

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCHES 3, 5, 7, 60 AND 61, BAGUIO CITY.

A.M. No. 02-9-568-RTC. February 11, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In Administrative Matter OCA IPI No. 02-1435-RTJ which is the complaint of Judge Ruben Ayson against the Regional Trial Court Judges of Baguio City, the Court En Banc issued a Resolution dated March 19, 2002, forming a team to conduct judicial audit and physical inventory of pending cases, including cases submitted for decision and/or cases with motions for resolution in all the Branches of the Regional Trial Court, Baguio City.

In a Memorandum dated September 17, 2002, filed with the Court and docketed as A.M. No. 02-9-568-RTC, the herein administrative matter, Deputy Court Administrator Christopher O. Lock submitted the report of the audit team and endorsed the team's recommendation.

Thus, on December 16, 2002, the Second Division of this Court issued the following Resolution[1]:

Adm. Matter No. 02-9-568-RTC (Re: Reports on the judicial audit conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61 Baguio City). – Considering the judicial audit and physical inventory of cases in all branches of the RTC, Baguio City, in compliance with the resolution of the Court En Banc dated 19 March 2002 in A.M. No. OCA IPI 02-1435-RTC, the Court Resolves, upon recommendation of Deputy Court Administrator Christopher O. Lock in his Memorandum dated 17 September 2002, to:

BRANCH 3

I. DIRECT Judge Fernando Vil Pamintuan to: (a) to ACT IMMEDIATELY and/or INFORM this Court, through the Office of the Court Administrator, of the present status of the following cases which from the time of filing/raffle thereof have not been acted upon for a considerable period, namely: Criminal Case Nos. 17634, 17636, 2000 and Civil Case Nos. 5199, 4542, 4984, LRC 1212, LRC 1206 and LRC 1041, as well as to explain the cause of delay in the movement of the cases within ten (10) days from notice; (b) to IMMEDIATELY TAKE the necessary steps for the disposition of the following cases, in accordance with Circular No. 7-A-92 (Guidelines in the Archiving of Cases) dated June 21, 1993, to wit: Criminal Case Nos. 19480, 19481, 19482, 19483, 19484, 19500, 19554, 19578, 18954, 18955 and 18800;

II. DIRECT the Branch Clerk of Court/Officer-in-Charge, to INFORM this Court through the Office of the Court Administrator within ten (10) days from notice of the present status of the following: (a) cases which were submitted for decision but still within the 90-day reglementary period when the judicial audit was conducted, namely Crim. Case Nos. 17182, 17792, 18030, 18130, 18131, 18132, 18148, 18149 and Civil Case Nos. 1168, 1674, 4347, 4373, 5028 and 5205; and (b) cases with pending matters and incidents for resolution but also within the 90-day reglementary period when the judicial audit was conducted namely, Civil Case Nos. 4741, 4320, 4880, 4735 and LRC 1050.

BRANCH 5

I. DIRECT Judge Antonio M. Esteves: (a) to EXPLAIN within ten (10) days from notice why he should not be

administratively penalized for not deciding/resolving the following cases submitted for decision or with pending incidents/matters for resolution within the reglementary period provided by law, namely: Crim. Case Nos. 13490, 16667, 16290, 16851, 168552, 15667, 19278, 19398, 17123, Civil Case Nos. 5012, 4770, 4269 and 1037; (b) to ACT IMMEDIATELY on the following cases which are ripe for disposition pursuant to Circ. No. 7-A-92, dated 21 June 1992, namely, Crim. Case Nos. 19492, 19493, 19496, 19334, 19341, 19362, 19363, 19386, 19400, 19430, 19460, and 19479; (c) to EXPLAIN within ten (10) days from notice hereof why the following cases were either not active or were not set for hearing, despite the lapse of considerable length of time, namely, Crim. Case Nos. 17128 and 18068, Civil Case Nos. 5170, 5209, 4822, 4630, 4596, 4967, 4989, 4925, 4614, 4586, 4468, 5140, SP 1012, SP 187, SP 380, SP 3825 and LRC-1166. II. DIRECT Branch Clerk of Court Nelia A. Amansec to INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases with pending matter or incidents for resolution but still within the ninety (90)-day reglementary period when the judicial audit was conducted, namely: Crim. Case Nos. 19994 and 19995, Civil Case Nos. 5142, 5112, 5125, 5121, 5069, 4959, 4590, 4591, 4730, 4269, 1037, 3732, 3592, 4878, 4941, 4922 and 4755.

