

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, CAGAYAN DE ORO CITY

A.M. No. 02-8-207-MTCC. July 27, 2009

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This administrative matter stemmed from the August 19, 2002 Report[1] on the judicial audit and physical inventory of cases conducted by the Audit Team of the Court Management Office in the Municipal Trial Court in Cities (MTCC), Branch 2 of Cagayan de Oro City, now presided by Judge Eleuteria Badoles-Algodon.

The report disclosed that as of April 26, 2002, the trial court had a total case load of 1,654 cases, of which 155 cases have been submitted for decision. Of the 155 cases, 140 cases were already beyond the prescribed 90-day period to decide ordinary cases or the 30-day period to decide cases covered by summary procedure. There were also 10 cases with pending incidents for resolution which had not been acted upon and 428 cases had remained dormant for a considerable length of time either due to the trial court's failure to take action on the pending incidents thereon or its failure to set the case for hearing. Six (6) civil cases had also never been acted upon despite the assignment of the said cases to the trial court as early as August 1997 to October 1999. In 9 criminal cases, the trial court failed to issue writs of execution relative to its orders of confiscation of the bail bonds of accused who jumped bail. The trial court also failed to archive (1) 125 criminal cases where the accused were not arrested despite the lapse of more than 6 months since the issuance of the warrants of arrest, and (2) 35 civil cases where the defendants were not served summons despite the lapse of more than 6 months from the issuance of summons.

The report also showed that Judge Algodon relieved Mr. Alfredo B. Magno, Jr. (Mr. Magno) as Clerk of Court of MTCC, Branch 2, due to the latter's alleged incompetence and inefficiency. Apparently, Judge Algodon blamed Mr. Magno for the chaotic record management in the court. Judge Algodon alleged that during her initial inventory of cases, she found some records of pending cases missing and discovered them with the files of archived cases. She also discovered that some criminal cases which were supposed to have been long disposed of were not promulgated and were merely kept inside the filing cabinet. Judge Algodon further alleged that Mr. Magno failed to submit on time the reports on 46 cases which were subject of ex-parte proceedings. Finally, Judge Algodon revealed that some records of pending cases were found bundled together with the records of decided cases.

Overall, the audit team concluded that the loss or erroneous filing of some case records and the failure to act on certain cases raffled to the court were caused by faulty records management. It appeared that Branch 2 did not maintain the prescribed docket books and instead used an ordinary logbook. The court merely relied on the case folders to determine the status of the cases. Consequently, the court personnel could not properly monitor the status of the cases pending before the court.

Upon the recommendation of the Office of the Court Administrator (OCA), the Court issued a Resolution[2] on September 11, 2002 directing Judge Algodon to: (1) inform the Court if decisions have already been rendered in 10 civil cases[3] and 5 criminal cases[4] (2) submit a written explanation of the delay in the disposition of 24 civil[5] and 12 criminal cases[6] and to decide said cases within 45 days from notice; (3) resolve within 30 days from notice the pending incidents in Civil Case No. 99-Oct-858 as well as in 9 criminal cases[7] (4) take appropriate actions within 60 days from notice on 41 civil[8] and 372 criminal cases[9] pending in her court; (5) issue the corresponding writs of execution, if warranted, for the forfeiture and confiscation of bail bonds in 8 criminal cases[10] (6) issue orders archiving 35 civil[11] and 124 criminal cases[12]; (7) issue alias warrants of arrest in so far as criminal cases are concerned; (8) furnish Mr. Magno, a copy of his Feedback Report[13] dated April 30, 2002, within 3 days from notice; (9) decide the cases which were submitted for decision before Judge Gregorio D. Pantanosas, Jr., within 90 days from notice; and (10) inform the parties in those cases which were substantially tried by Judge Evelyn Gamotin-Nery that the latter may be required to decide the case, or inform both parties in each case that they may manifest in writing that she (Judge Algodon) should be the one to decide the same, within 90 days from receipt of said written manifestation.

The Court further directed Judge Gregorio D. Pantanosas, Jr., the former Presiding Judge of the MTCC, Branch 2, Cagayan de Oro City, to explain his failure to decide 14 civil[14] and 23 criminal cases[15] within the reglementary period prior to his appointment as Presiding Judge of the Regional Trial Court, Branch 20, Cagayan de Oro City. Likewise, Judge Evelyn Gamotin-Nery, Presiding Judge of the Municipal Circuit Trial Court of Opol-El Salvador, Misamis Oriental, was directed to explain her failure to decide 9 civil cases[16] and 39 criminal cases[17] within the reglementary period during her incumbency as the Acting Presiding Judge of the MTCC, Branch 2, Cagayan de Oro City.

