

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. HON. MARIETTA A. LEGASPI, RTC, BRANCH 165, PASIG CITY, RESPONDENT

A.M. NO. RTJ-05-1893 (FORMERLY A.M. NO. 04-10-598-RTC). March 14, 2006

Ponente: TINGA, J.

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TINGA, J.:

The instant administrative matter stemmed from a judicial audit conducted on April 9 and 10, 2003 at the Regional Trial Court (RTC), Branch 165, Pasay City, presided over by Hon. Marietta A. Legaspi. On September 5, 2003 the Audit Team[1] submitted a report[2] to the Deputy Court Administrator Christopher O. Lock (DCA Lock) with the following recommendations.

"In view of the foregoing, it is respectfully recommended for consideration of the Honorable Court that:

1) HON. MARIETTA A. LEGASPI, Presiding Judge, Regional Trial Court, Branch 165, Pasig City, be DIRECTED to:

(A) EXPLAIN within ten (10) days from notice hereof why she should not be disciplinary dealt with for her FAILURE to:

(a-1) DECIDE within the reglementary period the following cases submitted for decision:

SUBMITTED FOR DECISION

CASE NUMBER DATE SUBMITTED DUE DATE

CV-66423 02-15-02 05-16-02

CV-67066 03-23-02 06-20-02

CV-67321 07-03-02 10-01-02

CR-5986 02-12-97 05-13-97

(a-2) SET for trial and arraignment for a considerable length of time the following cases, to wit:

TRIAL

CASE NUMBER LAST SCHEDULE

11867 07-22-02

8318 11-11-02

9969 12-16-02

9833 02-10-03

ARRAIGNMENT

CASE NUMBER LAST SCHEDULE

9002 07-30-02

9635 01-05-03

11763 01-20-03

(a-3) ACT for a considerable length of time on the following cases:

(a-3.1) wherein after the last order and/or incident of the case, the Court has no further action/setting, to wit:

CIVIL CASES

CASE NUMBER REMARK

1. 66564 Order dated 04-30-01, FOE of defendants admitted
2. LRC-11263
3. LRC-11304
4. LRC1-1305
5. LRC-11303 Order dated 02-18-03, in view of the manifestation of counsel for the appellant that she has still additional evidence to submit consisting of the reports from the different agencies, the resolution of the second written offer of evidence of document evidence is held in abeyance.

CRIMINAL CASES

CASE NUMBER REMARK

1. 10027 Order dated 11-29-02; court admits Exhibits A to F submitted by the prosecution's FOE and the comment/object[ion] filed by the accused.
2. 11523 Motion of accused to undergo mental examination granted on 02-18-03

(a-3.2) wherein the parties failed to comply with the directive of the Court:

CIVIL CASES

CASE NUMBER REMARK

1. 10966 Order dated 06-25-02, NCMH ordered to examine person and to make report within five (5) days.
2. 6378 Order dated 11-13-02, prosecution to file comment/oppo. to the motion for probation of accuse[d].
3. 11848
4. 11849 Order dated 11-15-02, pros. given five (5) days from receipt of Order to file comment/opposition to the motion for P.I.
5. 8588 Order dated 02-03-03, probation officer ordered to conduct investigation and to submit report within sixty (60) days from receipt.
6. 9199 Order dated 02-11-03; City Prosecutor is ordered to inform this court within ten (10) days the result of the P.I. with respect to accused Lenny Mariano.
7. 7619 Order dated 02-26-03, pros. given fifteen (15) days to submit resolution on the P.I.

(a-3.3) wherein warrants were issued by the Court:

WARRANT OF ARREST

CASE NUMBER ISSUED ON REMARK

1. 9669 03-08-01 Ret. 01-31-02, accused no longer residing at given address.
2. 9709 03-15-01 Ret. 01-31-02, accused no longer residing at given address.
3. 10971 03-04-02 At large
4. 11512
5. 11513 07-22-02 NR
6. 11775 10-18-02 —
7. 11821 01-21-03 NR

(a-4) ISSUE the appropriate orders in the following cases:

CASE NUMBER DAFT ORDER UNSIGNED ORDER PRE-TRIAL ORDER

1. 8587 12-02-03 05-29-01
07-29-02
03-10-03 None. 08-28-00

2. 11546

None. 11-27-02

3. 11677 02-18-03

4. 11626

Order 01-28-03 unsigned by judge & counsels

5. 118230

Draft. 03-31-03

6. 9969
10-14-02

7. 11220

8. 11221

Unsigned. 08-26-02

9. 11749

Unsigned. 03-17-03

10. 10672
03-10-03

11. 11878
01-20-03

12. 11371

13. 11372

14. 11373

Unsigned. 11-25-02

15. 8936 04-01-03

16. 9338

17. 9339 01-27-03

18. 9060

19. 9061

20. 9062

21. 9063 08-19-02

22. 11368

23. 11366

24. 1137

Draft. 03-25-03

25. 9038

Draft. 08-05-02

26. 11190

Draft. 10-01-02

27. 8574 03-31-03

28. 9459

29. 9460

02-11-03

30. 11391

Draft. 03-25-03

31. 9963

Draft. 02-17-03

32. 11355

33. 11356

Unsigned. 11-18-02

34. 11261

Unsigned 11-25-02

35. 11500

Unsigned. 01-20-03

36. 9309

Unsigned. 02-10-03

37. 11587

38. 11588

Draft. 01-27-03

39. 11168

40. 11169

Unsigned. 10-08-02

41. 8458

Unsigned. 08-20-02

42. 10616

Unsigned. 08-05-02

43. 8318

Unsigned. 08-19-02

44. 11113

Unsigned. 08-20-02

45. 10064 04-01-03

46. 10843

Unsigned. 08-06-02

47. 10051

Unsigned. 11-06-01

48. 11819

Draft. 03-31-02

49. 11296

50. 11297

Unsigned. 01-14-03

51. 9336

Unsigned. 02-20-01

52. 10289

Unsigned. 10-01-02

53. 11555

54. 11556

Unsigned. 03-24-03

55. 8588

None. 09-26-00

56. 9926

Unsigned. 01-20-03

57. 11642

Unsigned. 01-20-03

58. 10957

Unsigned. 01-20-03

59. 7243 01-27-03

Unsigned. 10-28-02

60. 9554

Unsigned. 03-18-03

61. 10738

03-25-03

62. 8479

01-13-03 None. 03-24-03

63. 11459

64. 11460

11-06-02

02-10-03

(a-5) SUBMIT the Monthly Report of Cases and Semestral Docket Inventory within the prescribed period.

(a-6) MAINTAIN Civil and Criminal Docket Books since 1983.

B. DECIDE with DISPATCH furnishing copies of the decisions thereof the Court Management Office, Office of the Court Administrator, within ten (10) days from promulgation hereof of the cases enumerated on par. a-1.

C. IMMEDIATELY TAKE APPROPRIATE ACTION on the cases enumerated in pars. a-2 to a-4 and SUBMIT a REPORT of the action taken thereon within thirty (30) days from notice hereof."[3]

On September 12, 2003, DCA Lock instructed Judge Legaspi to submit written explanations in regard to the report. On October 15, 2003, Judge Legaspi submitted her written explanation with several attachments.

On October 18, 2004, the Office of the Court Administrator (OCA) submitted a recommendation to the Chief Justice dated October 12, 2004 as follows:

In view of the foregoing, it is recommended that:

- the report on the judicial audit conducted in the RTC, Branch 165, Pasig City be docketed as a regular administrative matter against Presiding Judge Marietta A. Legaspi and that she be REPRIMANDED for her failure to implement an effective and efficient record management system for the prompt disposition of the court's business;
- the series of Compliance submitted by Presiding Judge Marietta A. Legaspi and Officer-in-Charge Ma. Fe S. Paccial, Officer-in-charge, Regional Trial Court, Br. 165, Pasig City, be NOTED; and
- Judge Legaspi be DIRECTED to: (3-a) REGULARLY SUPERVISE the Docket Clerks in the handling of the case records as well as the updating of the entries in their respective assigned docket books; and (3-b) SUBMIT the Monthly Report of Cases and Semestral Docket Inventory within the required period, with a STERN WARNING that a repetition of the same shall be dealt with more severely.