BRANCH 7

I. DIRECT Judge Clarence J. Villanueva to: (a) EXPLAIN why he should not be administratively penalized for his failure to decide within the reglementary period prescribed by law, the following cases, to wit: Criminal Case Nos. 15497, 15620, 15621, 15668, 15728, 15739, 16525, 16526, 16829, 17127, 17686, 17751, 17917, 19348, 19349 and Civil Case Nos. 4947, 5059; (b) EXPLAIN why he should not be administratively penalized for his failure to resolve within the reglementary period prescribed by law, the pending motions/incidents in Civil Case Nos. 4491 and 4576; (c) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases where no action had been taken despite the lapse of a considerable length of time and to explain why he should not be held administratively accountable for such inaction, namely: Crim. Case Nos. 17637 and 19835 and Civil Case Nos. 1202, 1208, 2586, 3259, 3832, 4953, 4996, 5023, 5194, SP-432 and SP-151; (d) TAKE proper action on the following cases which are ripe for disposition pursuant to Administrative Circ. No. 7-A-92, viz: Crim. Case Nos. 17843, 19547, 19559, 19590, 19600 and 19613 and Civil Case No. 4980.

II. DIRECT Ms. Susan U. Bito, Officer-in-Charge, to INFORM this Court through the Office of the Court Administrator: (a) whether the decisions in Crim. Case Nos. 13994 and 16928 have already been promulgated; (b) of the present status of the following cases which were submitted for decision but still within the ninety (90) day reglementary period when the audit was conducted, viz: Crim. Case Nos. 4825, 16860, 17952, 19692 and Civil Case Nos. 1159, 2597, 3983, 4490, 4647, 4649, 4800, 4818, 4896, 5115, 5145; and (c) the present status of the following cases which have pending motions/incidents for resolution but still within the ninety (90)-day reglementary period when the audit was conducted, viz: Crim. Case Nos. 17930 and 19693 and Civil Case Nos. 1423, 4869, 5045, 5054, 5062, 5090, 5165, SP-788 and 445 (3-2000);

BRANCH 60

I. DIRECT Judge Edilberto Claraval to: (a) EXPLAIN within ten (10) days from notice why he should not be administratively penalized for his failure to decide Crim. Case Nos. 17199 and 1570, within the reglementary period provided by law; (b) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice, of the present status of the following cases where no action had been taken despite the lapse of considerable length of time and to explain why he should not be held administratively accountable for such inaction, namely: Crim. Case Nos. 17327, 5168, 5189 and 5203; (c) TAKE proper action on the following cases which are ripe for disposition pursuant to Circ. No. 7-A-92 dated 21 June 1992, namely, Crim. Case No. 17327 Civil Case Nos. 5168, 5189 and 5203; and (d) EXPLAIN why no formal orders were issued on the action taken on motions filed by parties in Civil Case Nos. 5037, 5107, 9078, 4907, 5051 and 5128, and SP Nos. 4845, 5116 and 5073. II. DIRECT Branch Clerk of Court Remedios Baldfra-Reyes, to: (a) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice whether the decisions in the following cases have already been promulgated, namely, Crim. Case Nos. 15693, 15694, 18158, 18310 to