In the same Resolution, the Court likewise directed Mr. Magno to submit: (1) a written explanation why no action was ever taken in 6 civil cases[18] raffled to MTCC, Branch 2, Cagayan de Oro City; (2) his comment on the Feedback Report dated April 30, 2002; and (3) a written explanation of his failure to make use of the official docket books during his incumbency as Clerk of Court of the same court. The Court also directed Ms. Helenita T. Gaccion, Acting Clerk of Court of the MTCC, Branch 2, Cagayan de Oro City to inform the Court if they are already using the official docket books for record purposes.

In her Compliance[19] dated October 15, 2002, Judge Algodon explained that she assumed office only on June 18, 2001. At the time of her assumption, court records were in disarray under the management of its former Clerk of Court, resulting in delay in the disposition of cases. It was only after the physical inventory and the judicial audit -- that she herself requested -- that the

rendition of decisions was done. Judge Algodon also reported that 24 civil cases[20] have already been decided while 6 civil cases[21] were raffled to different branches; 8 criminal cases[22] were submitted for decision; and 4 alias warrants of arrests were already issued in 4 criminal cases[23] due to the failure of the accused to appear before the court. She claimed that almost all of the cases have been disposed of while others were submitted for decision with the assistance of the newly designated Clerk of Court.

Judge Pantanosas, Jr., for his part, explained that except for Criminal Cases Nos. 69690, 96-04-2454 and 96-04-2455, he was unaware of the cases cited in the Resolution since those cases were not accounted for by Mr. Magno. He claimed that it was only after the physical inventory conducted by Judge Algodon that he found out that there were several unrecorded cases kept by Mr. Magno. It appeared that those cases were allegedly found inside a box under Mr. Magno's table, his table's drawers and in the cabinet at the back of his table. Some records were also found in the archives section. He stressed that he left only 2 cases undecided due to lack of transcript of stenographic notes when he assumed his position as Presiding Judge of RTC, Branch 20.[24]

Judge Gamotin-Nery, on the other hand, reported that out of the 48 cases she allegedly failed to decide, 37 were already submitted for decision, 2 were ordered dismissed, 1 case was under ex-parte proceedings, 1 case was for amicable settlement, another was still for presentation of rebuttal evidence; and 3 cases were requested to be decided by Judge Algodon. She explained that during her incumbency as Acting Presiding Judge of MTCC, Branch 2, she was also the Judge Designate of Branch 4 of the same court. Thus, she had to attend to cases and concerns not only of her official station, the 7th MCTC of Opol-El Salvador, Misamis Oriental, but also of Branch 2 and Branch 4 of MTCC, Cagayan de Oro City. She asserted that there was no sufficient time to decide all those cases. Consequently, she requested that she be spared from deciding Criminal Cases Nos. 96-06-3663 to 96-06-3710 (9 cases involving the same parties) and Criminal Case No. 98-01-309. She also requested that she be spared from any sanction in the interest of justice and equity.[25]

Commenting on Judge Algodon's Feedback Report, Mr. Magno, for his part, admitted that he did not conduct any inventory of cases as he merely followed his predecessors who only submitted the court's monthly report of cases to the Supreme Court. He claimed that he had no knowledge of those cases which were inserted in the bundle of cases that were already subject for execution. He claimed that he only inherited said problem of the court. He likewise stated that the court had no docket book and that cases raffled to them were recorded only in their logbook. He further reported that Civil Case No. 97-Aug-681 was raffled to Branch 4 and was already decided on September 8, 1998. As to Civil Cases Nos. 98-Jan-034 and 99-Oct-872, he claimed that the records were in the possession of the Sheriff, inadvertently inserted among the cases with issued writs of execution. He added that Civil Case No. 98-June-576 was already set for trial, and Civil Cases Nos. 98-Nov-1331 and 99-May-1414 were not acted upon for insufficiency of bonds but were already dismissed on June 6, 2002.[26]

Lastly, Ms. Gaccion, in her Letter-Compliance[27] dated October 5, 2002, informed the Court that on May 1, 2002, MTCC, Branch 2 had started using the official docket book.

In a Resolution[28] dated November 25, 2002, the instant complaint was referred to the OCA for evaluation, report and recommendation. The OCA received the records only on September 6, 2007 and submitted its report on November 7, 2007.

