly tried by him), which he earlier committed to decide on or before August 31, 2000. A copy[13] of the said decision was submitted.

For his failure to timely act on the cases submitted before him, Judge De Los Santos cited the following reasons:

- He was designated Acting Presiding Judge in RTC, Branch 46, Bacolod City, in addition to his original station, from June 1994 to November 1996;

- He was designated Acting Presiding Judge in RTC, Branch 61, Kabankalan City in March 1998. He holds sessions for three (3) days in Kabankalan City and two (2) days in Bacolod City and he has to go home weekly to his hometown in Sibulan, Negros Oriental, which is about five (5) hours drive from Bacolod City;

- He was designated to hear cases from other courts due to the inhibition of other judges, to wit:

- a) Civil Case No. 531 at RTC, Branch 55, Himamaylan, Negros Occidental on January 19, 1999;

- b) Criminal Cases Nos. 4430-69, 4431-69 and 4432-69 at RTC, Silay City on November 16, 1999.

- His frequent travels adversely affected his health and he had to take sick leaves on several occasions. He suffers from high blood sugar, high cholesterol and has very low calcium, potassium levels and experiences migraine headaches.

Judge De Los Santos added that there was even delay in the submission of his explanation/comment on the directive of the Court on the present case as he had been sick or indisposed on several occasions not to mention the untimely demise of his mother in May 2000. Judge De Los Santos pleads for mercy and understanding for his failure to meet the deadlines in the performance of his functions. He however assured the Court of his continued desire and commitment to do better in his job to decongest his court docket.

Judge De Los Santos's heavy caseload brought about by his regular load and those of the other salas he handled and his deteriorating health condition mitigate his liability but are not sufficient grounds to exonerate him from an administrative sanction. Inability to decide a case within the required period is not excusable and constitutes gross inefficiency.[14] The Court has constantly reminded judges to decide cases promptly. Delay not only results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly,[15] and worse, it invites suspicion of ulterior motives on the part of the judge.[16] Whenever a judge cannot decide a case within the required period, all he has to do is to inform the Court of his predicament and request for an extension of time to resolve the case.[17] There is no showing that Judge De Los Santos requested for an extension of time to decide the cases. The only instance that he asked for an extension was on May 4, 2000 requesting for additional time of twenty days from May 5, 2000 within which to decide Civil Case No. 261, by which time this administrative case was already pending and now way past the reglementary period.

Anent Judge Gellada:

Judge Gellada decided Civil Case No. 96-9412 beyond the reglementary period. The said case was decided on March 15, 2000 but the due date within which to decide the same was on July 11, 1999. Likewise, the incidents in Criminal Case No. 13339 were acted upon beyond the reglementary period. Said incidents were due on May 25, 1998 but were only resolved and the case decided on April 5, 2000. Judge Gellada explained that the delay in taking action on the cases was due to the unavailability of transcripts. Thus, when the TSNs were completed, he immediately decided and resolved the aforecited cases.

Judge Gellada also failed to give information on whether decisions have been rendered on Criminal Cases Nos. 170 and 1128 and Civil Cases Nos. 4498, 4628, 5399 and 6200 and whether he took appropriate action on Criminal Cases Nos. 10220, 95-16950, 95-17417 and 95-17418.

To reiterate, it is the duty of a judge to dispose of court's business promptly. It has been a well-settled rule that judges are not required to await the transcription of the stenographic notes before they could render a decision. This would cause undue delays since judges could easily find justification for failing to comply with the mandatory period to decide cases. Proper and efficient court management is the responsibility of the judge – he is the one directly responsible for the proper discharge of official functions.[18] Considering that Civil Case No. 96-9412 and Criminal Case No. 13339 were totally heard by him, Judge Gellada is not justified in deciding cases beyond the required period on the ground of late submission of TSNs.

Moreover, in spite of the Court's resolution dated February 23, 2000, Judge Gellada failed to report up to this date whether decisions have been rendered in Criminal Cases Nos. 170 and 1128 and Civil Cases Nos. 4498 and 4628 and to inform whether or not he took appropriate action in Criminal Cases Nos. 10220, 95-16950, 95-17417 and 95-17418. However, the Court notes that Judge Gellada has already decided Civil Cases Nos. 5399 and 6200 as reported by Branch Clerk Tañoso in his letter-compliance.

Under Section 9 of Rule 140 of the Revised Rules of Court, undue delay in rendering a decision or order, or in transmitting the records of a case is a less serious charge. Section 11 of the same Rule provides for the applicable penalty, to wit:

Section 11. Sanctions. – . . .

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months;
- A fine of more than P10,000.00 but not exceeding P20,000.00

. . .

Regarding the directives to Branch Clerks of Court Tan and Tañoso:

Clerk of Court Tan fully complied with the directive of the Court by causing the completion of the TSNs in Criminal Cases Nos. 8612 and 8613 and Civil Cases Nos. 261, 7556 and 4434. All TSNs were submitted to her presiding judge while decisions in Criminal Cases Nos. 13351 to 53 and 13637 were already promulgated. The dates of promulgation however were not mentioned.

The compliance of Clerk of Court Tañoso is noted. However, he failed to submit the TSNs for Criminal Case No. 1128 claiming that this is an inherited case and that the 2 court stenographers who took down the notes can no longer be found, one has retired from service and the other one became a lawyer and the addresses of both are unknown. As to the consolidated Civil Cases Nos. 4628 and 4498, the TSNs are ready except for the one taken on February 4, 1991 reasoning that the concerned stenographer requested for more time to transcribe the same. As to Criminal Case No. 98-19422, he reported that it was decided on September 30, 1999 but no promulgation was scheduled as it has been their practice in cases on appeal from the lower court to dispense with the promulgation and serve the copies of the decision to the parties.

Indeed, there is no need to promulgate the decision in Criminal Case No. 98-19422 it appearing that the said case was decided by the Regional Trial Court by virtue of its appellate jurisdiction. The judgment which the rule

requires to be promulgated is the sentence rendered by the trial court, not the judgment of the appellate court sent to the trial court, the latter being unnecessary to be promulgated to the defendant because it is presumed that the accused or his attorney had already been notified thereof by the appellate court. The latter court sends the copy of his judgment to the trial court not for promulgation or reading thereof to the defendant, but for execution of the judgment against him.[19]

WHEREFORE, Judge Edgardo L. De Los Santos is found guilty of gross inefficiency. With the mitigating circumstance of poor health and heavy caseload due to several salas he handles, he is FINED the amount of P20,000.00. He is DIRECTED to DECIDE Civil Case No. 7556 and to FURNISH the Court through the Office of the Court Administrator a copy of the said decision, within thirty (30) days from notice hereof.

Judge Pepito B. Gellada is found guilty of gross inefficiency and is FINED the amount of P11,000.00. He is DIRECTED to:

- DECIDE WITH DISPATCH Criminal Cases Nos. 170 & 1128 and Civil Cases Nos. 4498 & 4628 and to FURNISH the Court through the Office of the Court Administrator copies of said decisions, thirty (30) days from rendition thereof;

- take appropriate actions on Criminal Cases Nos. 10220, 96-16950 & 95-17418 and to SUBMIT a report of compliance thereto to the Court through the Office of the Court Administrator, within thirty (30) days from notice hereof; and

- to CAUSE the completion of the transcripts of stenographic notes in Criminal Case No. 1128 and the transcript of stenographic notes in the consolidated Civil Cases Nos. 4498 and 4628 taken on February 4, 1991, or the re-taking of the testimonies, if warranted; and report to the Court the action taken thereon, within thirty (30) days from receipt hereof.

The letter-explanation submitted by Branch Clerk of Court Connie Tan is ADMITTED and ACCEPTED as satisfactory compliance of the directive of the Court.

Branch Clerk of Court Victor Tañoso is DIRECTED to SUBMIT copies of the decisions in Civil Cases Nos. 5399 and 6200 to the Court through the Office of the Court Administrator, within ten (10) days from notice.

SO ORDERED.

Puno, (Chairman), Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 11-13.

[2] Rollo, pp. 51-54.

[3] Rollo, p. 20.

[4] Rollo, p. 16.

[5] Rollo, pp. 45-46.

[6] Rollo, p. 15.

[7] Rollo, p. 221.

[8] Branch Clerk Tañoso did not submit copies of the said decisions.

[9] Rollo, p. 224.

[10] Rollo, pp. 225-234.

[11] Re: Report of DCA Ponferada Re Judicial Audit conducted in Branch 21, RTC, Cebu City, Judge Genis B. Balbuena, Presiding, A.M. No. 00-4-08-SC, July 31, 2002, 385 SCRA 490; Re: Report on the Monitoring of cases in the RTC, Br. 64, Labo, Camarines Norte, A.M. No. 02-9-580-RTC, July 23, 2003, 396 SCRA 4, 9.

[12] Rollo, p. 236.

[13] Rollo, pp. 238-255.

[14] Re: Report on the Judicial Audit Conducted in the RTC, Branches 61, 134 & 147, Makati, Metro Manila, A.M. No. 93-2-1001, September 5, 1995, 248 SCRA 5.

[15] Re: Report on the Judicial Audit Conducted in the RTC of Kidapawan, Branches 17 & 23, Kabakan, Branches 16 & 17, North Cotabato, A.M. No. 96-5-169-RTC, May 9, 2003, 403 SCRA 130, 132.

[16] Concillo vs. Gil, A.M. No. RTJ-02-1722, September 24, 2002, 389 SCRA 487, 490.

[17] Basa Air Base Saving and Loan Association, Inc. vs. Pimentel, Jr., Adm. Matter No. RTJ-01-1648, August 22, 2002, 387 SCRA 542, 547; Report on the On-The-Spot Judicial Audit Conducted in the Municipal Circuit Trial Court, Teresa-Baras, Rizal, A.M. No. MTJ-02-1397, September 17, 2002, 389 SCRA 1, 14.

[18] Abarquez vs. Rebosura, A.M. No. MTJ-94-986, A.M. No. MTJ-95-1052, A.M. No. MTJ-95-1069, January 28, 1998, 285 SCRA 109, 120.

[19] People vs. Sumilang, No. 49187, December 18, 1946, 77 Phil 764, 766-767.

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