18316; (b) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which were submitted for decision but still within the reglementary period when the judicial audit was conducted to wit: Crim. Case Nos. 19382, 18648, 18649, 18435, 18158, 15693, 15694, 18310, 18311, 18312, 18313, 18314, 18315, 18316, 18055 and 18435, Civil Case Nos. 5060, 4376, 4377, 4385, 4386, 4388, 4395, 4396, 4397, 4398, 4403, 4407, 4433, 4421, 4429, 4432, 4437, 4523, 4651, 4562, 4808, 4247, 4871, 5080, 4668, 2863, 4414; (c) INFORM this Court, through the office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which have pending matters/incidents for resolution but still within the ninety (90)-day period when the audit was conducted, namely: Crim. Case Nos. 19915, 19427 and Civil Case Nos. 4907 and 4629; and (d) EXPLAIN why Criminal Case Nos. 16545-49 originally docketed as Criminal Case Nos. 97-6949-53 and raffled to Br. 4 of MeTC, Baguio City, were docketed and transferred to Br. 60 prior to their transfer to the MeTC of Muntinlupa City per AM-99-1-14-MTCC.

BRANCH 61

I. DIRECT Judge Antonio C. Reyes to: (a) to EXPLAIN within ten (10) days from notice why he should not be administratively penalized for his failure to resolve within the ninety (90)-day reglementary period the following cases, to wit: Civil Case Nos. 4932, 4710, 4520 and 4547; (b) INFORM this Court through the Office of the Court Administrator, of the causes for the delay in the movement of some fifty-three (53) cases which have not been acted upon or have no further action or setting in the court calendar despite the lapse of considerable length of time, and EXPLAIN within ten (10) days from notice why he should not be held administratively accountable for such inaction, to wit: Criminal Case Nos. 18133, 18134, 16292, 16326, 18937, 18718, 18719, 19033, 19410, 19411, 18553, 18554, 17966, 17967, 18526, 18527, 18636, 18720, 19557, 19737, 19738, 19739, 18936, 19499, 18476, 18477, 14520, 18665, 17945, 17946, 17975, Civil Case Nos. 4807, 4919, 2107, 1784, 2123, 3191, 3538, 3598, 3127, 4278, 4053, 4115, 4553, 5110, 5122, 4929, 4726, 3766, 4418, 5167, 4427 and LRC No. 1061; and (c) EXPLAIN why he does not issue formal orders when setting the case for hearing as well as on actions taken on the motions filed by the parties, particularly in Criminal Case Nos. 15742-43, 17796-97 and 17965.

II. DIRECT Branch Clerk of Court Mayflor L. Heo to: (a) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of Crim. Case No. 18414, Civil Case Nos. 4059, 4219 and 4262, which cases were submitted for decision but were still within the ninety (90)-day reglementary period when the audit was conducted; (b) INFORM this Court, through the office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which, when the judicial audit was conducted, have pending motions or incidents for resolution but still within the ninety (90)-day reglementary period, namely, Criminal Case Nos. 18421, 15742, 15743, 17965, 16551, 16552, 4365, 5026, 5135 and SP 884; (c) strictly COMPLY with the prescribed dress code pursuant to CSC Memorandum Circular No. 19 S 2000 (Revised Dress Code Prescribed for all Government Officials and Employees in the Workplace) and Administrative Circular No. 19-2001 dated 15 February 2001; and (d) EXPLAIN why, prior to the audit, the logbook of attendance does not contain the time when employees arrive and leave the court per 1973 Memo. Circular No. 4.

All the aforementioned Judges and branch clerks of court or officers-in-charge submitted their respective explanations or reports in compliance with the aforementioned Resolution. In a Memorandum[2] dated November 19, 2003, DCA Lock submitted his evaluation thereof together with his findings and recommendations, to wit:

ON BRANCH 3 –

We find the letter/manifestation of Judge Pamintuan sufficient compliance with the Resolution of the Court.

However, as regards the cases subject of directive II (a)[3] we noted that the Clerk of Court failed to indicate in her report the dates when the subject cases were decided. Thus, in order for us to determine whether these

cases were decided during the 90-day reglementary period, Atty. Bacbac should submit to the Court, through the Court Management Office copies of the decisions.[4]

ON BRANCH 5 –

It is noteworthy that of the 14 cases submitted for decision at the time of the audit, eleven (11)[5] were beyond the 90-day period within which to decide. Likewise, among the cases with pending motions or incidents for resolution which were still within the reglementary period to resolve at the time of the audit, the following have been resolved beyond the 90-day period, to wit:

CIVIL CASES NOS.