In its Report,[29] the OCA recommended that: (1) Judge Algodon be directed to comply fully with the directives of the Resolution dated September 11, 2002 since she has yet to inform the Court of the actions taken on the directives and no copies of the orders, resolutions and decisions relative thereto were forwarded to the Court; (2) Judge Pantanosas, Jr. be fined in the amount of P50,000 to be deducted from whatever retirement benefits he is entitled to for failure to decide 36 cases submitted for decision; (3) Judge Gamotin-Nery be fined in the amount of P10,000 for failure to decide 10 cases submitted for decision with an admonition to be more diligent in the performance of her judicial duties; and (4) Mr. Magno be meted the penalty of fine in the amount of P20,000 and sternly warned instead of suspension from office in view of his health condition, and that Mr. Magno be directed to comment on his failure to turnover the confiscated firearms in Criminal Case No. 98-1770 and the fireworks in Criminal Case No. 99-02-484. The OCA further recommended that the matter as to Ms. Helenita T. Gaccion be considered closed and terminated. The OCA noted, however, that the alleged illness of Mr. Magno was unsupported by any medical certificate.

We agree with the findings and recommendations of the OCA except as to the recommended penalty.

We cannot overemphasize the Court's policy on prompt resolution of disputes. Indeed, justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Article III, Section 16[30] of the Constitution.

The honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions

rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.[31]

Judge Pantanosas, Jr.'s explanation that the undecided cases were never brought to his attention during his incumbency[32] deserves scant consideration. Proper and efficient court management is the responsibility of the judge, and he is the one directly responsible for the proper discharge of his official functions.[33] It should be emphasized that the responsibility of making a physical inventory of cases primarily rests on the presiding judge. He ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them 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.

A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is his responsibility. Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subordinates.[34]

Likewise, Judge Gamotin-Nery's explanation fails to convince us. Being designated Acting Presiding Judge in another sala in addition to her original station is no excuse for respondent judge's delay in promptly deciding cases pending before her sala. In *Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City*,[35] we said that being designated Acting Presiding Judge in two other salas is insufficient reason to justify delay in deciding a case for he could have asked for an extension of the period within which to decide it.[36]

We are not unmindful of the burden of heavy caseloads heaped on the shoulders of every trial judge. But that cannot excuse them from doing their mandated duty to resolve cases with diligence and dispatch. Judges burdened with heavy caseloads should request the Court for an extension of the reglementary period within which to decide their cases if they think they cannot comply with their judicial duty.[37] Hence, under the circumstances, all that said judge needed to do was request for an extension of time since this Court has, almost invariably, been considerate with regard to such requests. She did not avail of such remedy.[38] A heavy caseload may excuse a judge's failure to decide cases within the reglementary period but not their failure to request an extension of time within which to decide the case on time.[39]

As to the liability of respondent clerk of court, it is undisputed that Mr. Magno was remiss in his duty and responsibility as clerk of court by failing to adopt a system of record management. His efficiency or inefficiency in the performance of his duties and responsibilities does not depend on how his predecessors performed theirs. As the custodian of the court's funds, revenues, records, properties and premises, clerks of court perform very delicate functions and are liable for any loss, shortage, destruction or impairment thereof. It is presumed that they have familiarized themselves with the various statutes and administrative circulars pertinent to their functions to effectively discharge their duties and responsibilities.[40] Thus, we are not inclined to be sympathetic to Mr. Magno because he cannot plead his lack of knowledge (or ignorance) as an excuse. He is presumed to know his functions and responsibilities.[41]

We stress that clerks of court are essential judicial officers who perform delicate administrative functions vital to the prompt and proper administration of justice. Their duty is, *inter alia*, to assist in the management of the calendar of the court and in all matters that do not involve the discretion or judgment properly belonging to the judge. They play a key role in the complement of the court, as their office is the hub of adjudicative and

administrative orders, processes and concerns. As such, they are required to be persons of competence, honesty and probity; they cannot be permitted to slacken on their jobs.

Clearly, on this aspect, Mr. Magno is found to be guilty of inefficiency and incompetence in the performance of his official duties. As pointed out by the OCA, and we quote,

To recapitulate, decisions in Crim. Cases Nos. 61616, 62429, 68940 and in affirmed appealed Crim. Cases Nos. 63041, 96-03-1739, 96-03-1740, 96-03-41, 96-03-1742, 96-03-1743, 96-03-44, 96-03-1745, 96-03-1746, 96-03-1747, 96-03-1748, 96-03[-]1749 and 96-03-1750, were not promulgated but were merely found inside the filing cabinet; Civil Cases Nos. 16286, 16073 and Crim. Cases Nos. 96-02-959 and 96-02-960 were found along archived cases; active Civil Cases Nos. 16403, 99-Aug-616, C-July-502, 96-Nov-970, 99-Feb-155, 98-Mar-0262, 98-Sept-109, 97-Aug-714, 98-Jan-0038, 99-Nov-960, 16701, 97-Jan-061, 97-Sept-753, 12847, and 98-Mar-0918 as well as Civil Cases Nos. 9753, 9779, and 9791 (submitted for decision) were discovered among the files of terminated cases; no ex-parte hearing, as admitted by Mr. Magno, were conducted in cases where respondent was declared in default and that as a consequence no stenographic notes were transcribed particularly in Civil Cases Nos. 98-Nov-1309, 99-June-301, C1-Mar-149, C-Aug-074, mistakenly listed as C-Aug-674, C-Oct-882, C-Oct-899, C-Nov-1074 and 98-Jul-808.