It is further recommended that a post audit be conducted to determine whether or not the said Court has already improved as directed.

Likewise, the request of Judge Legaspi to be relieved as special court to exclusively try drug cases may be reviewed, considering the recent resolution of the court authorizing some branc[h]es of the Regional Trial Courts of Pasig City to hold office and court sessions at Taguig, San Juan and Pateros and to try and decide cases coming from these areas.[4]

Acting on this recommendation, the Court issued a Resolution dated January 10, 2005, resolving as follows:

- (a) DOCKET the report on judicial audit conducted in the RTC, Branch 165, Pasig City, as a regular administrative matter against Presiding Judge Marietta A. Legaspi;
- (b) REFER the matter to Court of Appeals Justice Mario Guariña[a] for investigation, report and recommendation within sixty (60) days from receipt of the records;
- (c) NOTE the series of compliance submitted by Judge Marietta A. Legaspi and Officer-in-Charge Ma. Fe S. Paccial, Officer-in-Charge, Regional Trial Court, Br. 165, Pasig City;
- (d) DIRECT Judge Legaspi to: (1) regularly supervise the docket clerks in the handling of the case records as well as the updating of the entries in their respective assigned docket books; and (2) submit the Monthly Report of Cases and Semestral Docket Inventory within the required period, with a stern warning that a repetition of the same shall be dealt with more severely; and
- (e) DIRECT the Office of the Court Administrator to conduct a post audit to determine whether or not the said court has already improved as directed.

Considering the request of Judge Legaspi to be relieved as special court to exclusively try drug cases in view of the recent resolution of the Court authorizing some branches of the Regional Trial Courts of Pasig City to hold office and court sessions at Taguig, San Juan and Pateros, and to try and decide cases coming from these areas, the Court further Resolves to require the Office of the Court Administrator to COMMENT thereon within ten (10) days from notice.[5]

Acting on this directive, Court of Appeals Justice Mario L. Guariña III proceeded with his investigation. Judge Legaspi was required to submit her comment on the judicial audit report. She did so through a Compliance dated April 15, 2005 which consisted of a written explanation supported by numerous attachments.[6] Formal hearings were also conducted by Justice Guariña III on April 27 and May 11, 2005, with due notice to Judge Legaspi and

the Office of the Court Administrator. It appears however that only Judge Legaspi attended these hearings,[7] wherein she propounded her explanation regarding the matters contained in her Compliance.

Under a cover letter dated May 12, 2005, Judge Legaspi submitted copies of the records to further support her compliance of April 15, 2005 as well as a certification of the number of drug cases raffled to her branch from January 1, 2000 to May 13, 2005. She also stated that the docket inventory report and monthly report had already been submitted.[8]

On August 1, 2005, Justice Guariña III rendered his Report and Recommendation. He summarized the charges against Judge Legaspi into eight categories. First, her failure to decide four (4) cases on her docket within the reglementary period.[9] Second, her failure for a considerable length of time to set four (4) criminal cases for trial.[10] Third, her failure in three criminal cases to set the arraignment for a considerable length of time.[11] Fourth, her failure in several cases to act on pending incidents for a considerable length of time.[12] Fifth, her failure to act after warrants were issued in seven criminal cases.[13] Sixth, her failure to issue appropriate orders in 64 cases of various natures. Seventh, her failure to submit the monthly report of cases and semestral docket inventory within the prescribed period. And eighth, her failure to maintain civil and criminal docket books since 1983.

Nonetheless, after due investigation, Justice Guariña III concluded:

We do not find substantial basis to hold the respondent Judge Marietta Legaspi administratively liable for the charges brought against her by the OCAD audit team . . . [S]he has adequately explained these charges with support from the records. The only significant problem in her court is the fact that the criminal docket book is not yet completely updated, a problem she has inherited from her predecessors. We recommend that the respondent be relieved as a drug court and that she be given a period of time from such relief to completely update the book.[14]

Justice Guariña adduced a thorough explanation of his findings, on which his conclusion was grounded. They are replicated in full below.

C. Findings:

- On the alleged failure to decide cases within the reglementary period.