DATE OF MOTION

DUE DATE

DATE RESOLVED

1.

5121

02-19-02

05-19-02

10-20-02

2.

4959

04-25-02

07-25-02

12-20-02

3.

4730

02-15-02

05-15-02

06-20-02

4.

4878

05-30-02

08-30-02

11-20-02

5.

4755

04-24-02

07-24-02

13-03-02

From the foregoing, it is evident that Judge Esteves has been remiss in his duty and responsibility as an officer of the court. He violated Rule 3.05, Canon 3 of the Code of Judicial Conduct requiring a judge to dispose of the Court's business promptly and decide cases within the required periods.

Judge Esteves admitted having failed to decide cases submitted for decision or resolution on time but attributed the delay to the case filed against him by Judge Ayson. We find such justification not sufficient to vindicate him of any liability for his failure to decide on time. Judge Esteves should not allow his personal problems to interfere with his official duties and functions. It cannot be over emphasized that the public's faith and confidence in the judicial system is at such in cases involving delays in the disposition of cases. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.

Judge Esteves, knowing that he could not dispose of the case on time, should have requested for an extension of time to decide or resolve the subject cases. The Supreme Court has always been sympathetic to requests made by judges for extension of time for deciding cases and other matters and incidents related thereto. Hence, should a judge finds himself unable to comply with the 90-day requirement for deciding cases, a judge can ask for an extension and such request is generally granted.

Administrative Matter No. 01-8-10-SC provides for a penalty of suspension from the office without salary and other benefits for less than one or more than three (3) months or a fine of more than P10,000.00 but not exceeding P20,000.00 for the failure of judge to decide and resolve on time. Considering that this is the first offense of Judge Esteves, a fine in the amount of P10,000.00 is justified.

Section 9 in relation to Sec. 11 (B) Rule 140 imposes a penalty of a fine of P10,000.00 but not exceeding P20,000.00 for undue delay in rendering a decision or order.[6]

ON BRANCH 7 –

In addition to the 26 cases which were decided beyond the reglementary period, Judge Villanueva failed to decide on time the 10 cases[7] which were submitted for decision but still within the period to decide when the audit was conducted.

The reasons proffered by Judge Clarence Villanueva for the delay in the rendition of a decision and in the resolution of pending motions will not exonerate him from any administrative liability. Judge Villanueva's health problems which severely impaired his ability to cope with the pressure of his judicial functions will only mitigate his liability for failure to decide and resolve cases on time. Aware of his physical adversities, Judge Villanueva should have asked from the Court for an extension of time to decide and resolve cases. There is no showing in his explanation that he has requested for an extension of time to decide the cases submitted for decision or resolution.

The Court has, time and again, held that when circumstances arise that could render them incapable of seasonably acting, all that a judge should do is to request from the Court, and justify to it, an extension of time to resolve or decide the pending matter. The Court, sympathetic of the concerns of the judges, often grants

such requests.

It must be emphasized that the Constitution, no less, mandates that all cases or matters filed before all lower courts shall be decided or resolved within three months from the date of submission thereof. Likewise, the Code of Judicial Conduct enjoins judges to dispose of the court's business promptly and expeditiously and decide cases within the period fixed by law. Failure to comply with the mandated periods constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases. It also undermines the people's faith and confidence in the judiciary, lowers its standards and brings it into disrepute. Decision making, among other duties, is the primordial and most important duty of a member of the bench.

Thus, the failure of Judge Villanueva to decide cases with dispatch constitutes gross inefficiency and warrants the imposition of administrative sanctions on him. Adm. Matter No. 01-8-10-SC provides for a penalty of suspension from the office without salary and other benefits for less than one nor more than three months or a fine of more than P10,000.00 but not exceeding P20,000.00 for the failure of judge to decide and resolve on time. Taking into consideration the reasons for the delay in the disposition of the cases subject of the audit which mitigates Judge Villanueva's liability, a FINE of P10,000.00, is reasonable.