Mr. Magno likewise failed to send Notice of Hearing on January 23, 2002 to the City Government of Cagayan in LRC Case No. 98-03; set Civil Case C1-Jun-391 for preliminary conference while the motion to lift order of default was still unresolved; set the case of Cooperative vs. Aposkahoy Multi-Purpose Cooperative for preliminary conference without an answer being filed by defendant; and failed to [turnover] the confiscated firearms in Crim. Case No. 98-1770 and the fireworks in Crim. Case No. 99-02-484. He also admitted that there was no physical inventory of cases conducted in this court except only upon the assumption of Judge Algodon.[42]

An important duty of the trial court is to conduct a monthly physical inventory of cases. Thus, on the clerks of court, as much as on the judges, rests the responsibility for ensuring that delay in the disposition of cases is kept to a minimum. Indeed, while the clerks of court are not guardians of a judge's responsibility, they are expected to assist in the speedy dispensation of justice.[43]

As branch clerk of court, Mr. Magno's duties included conducting periodic docket inventory and ensuring that the records of each case were accounted for. It was likewise his duty to initiate and cause the search for missing records. It was incumbent upon him to ensure an orderly and efficient records management in the court. His failure to do so constitutes manifest inefficiency and ineptitude which cannot be countenanced.[44]

As to the imposable penalty, the failure to render decisions and orders within the mandated period constitutes a violation of Canon 3, Rule 3.05[45] of the Code of Judicial Conduct. Section 9, [46] Rule 140 of the Revised Rules of Court classifies undue delay in rendering a decision or order as a less serious charge punishable under Section 11(B) of the same Rule, thus:

x 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 P10,000.00 but not exceeding P20,000.00. (Emphasis supplied.)

x x x x

Judge Pantanosas, Jr.'s optional retirement does not warrant the dismissal of the administrative complaint filed

against him while he was still in the service nor does it render said administrative case moot and academic. It does not preclude the finding of any administrative liability to which he shall still be answerable. Indeed, the Court retains its jurisdiction either to pronounce the respondent public official innocent of the charges or declare him guilty thereof.[47]

Section 52,[48] Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service classifies inefficiency and incompetence in the performance of official duties as a grave offense and punishable by suspension ranging from 6 months and 1 day to 1 year, for the first offense, and dismissal for the second offense. There is no showing that Mr. Magno had been earlier administratively charged and found guilty thereof. The proper imposable penalty, in his case, therefore, is suspension and not dismissal.

WHEREFORE, Judge Evelyn Gamotin-Nery is adjudged administratively liable for failure to decide cases within the reglementary period and is hereby FINED in the amount of P10,500.00 with a STERN WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely. Likewise, for failure to decide cases within the reglementary period, Judge Gregorio D. Pantanosas, Jr. is meted a FINE of P10,500.00 to be deducted from his retirement benefits. The Fiscal Management Office is DIRECTED to immediately release the balance of Judge Pantanosas' retirement benefits after such fine has been deducted therefrom.

Having been found guilty of inefficiency and incompetence in the performance of his official duties, Mr. Alfredo B. Magno, Jr. is hereby SUSPENDED for a period of six (6) months without pay but with a STERN WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely. Mr. Magno is also DIRECTED to submit thru OCA, his comment on his failure to turnover the confiscated firearms in Criminal Case No. 98-1770 and the fireworks in Criminal Case No. 99-02-484 within a period of fifteen (15) days from notice.

Judge Eleuteria Badoles-Algodon is DIRECTED to fully comply within 30 days from notice, with the directives of the Resolution dated September 11, 2002, furnishing the Court, through the Office of the Court Administrator a copy of orders, resolutions and decisions issued in connection therewith. As to the matter against Ms. Helenita T. Gaccion, Acting Clerk of Court of the MTCC, Branch 2, Cagayan de Oro City, the matter is hereby considered CLOSED and TERMINATED.

SO ORDERED.

Carpio Morales, Chico-Nazario,[*] Leonardo-De Castro,**] and Brion, JJ., concur.

[*] Designated member of the Second Division per Special Order No. 658.

**] Designated member of the Second Division per Special Order No. 635.

[1] Rollo, pp. 6-20.

[2] Id. at 21-26.

[3] Id. at 21. CIVIL CASES NOS. 97-JAN-080, 99-JUN-435, 99-AUG-670, 99-AUG-673, C-JUL-462, C-JUL-539, C-JUL-650, C1-FEB-075, C1-SEP-559, C1-SEP-614.

