

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 136, MAKATI CITY

A.M. No. 00-7-320-RTC. November 17, 2004

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Pursuant to the June 16, 2000 directive of the Court Administrator, a judicial audit team composed of Conrado Molina, Ma. Carina Matammu-Cunanan, Eric S. Fortaleza, Ephraim R. Avanzado and Charito C. Cruz conducted an audit in the Regional Trial Court, Branch 136 of Makati City presided by Judge Jose R. Bautista who was to, as he did, compulsorily retire on July 27, 2000.

The report of the judicial audit team revealed that there were 25 pending incidents[1] awaiting resolution and 6 cases[2] submitted for decision for more than 90 days. Acting on the report, the Office of the Court Administrator (OCA), by Memorandum of July 5, 2000,[3] recommended to this Court the following:

- Judge Jose R. Bautista, Regional Trial Court, Branch 136, Makati City, be directed to inform the Court through the Office of the Court Administrator whether the cases submitted for decision/resolution were already resolved and/or decided, and EXPLAIN the reason/s for the delay in the resolution thereof, both within ten (10) days from notice;

- The Branch Clerk of Court, same court be DIRECTED to immediately prepare the reports in the following civil cases:

a)

99-131 “BPI Card Corp. v. Sps. Calixto and Evangeline V. Bañez” for Sum of Money. Per Order dated December 1, 1999 the Branch Clerk of Court was directed to adduce evidence ex-parte and submit a report within twenty (20) days.

b)

98-795 “Philmetal Products, Inc. v. Maglalang Construction and Development Corp.” Per Order dated December 2, 1998, the Branch Clerk of Court was directed to adduce evidence ex-parte and submit a report thereon within twenty (2) days.

c)

98-2318 “City Trust Banking Corporation v. J. Feneros, et al.” for Sum of Money. Per Order dated November 23, 1999, Branch Clerk of Court was directed to adduce evidence ex-parte and submit a report thereon within twenty (20) days.

and EXPLAIN the reason/s for the delay in the preparation thereof;

- The Branch Clerk of Court be DIRECTED to immediately attach the type-written orders to the case records.

- The Financial Management Office, Office of the Court Administrator, be directed to retain P50,000.00 from the retirements benefits of Judge Bautista to answer for whatever administrative liabilities he may incur if there is any, as a result of this judicial audit and inventory. (Underscoring supplied)

By Resolution[4] of August 16, 2000, this Court approved the recommendations of the OCA except for the amount to be retained from Judge Bautista's retirement benefits which was reduced to P20,000.00. In compliance with the directive in said Resolution, Judge Bautista filed on September 13, 2000 his explanation by letter[5] of September 11, 2000, the pertinent portions of which read:

x x x

The undersigned respectfully informs that in compliance to (sic) the Memorandum Circular of the Court Administrator dated June 26, 2000, he has decided/resolved all the cases listed in the Audit Report, and copies of the decision/resolution were duly attached in (sic) his two (2) separate reports the second or last report being dated August 8, 2000 and which was submitted to the OCAD on August 24, 2000, copy of which is hereto attached.

As reflected in the monthly report submitted by the undersigned and the branch clerk of his sala, there were no pending cases submitted for decision and/or resolution as of the end of July 2000, copy of the certification to this effect issued by the Branch Clerk is also attached hereto for reference.

The undersigned respectfully states that whatever deficiency or shortcoming he might have incurred in the management of his sala, he nonetheless succeeded in deciding/resolving the aforementioned cases prior to his retirement date. He likewise wishes to respectfully point out that in more than ten (10) years of service on the Judiciary, the undersigned had not committed any wrongdoing and/or had not been penalized for any misdeeds.

May the undersigned respectfully prays (sic) of this Honorable Court to reconsider and/or set aside its previous order (Resolution dated Aug. 16, 2000) "to withhold P20,000.00 from his retirement benefits to answer for whatever administrative liabilities he may incur, if there is any, as a result of this judicial audit and inventory."

Branch Clerk of Court Atty. Teodoro Rey S. Riel, Jr. likewise filed on September 14, 2000 his compliance with the August 16, 2000 Resolution by letter[6] of September 8, 2000.

After Judge Bautista had retired on July 27, 2000, or on March 20, 2001, the OCA issued a memorandum[7] directing the Branch Clerk of Court to report on the actions taken by Judge Bautista on, and the status of, 39 cases with pending incidents, and when the judge rendered the decisions in 6 civil cases and 2 criminal cases. In compliance with said memorandum, the Branch Clerk of Court submitted a May 4, 2001 report[8] to the OCA indicating that almost all of the pending incidents in the cases specified by the OCA in the memorandum had been resolved and that the cases submitted for decision were decided in July 2000, prior to Judge Bautista's retirement.

On February 10, 2004, the OCA submitted its final report to this Court on the present administrative matter by Memorandum[9] of February 2, 2004 addressed to Justice Jose C. Vitug, then Chairman of the Third Division, tabulating the cases assigned to Judge Bautista with unresolved incidents and those undecided beyond the reglementary period and indicating therein the period of delay, viz:

- CIVIL CASES WITH UNRESOLVED MOTIONS BEYOND THE REGLEMENTARY PERIOD

Case No. Pending Incident Delay

95-1708

Motion to Dismiss submitted for resolution December 9, 1996

3 yrs. 3 mos.

96-225

Motion to Declare defendant in default submitted for resolution August 25, 1997

2 yrs. 7 mos.

99-074

Motion to defer hearing and to remand case to MeTC for resolution September 17, 1999

98-757

Submitted for resolution May 10, 1999

11 mos.

94-2112

Motion for reconsideration to order of dismissal filed November 13, 1997

2 yrs. 4 mos.

97-1700

Urgent motion to resolve case October 27, 1999

6 mos.

91-2343

Motion to dismiss submitted for resolution October 20, 1999

1 yr. 2 mos.

93-734

Motion to declare defendant in default submitted for resolution July 30, 1999

8 mos.

98-1241

Motion to file amended complaint February 26, 1999

1 yr. 2 mos.

99-739

Motion for reconsideration submitted for resolution November 12, 1999

1 yr. 2 mos.

16141

Motion for reconsideration to the order denying dismissal of case December 12, 1999

7 mos.

99-1845

Motion to dismiss filed December 13, 1999

4 mos.

98-1397

Motion for reconsideration submitted for resolution February 14, 2000

2 mos.

93-1594

Motion for summary judgment submitted for resolution February 15, 1999

1 yr. 2 mos.

98-1773

Motion to admit amended complaint/Motion to dismiss submitted for resolutions October 19, 1998

1 yr. 7 mos.

99-1478

Motion to dismiss submitted for resolution February 2, 2000

2 mos.

98-933

Motion for reconsideration to order of dismissal for resolution October 15, 1999

6 mos.

97-084

Motion to lift order of default submitted for resolution January 28, 2000

2 mos.

91-1005

Submitted for resolution February 22, 2000

2 mos.

99-1326

Motion for summary judgment submitted for resolution November 9, 1999

5 mos.

99-284

Motion to dismiss for resolution June 21, 1999

96-622

Motion to dismiss for resolution January 6, 1997

3 yrs. 3 mos.

98-2622

Motion to declare defendant in default May 14, 1999

1 yr. 2 mos.

97-1406

Motion to dismiss submitted for resolution May 17, 1999

1 yr. 2 mos.

96-259

Motion to dismiss submitted for resolution November 26, 1999

5 mos.

- UNDECIDED CIVIL CASES BEYOND REGLEMENTARY PERIOD

Civil Case No. Date Submitted for Decision Delay

97-466 October 9, 1998 1 yr. 6 mos.

93-4462 January 1, 2000 3 mos.

99-1175 October 29, 1999 5 mos.

91-1327 October 27, 1997 2 yrs. 6 mos.

91-1367 July 16, 1993 6 yrs. 9 mos.

97-864

June 18, 1997

2 yrs. 9 mos.