ON BRANCH 60 –

Criminal Case No. 17199-R was submitted for decision on February 2, 2002 and shall be due on May 13, 2002. Judge Claraval decided the said case beyond the 90-day reglementary period within which to decide. While a request for extension to decide the same was made, said request was not mailed nor presented to the audit team. Judge Claraval should not blame the inefficiency of his staff for his unfortunate predicament. A judge cannot take refuge behind the inefficiency or mismanagement of court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. Furthermore, they cannot escape administrative liability by pointing to lapses, absences or negligence of court personnel under them. After all, the proper and smooth functioning of their respective salas is the responsibility primarily of judges and court personnel are no different from ordinary civil service employees, who at one time or another commit errors or become negligent.

With regard to Criminal Case No. 1570, Judge Claraval claims that said case is not pending in his court. It is worthy to note that criminal cases in this branch or in the RTC of Baguio City usually consist of five (5) digits while civil cases contain merely four (4) digits as can be gleaned from the Certification dated March 13, 2003 issued by Atty. Delilah Gonzales-Muñoz, Clerk of Court, OCC, Baguio City, when she stated that the latest docket number in civil cases as of March 13, 2003 is 5468-R and 1294-R in special proceeding cases. We cannot expect Judge Claraval to comment on the alleged Criminal Case No. 1570 since there is in fact no such case in their docket. A perusal of the worksheet of the audit team shows that Case No. 1570 referred to in the Resolution is Criminal Case No. 15470 as this was the only case number most likely being referred to. Criminal Case No. 15470 entitled "People vs. Carino, et al." for Frustrated Homicide was filed on February 5, 1998. It was submitted for decision on January 10, 2002 and was previously set for promulgation on April 30, 2002 but was reset to May 15, 2002. The said case was no longer included in the docket inventory for the second semester of Branch 60 which means that Criminal Case No. 15470 was already decided and promulgated as scheduled.

With respect to Criminal Case No. 17327, we find the explanation satisfactory. Said case is actually heard jointly with Criminal Case No. 17328. At the time of the audit, the prosecution were given ten (10) days to submit formal offer of evidence.

Again, Judge Claraval claims that Criminal Cases Nos. 5168, 5189 and 5203 are not raffled to the court. A scrutiny of the worksheet shows that these cases are in fact civil cases which from the time of filing have not been acted upon by the court. As discussed earlier, the aforesaid cases could not have been referred to as criminal cases because criminal cases usually consist of five (5) digits while civil cases contain merely four (4)

digits. In his Manifestation, Judge Claraval acknowledged the existence of the said cases in the courts docket when he stated that the defendants in Civil Case No. 5168 will be presenting their last witness on April 24, 2003 and that Civil Cases Nos. 5189 and 5203 are in the pre-trial stage.

Anent the cases which are ripe for disposition pursuant to Circular No. 7-A-92 dated June 21, 1992, Judge Claraval asserts that the said cases referred to in the Resolution can not be archived considering that the said cases are all active cases.

We have perused the report and found typographical errors in the entries of par. (d) of item I of the Report. The cases with no further action were inadvertently cited in the said paragraph instead of the following cases which are ripe for archiving: Criminal Cases Nos. 19403, 17219 to 17224, 18260 to 18262, 19495, 19502 and 19537.

With regards to the marginal notes of the court's action on motions filed by the parties, Judge Claraval admitted having acted on ex-parte motions to reset hearings, motion to set case for pre-trial conference through marginal notes on the first page of the motions but claims that the parties were notified of the actions taken by the court on their motions through prepared forms. While Judge Claraval makes such notes merely on motions to reset hearings, this practice should be discontinued. The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. The proceeding of said courts should be recorded in a formal manner.[8]

Finally, most of cases submitted for decision which were still within the 90-day period to decide when the audit was conducted have been decided on time. While Criminal Case No. 18435 and Civil Cases Nos. 4247 and 2863 were decided beyond the 90-day period, the delay was only for a few days.