[4] Id. CRIMINAL CASES NOS. 99-02-448, 99-02-449, 99-02-450, M-06-2999 and M-06-3048.

[5] Id. CIVIL CASES NOS. 16788, 98-JUN-587, 99-SEP-742, 99-NOV-966, C- FEB-087, C-MAR-216, C-APR-212, C-JUN-437, C-JUL-599, C-SEP-802, C-OCT-979, C-OCT-1004, C-NOV-1082, C-DEC-1141, C1-MAR-138, C1-MAR-140, C-APR-170, C1-APR-194, C1-MAY-223, C1-JUN-309, C1-JUL-432, C-JUL-552,

C1-AUG-520, C-SEP-844.

[6] Id. CRIMINAL CASES NOS. 64063, 73023, 93-05-4709, 97-08-8580, 97-08-8581, 97-08-8582, 98-02-433, 98-1043, 96-03-1485, 96-04-2456 and M-08-3542, and MI-09-3806.

[7] Id. CRIMINAL CASES NOS. 64063, MI-09-3806, MI-104196, 72929, 74807, 75743, 96-05-2703, 96-05-2704 and M-07-3077.

[8] Id. at 22. CIVIL CASES NOS. 15941, 98-MAR-221, 99-JUL-574, C-JUL-585, C1-MAR-116, C1-JUL-448, C1-APR-170, 98-APR-349, 99-AUG-672, C-AUG-664, C1-MAR-148, C1-JUL-484, 96-FEB-076, 98-APR-419, 99-AUG-689, C-AUG-670, C1-JUN-322, C1-AUG-540, 97-SEP-732, 98-NOV-1340, 99-SEP-715, C-SEP-756, C1-JUN-324, C2-FEB-088, 97-OCT-899, 98-DEC-1431, 99-NOV-952, C-SEP-837, C1-JUN-341, LRC-N-96-01, 98-JAN-028, 99-JUN-473, C-APR-260, C-OCT-988, C1-JUL-408, 97-AUG-681, 98-JAN-034, 98-JUN-576, 98-JUN-1331, 99-MAY-414 and 99-OCT-872.

[9] Id. at 22-23. CRIMINAL CASES NOS. 64842, 96-08-6246, 96-08-6250, 96-08-6256, 06-11-9743, 97-10-10605, 99-12-5212, M-06-2733, M-12-5556, M-12-5678, M-12-5695, M-12-5818, M-12-5842, M1-01-302, M1-02-641, M1-02-819, M1-02-924, M1-03-1109, M1-03-1171, M1-04-1667, M1-06-2175, M1-06-2278, M1-06-2341, M1-06-2473, M1-06-2494, M1-06-2543, 66139, 96-04-2423, 96-04-2424, 96-08-6244, 96-08-6245, 96-08-6247, 96-08-6248, 96-08-6249, 96-08-6251, 96-08-6252, 96-08-6253, 96-08-6254, 96-08-6255, 96-08-6257, 96-08-6194, 96-08-6195, 96-08-6196, 96-08-6197, 97-09-9398, 97-10-10601, 97-10-10602, 97-10-10603, 97-10-10604, 97-10-10606, 97-10-10607, 97-10-608, 97-10-609, 99-10-4549, M-461, M-544, M-545, M-546, M-547, M-06-2734, M-11-5042, M-12-5551, M-12-5552, M-12-5555, M-12-5558, M-12-5560, M-12-5627, M-12-5633, M-12-5666, M-12-5684, M-12-5687, M-12-5690, M-12-5691, M-12-5693, M-12-5737, M-12-5755, M-12-5756, M-12-5760, M-12-5761, M-12-5821, M-12-5829, M-12-5831, M-12-5836, M-12-5840, M-12-5844, M-12-5875, M-12-5887, M-12-5896, M1-01-094, M1-01-134, M1-01-144, M1-01-171, M1-01-235, M1-01-460, M1-02-696, M1-02-710, M1-02-714, M1-02-735, M1-02-745, M1-02-858, M1-02-859, M1-02-860, M1-02-917, M1-02-920, M1-02-929, M1-02-936, M1-02-987, M1-03-1018, M1-03-1085, M1-03-1154, M1-03-1155, M1-03-1158, M1-03-1159, M1-03-1197, M1-03-1289, M1-03-1290, M1-03-1340, M1-03-1363, M1-04-1755, M1-04-1759, M1-04-1764, M1-04-1769, M1-06-2173, M1-06-2178, M1-06-2179, M1-06-2184, M1-06-2219, M1-06-2241, M1-06-2287, M1-06-2289, M1-06-2318, M1-06-2320, M1-06-2340, M1-06-2376, M1-06-2385, M1-06-2459, M1-06-2467, M1-06-2468, M1-06-2477, M1-06-2480, M1-06-2482, M1-06-2486, M1-06-2487, M1-06-2504, M1-06-2505, M1-06-2535, M1-06-2536, M1-06-2540, M1-06-2544, M1-06-2546, M1-06-2547, M1-06-2550, M1-07-2578, M1-07-2580, M1-07-2631, M1-07-2635, M1-07-2639, M1-07-2644, M1-07-2690, M1-07-2764, M1-07-2785, M1-07-2806, M1-07-2813, M1-07-2814, M1-07-2827, M1-07-2830, M1-07-2832, M1-07-2833, M1-07-2837, M1-07-2840, M1-07-2841, M1-07-2856, M1-07-2858, M1-07-2865, M1-07-2866, M1-07-2867, M1-07-2868, M1-07-2870, M1-07-2914, M1-07-2923, M1-07-2926, M1-07-2945, M1-07-2949, M1-07-2952, M1-07-2955, M1-07-2967, M1-07-2968, M1-07-2971, M1-07-2982, M1-07-3006, M1-08-3039, M1-08-3056, M1-08-3063, M1-08-3070, M1-08-3073, M1-08-3174, M1-08-3075, M1-08-3081, M1-08-3082, M1-08-3083, M1-08-3084, M1-08-3086, M1-08-3108, M1-08-3114, M1-08-3119, M1-08-3122, M1-08-3136, M1-08-3140, M1-08-3160, M1-08-3215, M1-08-3218, M1-08-3221, M1-08-3225, M1-08-3226, M1-08-3228, M1-08-3229, M1-08-3230, M1-08-3231, M1-08-3232, M1-08-3235, M1-08-3295, M1-08-3303, M1-08-3307, M1-08-3309, M1-08-3310, M1-08-3311, M1-08-3319, M1-08-3396, M1-08-3421, M1-08-3426, M1-08-3428, M1-08-3430, M1-08-3436, M1-08-3447, M1-08-3455, M1-08-3465, M1-08-3473, M1-08-3478, M1-08-3486, M1-08-3490, M1-08-3493, M1-08-3498, M1-08-3510, M1-08-3512, M1-08-3514, M1-08-3540, M1-08-3542, M1-08-3544, M1-08-3545, M1-08-3548, M1-08-3558, M1-08-3560, M1-09-3825, M1-09-3838, M1-09-3841, M1-09-3849, M1-09-3854, M1-09-3857, M1-09-3866, M1-09-3907,