- CV 66423 appears to have been decided already on August 25, 2003 (87-104). The OCAD reports that the case was deemed submitted on May 16, 2002 (22), but since the records were already sent to the Court of Appeals in view of an appeal, the respondent says that she has no way of checking if the date of submission as stated in the report is correct. Be that as it may, the respondent explained that the delay in the release of the decision was due to the fact that for some time, one of the exhibits in the case, a deed of sale dated April 5, 1930, and marked Exh. W, W-1, could not be located. This deed was an ancient document and in fragile condition so that it was not affixed to the record but kept in a separate file. The respondent had already finalized the decision when she asked the clerk in charge of civil cases Julie Maycacayan to submit the deed to her for review. But the clerk who was busy with the records of drug cases could not immediately locate the exhibit. After the exhibit was found, the respondent issued the decision (tsn[,] April 27, 2005, at 10-12).

Finding: The explanation appears satisfactory, and the respondent may be given the benefit of the doubt. The decision was in fact rendered, and the case is now on appeal to the Court of Appeals.

- CV 67066 was submitted for decision on February 27, 2003 and not on March 23, 2002 as stated in audit report (651). The case was decided on September 15, 2003 (652-672). Within this period, the respondent was abroad on official leave to attend to the ordination of his (sic) son and upon her return, she wrote the decision. When the stenographer was about to type the decision and needed to refer to the record, this was no longer on

the respondent's table. It took some time to locate the record. It was found on the book shelf mixed up with the old court calendars where the record of case 5986 was also inserted. No one among the staff admitted putting the record there after they were reprimanded for putting records in that place (565-566).

Finding: The release of the decision had been apparently delayed when the record was kept in the wrong place by a member of the staff. This was an isolated instance. It appears that the respondent had sufficiently warned her staff from putting records in that particular place.

- CV 67321 — This was reported by OCAD as due on October 1, 2002. But the respondent says this case was assigned to Branch 152 per verification from the Docket Section, Office of the Clerk of Court (226, 566).

Finding: The case not being submitted before her, it is unfair to charge her for failure to decide it.

- CR 5986 was submitted for decision on January 12, 1999 and not on February 12, 1997 as explained by the respondent (42). A signed decision appears to be dated March 31, 1999 (137-148), but another one was made and dated April 9, 2003 — 4 years later (149-160). She explained that during the judicial audit in April 2003 the record of CR 5986 was like CV 67066 found on the bookshelf where the file of old court calendars were kept. She reprimanded her staff for putting the records there. She had all the court calendars removed and found the 1999 decision inserted in one of the daily court calendars. She made a new decision dated April 9, 2003 and had it promulgated on June 9, 2003 upon her return from an official leave to Canada. (42-43)

Finding: The signed 1999 decision appears to have been misplaced by the staff. For this reason, they failed to promulgate and release it. The respondent discovered the omission only in the course of the audit in 2003. The mistake was simple error on the part of subordinates and not systemic. She had since then corrected the lapses of her staff.

- On the alleged failure to set for trial/arraignment cases for a considerable length of time (43-44)

- The respondent belies this accusation. In particular she states that:4

- 11867 — The record was received on 11-22-2002 and the accused arraigned on 1-14-2003.

- 8318 — Five settings were made in the year 2003.

- 9969 — It took some time since 12-10-02 for a new PAO lawyer to be assigned to her court. New settings were made in 2003 beginning April 21.

- 9833 — The OCAD states that the last schedule was 2-20-03. Following the audit in April, new settings were made beginning June 9.

- 9002 — The accused failed to appear for arraignment 4 times. The case was archived on 3-31-03.

- 9635 — The last schedule reported by the OCAD was 1-5-03. Since then, the accused was confined at Bicutan for rehabilitation and treatment per the order of another court. The arraignment was reset to September 8, 2003, and then to October due to the absence of a PAO lawyer.

- 11763 — The case was archived on 6-9-03 due to failure of the accused to appear for arraignment twice since 1-20-03, the date reported by OCAD to be the last setting.

Finding: There are surely factors beyond the control of the judge, such as non-availability of PAO lawyer, failure of the accused to appear, and drug rehabilitation of the accused, which cause delay. The respondent may not be faulted if the cases in which these causes occur could not move faster. The time gap between the settings in 11867, 8318, and 9833 is also only in terms of months which is not unreasonable, considering the workload of drug courts.