Nonetheless, the Code of Judicial Conduct decrees that a judge should administer justice impartially and without delay. He should be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly administer justice. It need not be overemphasized that any delay in the determination or resolution of a case no matter how insignificant is, at the bottom line, delay in the administration of justice in general.

It is only in this regard that Judge Claraval fell short in the discharge of his administrative function and duty as judge. In all other matters, Judge Claraval was able to satisfactorily explain his side.

On the other hand, the Manifestation of Atty. Remedios Baldras-Reyes maybe considered satisfactory compliance with the directive of the Court.[9]

ON BRANCH 61 –

There is no dispute that the pending motions/incidents in Civil Cases Nos. 4932, 4710, 4520, and 4547 at the time of audit have not been resolved despite the lapse of the 90-day reglementary period. The excuse that the delay in the resolution of the said motion was due to the failure of the Branch Clerk of Court to calendar the same and that he learned of the pending incidents only after the year end inventory, to our mind, are not sufficient justification for his failure to resolve said motions on time. Although we have noted that Judge Reyes has been prompt in deciding cases and resolving pending motions and incidents, we are rather perplexed why he failed to monitor the aforesaid cases. His branch clerk of court could have failed to calendar these cases but he cannot take refuge behind said inefficiency for his failure to act on them promptly and expeditiously. He ought to know the cases submitted to him for resolution and is expected to keep his own records of cases so that he may act on them promptly.

Delay in the disposition of cases undermines the people's faith and confidence in the judiciary, hence, judges are enjoined to decide cases with dispatch, and their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.

Additionally, we agree with the observation of Judge Reyes that the findings of the audit team, other than the cases submitted for decision and resolution, are mainly procedural lapses in the calendaring of motions and manifestations of party litigants but disagrees with his argument that these matters should be addressed to the Branch Clerk of Court. Indeed, the Branch Clerk of Court is the administrative officer of the court primarily tasked to monitor the movement of cases, to constantly remind the trial judge of the status of each case and to have a checklist indicating the steps to be taken to keep cases moving. However, as judge, he is ultimately responsible for ensuring that court personnel perform their tasks.

Judge Reyes admitted that from January 2002 to June 2002, Atty. Heo, his branch clerk of court, was busy with her application for appointment as municipal trial court judge which may have been the reason for said procedural lapses. Knowing this, he should have assigned someone to take charge of the daily business of the court. Thus, he cannot altogether put the blame on the ineptitude of his Branch Clerk of Court.

It must be stressed that a judge is charged with the administrative responsibility of organizing and supervising the court personnel to secure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. It is the duty of the judge to adopt an efficient recording and filing system in his court to enable him to monitor the flow of cases and to manage their speedy and timely disposition.

Likewise, while no explanation was given with regards to the findings of the audit team that no formal orders were issued on the action taken by the court on motions filed by the parties, Judge Reyes should, nonetheless, be directed to refrain from making marginal notes of his actions on the motions of the party litigants.

It needs repeating that in Criminal Cases Nos. 17796 to 17797, the court did not issue a formal order requiring the defense to comment on the formal offer of evidence by the prosecution. Similarly, in Criminal Case No. 17965, the court's action on the motion for reduction of bail was merely annotated on the motion itself.

The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of Republic Act No. 6031, effective 4 August 1969, to make inferior courts also courts of records.

In fine, albeit Judge Reyes has been remiss in his duty to promptly resolve motions and to monitor cases pending before his sala, he should not however, be made entirely answerable for these procedural lapses. Judge Reyes's immediate action on the pending incidents after the mid-year inventory of cases which he personally conducted mitigates his liability.[10]

After a careful examination of the records, and finding the foregoing findings and recommendations of DCA Lock to be well-taken, the Court approves and adopts the same with some modifications as will be discussed forthwith.