M1-09-3908, M1-09-3932, M1-09-3916, M1-09-3922, M1-09-3925, M1-09-3929, M1-09-3956, M1-09-3966, M1-09-3974, M1-09-3976, M1-09-3980, M1-09-3984, M1-09-3988, M1-10-4010, M1-10-4011, M1-10-4035, M1-10-4037, M1-10-4041, M1-10-4045, M1-10-4047, M1-10-4051, M1-10-4053, M1-10-4055, M1-10-4126, M1-10-4137, M1-10-4138, M1-10-4155, M1-10-4161, M1-10-4163, M1-10-4199, M1-10-4206, M1-10-4220, M1-10-4228, M1-10-4288, M1-10-4298, M1-10-4299, M1-10-4302, M1-10-4307, M1-10-4310, M1-10-4313, M1-10-4314, M1-10-4325, M1-10-4350, M1-10-4356, M1-10-4434, M1-10-4435, M1-10-4440, M1-10-4441, M1-10-4475, M1-10-4491, M1-10-4494, M1-10-4495, M1-10-4497, M1-10-4498, M1-10-5401, M1-10-4503, M1-10-4509, M1-10-4510, M1-10-4513, M1-10-4516, M1-10-4519, M1-10-4521, M1-10-4522, M1-10-4523, M1-10-4524, M1-10-4525, M1-10-4528, M1-11-4572, M1-11-4598, M1-11-4600, M1-11-4606, M1-11-4607, M1-11-4609, M1-11-4610, M1-11-4611, M1-11-4612, M1-11-4613, M1-11-4614, M1-11-4615, M1-11-4616, M1-11-4629, M1-11-4638, M1-11-4639, M1-11-4645, M1-11-4679, M1-11-4803, M1-12-4887, M1-12-4936, M1-12-4939, M1-12-4942, M1-12-4943, M1-12-4947, M1-12-4948, M1-12-4949, M1-12-4952, M1-12-4954, M1-12-4957, M1-12-5014, M1-12-5016, M1-12-5026, M1-12-5030, M1-12-5032, M1-12-5033, M1-12-5037, M1-12-5040, M1-12-5045, M1-12-5046, M1-12-5053, M1-12-5056, M1-12-5063 and M1-12-5090;

[10] Id. at 23. CRIMINAL CASES NOS. M-334, M-335, M-615, M-07-3104, M1-03-1717, M1-09-3822, M1-12-4881 and M2-02-0427.