- On the alleged failure to act for a considerable length of time on pending incidents in 15 other cases.

- 66554 — this was decided on 10-3-03 (161-188), five months after the formal offer of the defendants was admitted as reported by OCAD.

2-5. LRC 11263, 11303-11305 — These cases were archived pending receipt of the report of the LRA and other government agencies concerned with land titling (45)

- 10027 — this was decided on August 8, 2003 (45) — 8 months after the order admitting prosecution evidence as reported by OCAD. It is apparent that the respondent still had to hear the defense evidence before rendering the decision.

- 11523 — Subsequent to the Order of 2-18-03 allowing the medical examination of the accused, the accused was brought to the NCMH and returned to the Manila City Jail only on 9-2-03 (45-46).

- [.] 6636 — To the Order of 2-20-03 requiring plaintiff to explain why he had not complied with a previous order requiring him to explain, etc., the respondent reported that the lawyer made his explanation only on March 14, 2003. Without pressing the issue of the lawyer's late compliance, the respondent allowed the parties to submit a compromise agreement, and a decision was in fact rendered on October 27, 2003 (265-267)

- [.] 10966 — Per order of the respondent 6-25-02, the NCMH was ordered to examine the accused and make a report within 5 days. The respondent discloses that the accused was not immediately brought to NCMH due to lack of transportation facilities of the jail. The examining physician's report was issued on August 26 and received by the Court on September 23. This case was decided a year later on September 16, 2003. (720-726)

- [.] 6378 — the order to the prosecution to file comment to the petition for probation is dated 12-13-02, not 11-13-02 as stated by OCAD. There being no opposition filed, the respondent ordered the Probation Office on December 26, 2002 to conduct an investigation and submit the probation report within the period set by PD 968 (727-728)

- -12[.] 11848 and 11849 — The prosecution was ordered on 11-13-02 to comment on the motion for preliminary investigation. The prosecution failed to make any comment leading the respondent to issue the order of 4-9-03 giving the prosecution's office 30 days to conduct the preliminary investigation and submit its resolution. The arraignment was finally scheduled on 10-31-03 in an order issued on 9-30-03 (47, 229).

- 8588 — An order on 2-03-03 was issued to the probation officer to conduct an investigation and submit the report within 60 days from receipt. The Probation Order was issued on 9-30-03 (47, 229).

- 9199 — In an Order on 2-11-03, the city prosecutor was ordered to inform the court within 10 days of the result of the PI. This case was eventually set for hearing on November 17, 2003 (47, 229)

- 7619 — In an Order on 2-26-03, the prosecution was given 15 days to submit the resolution on the PI. This was eventually scheduled for pre-trial on January 13, 2004 (47, 229)

Further note to 6378, 11848, 11849, 8588, 9199 and 7619:

Noting the delays by the fiscal's office and the probation office in making the required comments, resolutions or reports, the respondent conducted dialogues with these officials. She was informed by the prosecutors and probation officers of the problems they were also facing — the volume of work in their offices, the mounting caseload, the practical difficulties in conducting interviews preparatory to the submission of the probation reports, and many more. She has learned to understand their situation, but the OCAD does not and has chosen to unload all the blame on her (229).

- On the alleged failure to act on 7 cases where warrants of arrest were already issued.

1-3) 9669, 9709, and 10971 — the OCAD report acknowledges that returns on the warrants indicated that the accused could no longer be found at their given addresses and are at large. The cases were archived on April 2,

2003 and July 4, 2003 (24, 47, 713, 715, 716).

4-7) 111152, 11513, 11775 and 11821 — No returns had [been] received [by] the court. The cases were also archived on August 12, 2003, Sept. 11, 2003 and April 15, 2003, respectively. (717, 718, 719)

Finding: All the accused in these cases could not be found by the authorities. It is inexorable that no further movement would be taken by the court. The cases had to be ultimately archived.

- On the alleged failure to issue appropriate orders in 64 listed cases.

1. 8587 — There is no draft order of 12-2-03. This is error. The OCAD report was issued on 9-5-03 (576). The 5-29-01 order is signed (781). The PT order is signed much earlier on 10-26-00 (779-780).