Judge Pamintuan was able to satisfactorily explain the delay in the disposition of some cases in his sala. However, Judge Pamintuan cannot be completely cleared of his accountability until his Clerk of Court shall have submitted to the court the dates when Criminal Cases Nos. 17182, 17792, 18030, 18130, 18131, 18132, 18148, 18149 and Civil Cases Nos. 1168, 1674, 4347, 4373, 5028 and 5205 referred to under paragraph II(a) of the Memorandum, have been decided and copies of the decisions on said cases.

As found by DCA Lock, Judge Esteves is guilty of rendering decisions in Criminal Cases Nos. 13490, 16667, 16290, 16851, 16852, 15667, 19278, 19398 and 17123; Civil Cases Nos. 5012 and 4770 and resolving motions in Civil Cases Nos. 5121, 4959, 4730, 4878 and 4755 beyond the 90-day reglementary period.

Judge Villanueva decided sixteen cases and not twenty-six as reported by DCA Lock beyond the 90-day reglementary period. These are Criminal Cases Nos. 15497, 15620, 15621, 15668, 15728, 15739, 16525, 16526, 16829, 17127, 17686, 17751, 17917, 19348 and 19349; and Civil Case No. 4947. However, it has been shown that Judge Villanueva's failure to cope with the deadlines for deciding these cases was mainly due to his poor

health, as he was diagnosed to have Pulmonary Tuberculosis, as shown by the prescriptions[11] issued to him by Dr. Renato S. Cheng of the Lung Center of the Philippines. The Court considers his state of health as a mitigating circumstance, but as stated in DCA Lock's Memorandum, he should request the Court to grant him an extension of time to decide and resolve cases before the 90-day reglementary period shall have expired.

Judge Reyes is guilty of resolving motions in Civil Cases Nos. 4932, 4710, 4520 and 4547 beyond the 90-day reglementary period.

With respect to Judge Claraval, the remaining case that is unaccounted for is Criminal Case No. "1570" or "15704" entitled, "People vs. Carino, et al." Considering the finding of DCA Lock that the case is no longer included in the docket inventory of Branch 60, the Clerk of Court should be required to certify whether or not the decision in the case had been promulgated; if in the affirmative, the date when it was promulgated, and submit a copy of said decision.

Time and again, this Court has emphasized that:

Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Thus, judges should dispose of the court's business promptly and decide cases within the required period. To uphold the integrity of their office, their work should at all times reflect the values of diligence and professional competence.[12]

In A.M. No. MTJ-99-1232, re the Report On The Spot Judicial Audit Conducted In The Metropolitan Trial Court, Branch 40, Quezon City,[13] the Court ruled that delay in the disposition of even one case constitutes gross inefficiency which this Court will not tolerate.

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:

SEC. 11. Sanctions. – . . .

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

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

. . .

As to the practice of Judge Claraval and Judge Reyes in noting their orders either granting or denying motions, on the margins of motions submitted by the parties, the ruling enunciated by the Court in *Eballa vs. Paas*, to wit:

However, the record shows that Judge Paas did not actually issue a formal order disposing of the motion for reduction of bail but only noted her action denying the motion on the margin thereof. Respondent judge's order should at least have been quoted in a notice signed by the clerk of court and a copy of the notice should have been served on complainant. As it is, complainant learned of the denial of her motion when she went to the court to inquire about the status of her cases.

The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. The proceeding of said courts should now be recorded in a formal manner. There is all the more reason for insisting on this requirement in the case at bar because respondent judge was resolving a motion for reduction of bail, which is a fundamental right of the accused in criminal cases.

Respondent judge should explain the reason for the denial of complainant's motion, instead of simply noting her action on the margin of such motion.[14] (Emphasis supplied)

should serve as a guide to all trial judges. Although R.A. No. 6031 refers to the conversion of municipal and city courts to courts of record way back 1969, the regional trial courts, formerly courts of first instance, have always been courts of record. As such, regional trial court judges should likewise comply with said guideline.

In the Eballa case, the Court considered it as a sufficient compliance if the judge's order had been quoted in a notice signed by the clerk of court and copy of the notice served on the parties. Indeed, for courts saddled with so many cases to handle, the said practice may be practical and saves the court time and effort in issuing formal orders or resolutions. However, the same should be limited only to motions that are definitely non-adversarial in nature, and not when it involves the fundamental rights of the accused in criminal cases, such as, motion for reduction of bail, where the judge must explain the reason for the denial of his motion.

Trial judges must therefore exercise extreme caution in noting their actions on the margins of the motions submitted to them for action and if they have done so on non-adversarial motions, for reasons of expediency they must see to it that the parties are notified of the actions taken by them through a notice sent by the clerk of court of the action taken on a particular motion.

IN VIEW OF ALL THE FOREGOING, the Court finds:

1. Judge Antonio Esteves GUILTY of undue delay in deciding eleven cases submitted for decision and in resolving four motions beyond the 90-day reglementary period. He is FINED Twenty Thousand Pesos (P20,000.00), with a stern WARNING that a repetition of the same shall be dealt with more severely;
2. Judge Clarence Villanueva GUILTY of undue delay in deciding twenty-six cases submitted for decision beyond the 90-day reglementary period. With the mitigating circumstance of poor health, he is FINED Twenty Thousand Pesos (P20,000.00) with a WARNING that a repetition of the same shall be dealt with more severely;
3. Judge Edilberto T. Claraval GUILTY of undue delay in deciding a criminal case beyond the 90-day reglementary period. He is FINED Ten Thousand Pesos (P10,000.00); and ADMONISHED to strictly devise an efficient system of court management and personnel supervision and is further warned that a similar infraction in the future shall be dealt with more severely;
4. Judge Antonio Reyes GUILTY of undue delay in resolving motions in four cases within the reglementary period. He is FINED Ten Thousand Pesos (P10,000.00) with a warning that a repetition of the same shall be dealt with more severely.

Before acting on the charges against Judge Fernando Vil Pamintuan, Atty. Gail Bacbac, Branch Clerk of Court of Branch 3, is hereby DIRECTED to submit to this Court, through the Office of the Court Management Office, copies of the decisions in Criminal Cases Nos. 17182, 17792, 18130, 18131, 18132, 18148, 18149, 18030 and Civil Cases Nos. 1674, 4347, 4373, 5028, 4880 and LRC Case No. 1050, within ten (10) days from receipt hereof.

5. Atty. Mauro R. Muñoz, Jr., the Branch Clerk of Court of Branch 60, is DIRECTED to inform the Court, within ten (10) days from receipt hereof, whether Criminal Cases Nos. 19403, 17219 to 17224, 18260 to 18262, 19495, 19502 and 19537 have already been archived pursuant to Circular No. 7-A-92 dated June 21, 1992.

SO ORDERED.

Puno, (Chairman), Quisumbing, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, pp. 39-44.

[2] Rollo, pp. 263-297.

[3] Criminal Cases Nos. 17182, 17792, 18030, 18130, 18131, 18132, 18148 and 18149; Civil Cases Nos. 1168, 1674, 4347, 4373, 5028 and 5205.

[4] Rollo, p. 264.

[5] Criminal Cases Nos. 13490, 16667, 16290, 16851, 168552, 15667, 19278, 19398 and 17123; Civil Cases Nos. 5012 and 4770.

[6] Rollo, pp. 277-278.

[7] Civil Cases Nos. LRC No. 1159, 2597, 4490, 4647, 4649, 4800, 4818, 1896, 5115 and 5145.

[8] Eballa vs. Paas, 362 SCRA 390 [2001].

[9] Rollo, pp. 288-290.

[10] Rollo, pp. 294-295.

[11] Rollo, pp. 58-62.

[12] Adriano vs. Judge Villanueva, A.M. No. MTJ-99-1232. February 19, 2003.

[13] 331 SCRA 627, 638 [2000].

[14] 362 SCRA 389, 396 (2001).

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