[11] Id. CIVIL CASES NOS. 98-JAN-032, 98-JAN-070, 98-FEB-147, 98-MAR-250, 98-MAR-300, 98-MAR-507, 98-JUN-570, 98-JUL-713, 98-OCT-1231, 99-JAN-087, 99-FEB-095, 99-FEB-170, 99-MAR-257, 99-JUN-470, 99-JUL-555, 99-595, 99-AUG-685, 99-OCT-819, 99-NOV-990, 99-DEC-1045, C-OCT-949, C-NOV-1030, C-NOV-1048, C-NOV-1070, C-NOV-1071, C-NOV-1078, C-DEC-1114, C-DEC-1147, C-DEC-1154, C1-JAN-023, C1-JAN-059, C1-MAR-155, C1-JUN-333, C1-JUN-334 and C1-JUN-363.

[12] Id. at 24. CRIMINAL CASES NOS. 96-03-1733, 96-03-1735, 98-02-351, M1-06-2188, M1-06-89, M1-06-90, M1-06-91, M1-06-92, M1-06-93, M1-06-94, M1-06-95, M1-06-2246, M1-06-2309, M1-06-2310, M1-06-2311, M1-06-2312, M1-06-2313, M1-06-2332, M1-06-2342, M1-06-2343, M1-06-2359, M1-06-2396, M1-06-2397, M1-06-2398, M1-06-2463, M1-06-2529, M1-07-2566, M1-07-2586, M1-07-2645, M1-07-2646, M1-07-2648, M1-07-2660, M1-07-2663, M1-07-2667, M1-07-2744, M1-07-2745, M1-07-2746, M1-07-2747, M1-07-2748, M1-07-2749, M1-07-2765, M1-07-2766, M1-07-2793, M1-07-2794, M1-07-2822, M1-07-2822, M1-07-2890, M1-07-2933, M1-07-2977, M1-08-3013, M1-08-3052, M1-08-3150, M1-08-3130, M1-08-3131, M1-08-3132, M1-08-3149, M1-08-3161, M1-08-3200, M1-08-3206, M1-08-3251, M1-08-3252, M1-08-3338, M1-08-3340, M1-08-3342, M1-08-3344, M1-08-3378, M1-08-3400, M1-08-3406, M1-08-3520, M1-08-3525, M1-08-3534, M1-08-3636, M1-08-3571, M1-09-3620, M1-09-3645, M1-09-3632, M1-09-3755, M1-09-3756, M1-09-3757, M1-09-3758, M1-09-3759, M1-09-3760, M1-09-3761, M1-09-3762, M1-09-3763, M1-09-3803, M1-09-3810, M1-09-3783, M1-09-3882, M1-09-3931, M1-09-3947, M1-09-3953, M1-10-4024, M1-10-4103, M1-10-4104, M1-10-4105, M1-10-4251, M1-10-4252, M1-10-4106, M1-10-4113, M1-10-4189, M1-10-4190, M1-10-4247, M1-10-4253, M1-10-4254, M1-10-4405, M1-10-4416, M1-10-4417, M1-10-4467, M1-10-4468, M1-10-4474, M1-10-4480, M1-11-4617, M1-11-4618, M1-11-4620, M1-11-4621, M1-11-4680, M1-11-4622, M1-11-4646, M1-11-4691, M1-11-4692, M1-11-4693, M1-11-4694 and M1-11-4744.

[13] Id. at 173-176.

[14] Id. at 25. CIVIL CASES NOS. 2666, 15801, 16073, 16403, 17209, 98-JAN-080, 97-JAN-102, 97-SEP-833, 97-NOV-943, 98-FEB-177, 98-359, 98-JUN-563, 98-AUG-862 and 99-MAY-299.

[15] Id. CRIMINAL CASES NOS. 63276, 63492, 69690, 74070, 96-06-3778, 96-06-3799, 96-06-3780, 96-06-3781, 97-04-4188, 97-04-4189, 97-04-4190, 97-04-4191, 97-04-4192, 61937, 62429, 70125, 72139, 72925,

73545, 74065, 96-04-2254, 96-04-2455 and 96-12-10850.

[16] Id. CIVIL CASES NOS. 97-JUL-557, 98-NOV-1312, 99-JUL-519, C-JUN-404, C-JUL-454, C-JUL-630, 99-AUG-648, C-FEB-091 and C-FEB-103.