2. 11546 — PT order 11-27-02 is signed by fiscal on 7-14-03 (187-190)

3. 11677 — open-court order 2-18-03 is signed (786)

4. 11626 — PT order 1-28-03 signed by defense 6-3-03 and fiscal 6-4-03 (192-195)

5. 118230 — not assigned to respondent. (577)

6. 9969 — open-court order 10-14-02 is signed (791)

7-8) 11220, 11221 — PT order 8-26-02 is signed (792-795)

9. 11749 — PT order 3-17-03 is signed (796-800)

10. 10672 — open-court order 3-10-03 is signed (801)

11. 11878 — open-court order 1-20-03 is signed (802)

12-14) 11371, 11372, 11373 — PT order 11-25-02 signed by fiscal on 3-18-03 and defense 3-13-03 (803-806)

15. 8936 — open-court order 3-31-03 is signed (807)

16-17) 9338, 9339 — open-court order 1-27-03 is signed (808)

18-21) 9060, 9061, 9062, 9063 — order of 8-19-02 issued in 9060 is open-court order. Decisions are rendered in 9061 on 12-26-00, in 9062 on 1-28-02 and 9063 on 12-26-00 (809-815)

22-24) 11368, 11367, 11366 — PT order of 3-25-03 signed by defense 8-12-03. (816-820)

25. 9038 — PT order 8-5-02 signed by defense 1-20-03 and fiscal 6-23-03 (821-824)

26. 11190 — PT order on 7-29-03 is signed (825-829)

27. 8574 — open-court order 3-31-03 is signed (830)

28-29) 9459, 9460 — open-court order 2-11-03 is signed (831)

30. 11391 — PT order 3-25-03 signed. Decision rendered on 8-12-03 (832-838).

31. 9963 — PT order 7-14-03 signed by defense 11-4-03 (839-842)

32-33) 11355, 11356 — PT order 10-7-02 signed by fiscal 6-6-03 and defense 6-12-03 (843-846)

34. 11261 — PT order 11-25-02 signed by fiscal 6-10-03 and defense 6-12-03 (847-850)

35. 11500 — PT order 1-20-03 signed by fiscal 6-5-03 and defense 6-4-03 (851-853)

36. 9309 — PT order 2-10-03 signed by defense 6-24-03 (854-856)

- 37-38) 11587, 11588 — PT order 1-27-03 signed by fiscal 6-18-03 and defense 6-16-03 (858-861)
- 39-40) 11168, 11169 — PT order 10-8-02 signed by fiscal 6-16-03 and defense 6-17-03 (862-865)
41. 8458 — PT order 8-20-02 signed by fiscal 6-16-03 and defense 6-17-03 (866-868). Decision rendered on 8-26-03 (869-871)
42. 10016 — PT order 8-5-02 signed by defense 6-2-03 (872-875)
43. 8318 — PT order 8-19-02 signed by fiscal 6-12-03 and defense 6-14-03 (876-878)
44. 11113 — PT order 8-20-02 signed by fiscal 6-16-03.
45. 10064 — open-court order 4-1-03 signed (882)
46. 10843 — PT order 8-6-02 is signed (883-886)
47. 10051 — PT order 11-6-01 is signed (887-890)
48. 11819 — PT order 3-31-03 signed by defense 6-6-03 (891-894)
- 49-50) 11296, 11297 — PT order 1-14-03 signed by fiscal 11-7-03 (895-899)
51. 9336 — PT order 2-20-01 signed by fiscal 6-10-03 and defense 6-12-03 (900-902)
52. 10289 — OCAD report of unsigned 10-1-02 PT order is erroneous. PT order was issued and signed on 1-13-04 (582, 903-906)
- 53-54) 11555, 11556 — PT order 3-24-03 is signed (907-910)
55. 8588 — PT order was issued and signed much earlier 10-26-02. Then accused changed plea from not guilty to guilty. Decision was on 12-2-02 (583, 911-912).
56. 9926 — PT order 1-20-03 signed by fiscal 6-2-03 (913-915)
57. 11642 — PT order 1-20-03 signed by fiscal 6-3-03 and defense 6-4-03 (916-918) Case previously dismissed 9-1-03 (414)
58. 10957 — PT order 1-20-03 signed by fiscal 6-16-03 and defense 6-17-03 (919-922)
59. 7243 — PT order 10-28-02 is signed (923-926) Open court order 1-27-03 resetting trial upon motion of fiscal is signed (927)
60. 9554 — PT Order 3-18-03 is signed (928-931)
61. 0738 — open-court order 3-25-03 is signed (932)
62. 8479 — open-court order 1-13-03 signed (933) PT order 3-24-03 signed by defense 10-20-03 (934-936)
- 63-64) 11459, 11460 — open-court orders of 11-6-02 and 2-10-03 are signed (937-938)