The pertinent portion of the OCA report is quoted verbatim:

x x x As could be observed, although Judge Bautista resolved/decided the subject cases before he retired last July 2000, the length of the delay in the resolution[/decision] thereof could not be ignored. It would appear that he only endeavored to resolve the pending incidents [and decide the cases] in anticipation of his retirement as almost all of the cases were solved/decided in the months of June and July.

“The Court is not unaware of the awesome burden heaped on the shoulder of every judge. Very often, a judge must cope with a heavy caseload along with still other task that attach to his position. The grave responsibility notwithstanding, a judge is not excused from being remiss in all that is incumbent upon him. From the moment he takes his oath, he is beholden to the public and is expected to live up to the exacting standards of an exalted office.

The Court has constantly reminded judges of the need to decide cases with dispatch because any delay in the disposition of cases can easily undermine the people’s faith and confidence in the judiciary. x x x Regretably, respondent judge has been neglectful in the above aspect. x x x.” (Office of the Court Administrator v. Judge Carlito A. Eisma, etc., A.M. No. RTJ-02-1685, Oct. 15, 2002)

Under Rule 140, Sec. 2 of the Rules of Court, undue delay in rendering a decision is considered less serious charge sanctioned by either suspension from office without salary and other benefits for one (1) nor more than three (3) months or a fine of more than P10,000.00 but not exceeding P20,000.00. (Underscoring supplied)

The OCA accordingly recommended that the request of Judge Bautista for the release of the P20,000.00 withheld from his retirement benefits be DENIED, the said amount to be considered as FINE for the delay in resolving pending incidents and rendering judgment in the cases.

This Court finds the recommendation of the OCA in light of the facts of the case well-taken.

Rule 3.05 of the Code of Judicial Conduct enjoins a judge to dispose of the court's business promptly and decide cases within the required periods[10] as delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.[11]

Indeed, almost all the pending incidents and cases submitted for decision which were awaiting resolution/decision within 90 days were acted upon by Judge Bautista long after said period expired or only on July 2000, immediately before he retired on July 27, 2000, entailing years of delay with respect to some incidents, and even a delay of more than 6 years with respect to one case submitted for decision, as reflected in the above-reproduced tabulation prepared by the OCA.

It bears noting that in his letter-compliance with the August 16, 2000 Resolution of this Court which directed him to "EXPLAIN the reason/s for the delay," the judge was glaringly mum about it.

Sections 9 and 11 of Rule 140, as amended by A.M. No. 01-8-10-SC,[12] provide:

Sec. 9. Less Serious Charges. Less serious charges include:

- Undue delay in rendering a decision or order, or in transmitting the records of a case;
- Frequent and unjustified absences without leave or habitual tardiness;
- Unauthorized practice of law;
- Violation of Supreme Court rules, directives and circulars;
- Receiving additional or double compensation unless specifically authorized by law;
- Untruthful statements in the certificate of service; and simple misconduct.

x x x

Sec. 11. Sanctions.

x x x

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; or
- A fine of more than P10,000 but not exceeding P20,000;

x x x (Emphasis supplied)

As the undue delay committed by Judge Bautista in rendering decisions and orders is a less serious offense, the recommended fine of P20,000.00 of the OCA falls within the range of the imposable penalty.

WHEREFORE, Judge Jose R. Bautista is adjudged administratively liable for undue delay in rendering decisions and orders and is hereby FINED in the amount of Twenty Thousand (P20,000.00) Pesos to be taken from the same amount earlier ordered retained pursuant to this Court's Resolution dated August 16, 2000.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Garcia, JJ., concur.
Corona, J., on leave.

[1] Rollo at 10-12.

[2] Id. at 14.

[3] Id. at 7-8.

[4] Id. at 16-20.

[5] Id. at 18.

[6] Id. at 22-23.

[7] Id. at 42.

[8] Id. at 46-48.

[9] Id. at 30-31.

[10] Report on the Judicial Audit Conducted in the Municipal Trial Court, Bocaue, Bulacan, 407 SCRA 1, 7 (2003).

[11] *Bangco v. Gatdula*, 378 SCRA 535, 539 (2002) (citations omitted).

[12] Promulgated September 11, 2001 and took effect on October 1, 2001.

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