[17] Id. CRIMINAL CASES NOS. 67804, 65658, 96-05-3032, 96-05-3033, 96-05-3207, 96-05-3208, 96-05-3209, 96-05-3210, 96-05-3211, 96-05-3212, 96-05-3213, 96-05-3214, 96-05-3215, 96-05-3216, 96-05-3217, 96-05-3218, 96-05-3219, 96-05-3220, 96-06-3663, 96-06-3664, 96-06-3665, 96-06-3666, 96-06-3667, 96-06-3668, 96-06-3708, 96-06-3709, 96-06-3710, 97-07-7008, 97-11-110, 74637, 74638, 96-07-5175, 96-07-5176, 96-08-6281, 97-02-2004, 97-05-5142, 98-01-309, 98-11-4903 and 98-12-5202.

[18] Id. CIVIL CASES NOS. 97-AUG-681, 98-JAN-034, 98-JUN-576, 98-NOV-1331, 99-MAY-414 and 99-OCT-872.

[19] Id. at 27-29.

[20] Id. at 27-28. CIVIL CASES NOS. 99-AUG-670, C-JUL-539, C-JUL-650, C1-SEPT-559, C1-SEPT-614, 99-AUG-673, C-SEP-802, 16778, 99-SEPT-742, 99-NOV-966, C-MAR-216, C-OCT-979, C-OCT-1004, C-NOV-1082, C-DEC-1141, C1-MAR-138, C1-MAR-140, C1-APR-170, C1-APR-194, C1-MAY-233, C1-JUN-309, C1-JUL-432, C1-AUG-520, C-SEPT-844.

[21] Id. at 27. CIVIL CASES NOS. 97-JAN-080, 99-JUN-435, C-JUL-462, 99-JUN-587, C-FEB-087, C-JUL-599.

[22] Id. at 28-29. CRIMINAL CASES NOS. 64063, 73023, 97-08-8580 & 8581, 98-02-433, 97-05-4709, 96-03-1485, 96-04-2456, M-08-3542.

[23] Id. at 29. CRIMINAL CASES NOS. M-334 & 335, M-615, M1-09-3822, M2-02-0427.

[24] Id. at 120-121.

[25] Id. at 142-144.

[26] Id. at 117-119.

[27] Id. at 125.

[28] Id. at 141.

[29] Id. at 238-261.

[30] Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

[31] *Petallar v. Pullos*, A.M. No. MTJ-03-1484, January 15, 2004, 419 SCRA 434, 438.

[32] On March 30, 2007, Judge Pantanosas, Jr. filed his optional retirement in view of his candidacy for the position of Vice-Governor.

[33] *Office of the Court Administrator v. Quilala*, A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597, 604.

[34] *Re: Cases Left Undecided by Retired Judge Antonio E. Arbis*, RTC Branch 48, Bacolod City, A.M. No. 99-1-01-RTC, January 20, 2003, 395 SCRA 398, 402-403.

[35] A.M. No. 97-8-262-RTC, November 27, 1998, 299 SCRA 382.

[36] Gallego v. Doronila, A.M. No. MTJ-00-1278, June 26, 2000, 334 SCRA 339, 345-346.

[37] Report on the Judicial Audit Conducted in the RTC, Branches 2 and 31, Tagum City, A.M. No. 04-1-56-RTC, February 17, 2005, 451 SCRA 605, 610.

[38] Re: Judicial Audit Conducted in the Regional Trial Court, Branch 54, Lapu-Lapu City, A.M. No. 05-8-539-RTC, November 11, 2005, 474 SCRA 455, 462.

[39] Report on the Judicial Audit Conducted in the RTC, Branches 2 and 31, Tagum City, supra.

[40] Toribio v. Ofilas, A.M. No. P-03-1714, February 13, 2004, 422 SCRA 534, 535.

[41] Id. at 540.

[42] Rollo, pp. 258-259.

[43] Bernaldez v. Avelino, A.M. No. MTJ-07-1672, July 9, 2007, 527 SCRA 11, 22.

[44] Re: Report on the Judicial Audit Conducted in the RTC, Brs. 87 & 98, Quezon City, A.M. No. 99-11-423-RTC, June 26, 2001, 359 SCRA 562, 568.

[45] CANON 3-A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE

x x x x

Rule 3.05. - A judge shall dispose of the court's business promptly and decide cases within the required periods.

x x x x

[46] SEC. 9. Less Serious Charges. - Less serious charges include:

x x x x

[47] Office of the Court Administrator v. Hamoy, A.M. No. RTJ-04-1830, January 17, 2005, 448 SCRA 322, 328.

[48] Sec. 52. Classification of Offenses.-Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

x x x x

16. Inefficiency and incompetence in the performance of official duties: 1[st] Offense—°Suspension for six (6) months and one (1) day to one (1) year; 2[nd] Offense—°Dismissal.

x x x x

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