Finding:

We may view these orders as follows:

(1) The open-court orders — They are dictated in the presence of parties and counsels and mainly fix the dates when the next hearings shall be held. They are immediately binding, whether reduced to writing or not. There is no delay in the movement of the cases if the orders are not immediately signed.

(2) The Pre-Trial Orders — They are signed by the parties after the lapse of a period of time following the

pre-trial conference. They have to be dictated, typed and sent to the parties or counsels. Some of these orders were signed by the parties without any dates. Others were signed by the fiscal and defense — months after the pre-trial. These orders record voluntary agreements in criminal cases. Hence, unlike in civil cases, a court should not be seen as actively engaged in requiring an accused to sign. A thin line separates this initiative and pressure that can jeopardize an accused's position in the criminal case. Under the rules of criminal procedure (Sec. 4, Rule 118), an accused will be bound by the pre-trial order once he signs the agreements, and the possibility that he will be incriminated by the admissions therein is very real. It would be wise and discrete (sic) to leave to the parties the full freedom to sign or not to sign the pre-trial order in order not to create a chilling effect on the constitutional right of the accused to remain silent. If I will be asked, pre-trial in criminal cases is per se an aberration and should be abolished in its entirety.

- On the alleged failure to submit the monthly report of case and semestral docket inventory within the prescribed period.

Finding: Upon further investigation by this Investigator, the respondent Judge has disclosed that the monthly reports and semestral docket inventories are all being filed (tsn[,] May 11, 2005 at 24).

- On the alleged failure to maintain civil and criminal docket books since 1983.

The respondent judge has mentioned repeatedly that under the previous presiding judges, the cases were not being docketed. The omission is traceable as far back as 1983. She did her best to update the records in 1991 when she took over, but the clerks-in-charge one after the other confessed to the impossibility of completing the docket book and attending to their current work at the same time. They had been using the small docket book and were transferring the entries to the big book. As reported by her OIC to the audit team, the entries in the big docket book are already complete from 2000 up. (tsn[,] April 22, 2005 at 25-28)

Finding: The respondent's problem with the docket is a carry-over from the previous judges of her court. Due to the pressure of work, a result of its being a drugs court, the updating could not be completed. The respondent suggests that if she were relieved as a drugs court, the volume of work would be less and this could enable them to concentrate on updating the docket book. (tsn[,] May 11, 2005, at 26).

We suggest that the respondent be relieved as a drugs court and she be given a period of time after such relief to complete the updating of the docket book.[15]

Indubitably, the report prepared by Justice Guariña III is thorough. It does appear, however, that he was sympathetic to Judge Legaspi, perhaps borne in part by the fact that only she appeared before the investigating justice, the OCA failing to present its side during the hearings despite due notice. Many of the explanations submitted by Judge Legaspi, as supported by the record, stem from the problem of clogged dockets faced by most trial courts these days. This problem cannot be wholly attributable to the trial judge alone. Negligence on the part of litigating counsels, willful or otherwise, contribute to the delay of the administration of justice. Indeed, many of the excuses offered by Judge Legaspi center on the failure of prosecutors to comply with orders of her court, the non-appearance of counsels during trial dates, or even the failure of authorities to serve warrants of arrests. We deem it improper to hold Judge Legaspi responsible for lapses due to reasons beyond her control.

Still, on the basis of the report of Justice Guariña III, there is cause to hold Judge Legaspi administratively accountable.

It is clear that in three instances, there was undue delay in the promulgation of cases submitted for decision. