

RE: REQUEST FOR THE TRANSFER OF STATION OF THE 10TH MCTC, MERIDA-ISABEL, LEYTE FROM MERIDA TO ISABEL, LEYTE.

A.M. No. 02-6-142-MCTC. September 20, 2004

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In a Resolution dated July 31, 2002, the Court granted the request of the Sangguniang Bayan of the Municipality of Isabel, Leyte for the transfer of the official station of the 10[th] Municipal Circuit Trial Court of Merida-Isabel from Merida to Isabel but directed Judge Delia Bertulfo and the personnel of the same court to explain within 10 days from notice why they actually transferred their office and began holding court sessions in Isabel prior to the grant of permission therefor.

In compliance therewith, the court personnel of MCTC, Merida-Isabel, admitting that they have been holding office in Isabel, Leyte, reasoned that: (1) almost all the records of the cases of the court are already kept in Isabel, Leyte because of the poor condition of the courthouse in Merida, Leyte; (2) there are 46 criminal cases and 14 civil cases pending at Isabel while there are only 8 criminal cases and 1 civil case pending at Merida; and (3) all Isabel cases are heard in Isabel and Merida cases in Merida.

On November 18, 2002, the Court referred the matter to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In a Memorandum dated January 24, 2003, the Office of the Court Administrator made the following recommendations:[1]

a) Acting Presiding Judge Delia N. Bertulfo be FINED Three Thousand Pesos (P3,000.00) and the personnel of MCTC, Merida-Isabel, Leyte be REPRIMANDED for their failure to seek first permission from the Court prior to holding office and court sessions at Isabel, Leyte; and

b) Judge Bertulfo be REPRIMANDED for not complying with the directive of the Court that she explain why she was holding Court sessions in Isabel without the Court's prior permission, with a STERN WARNING that repetition of the same or similar act in the future will be dealt with more severely.

On July 2, 2003, the Court required Judge Bertulfo to show cause why she should not be disciplinarily dealt with for failing to explain, as directed in the Resolution of July 31, 2002, why she was already holding office and court sessions at Isabel, Leyte, instead of at Merida, Leyte, even before the Court authorized the transfer from Merida to Isabel.

In her Compliance dated August 14, 2003, Judge Bertulfo claimed that she already submitted a Letter-Explanation[2] dated September 13, 2002 to Atty. Virginia Ancheta-Soriano, Clerk of Court, First Division of the Supreme Court, as directed by this Court in its Resolution of July 31, 2002. She reasoned that she held court sessions in both Isabel and Merida and not in Isabel only prior to the authorization. She further explained that she personally went to Isabel and Merida to conduct court sessions and preliminary investigations in order to

avoid inconvenience to the litigants, which was also the practice of her predecessor, the late Judge Bernardita Clemente.

On September 22, 2003, the Court referred the case to the OCA for evaluation, report and recommendation.

In a Memorandum of December 5, 2003, the OCA reiterated its previous recommendation that Judge Delia N. Bertulfo be fined P3,000.00 and the personnel of MCTC, Merida-Isabel, Leyte be reprimanded for their failure to seek permission from the Court prior to holding office and court sessions at Isabel, Leyte.

The recommendation by the OCA is well-taken.

The unilateral and unauthorized act of Judge Bertulfo and her court personnel of transferring the court sessions and the case records from Merida to Isabel without prior authority from this Court is a clear violation of Administrative Order No. 33 dated June 13, 1978, as reiterated under Batas Pambansa Blg. 129, as amended,[3] constituting Merida, Leyte as the official station of 10th MCTC Merida-Isabel, Leyte.

Judges and court personnel should at all times be mindful of the circulars and orders of this Court to ensure the speedy, sound, and efficient dispensation of justice, which is the Court's ultimate objective in exercising the power of administrative supervision over all the courts and court personnel as provided under Section 6, Article VIII of the Constitution.

WHEREFORE, Judge Delia N. Bertulfo is found guilty of simple misconduct and is FINED P3,000.00 and the court personnel of MCTC, Merida-Isabel, Leyte are REPRIMANDED for failure to obtain the prior permission from the Court before holding office and court sessions at Isabel, Leyte. Respondents are warned that the repetition of the same or similar offenses shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Report submitted by Deputy Court Administrator Zenaida N. Elepaño.

[2] A verification with the Records Control Division, Supreme Court shows that the subject Letter-Explanation dated September 13, 2002 was received by the Office of the Assistant Clerk of Court, First Division on September 30, 2002.

[3] The Judiciary Reorganization Act of 1980.

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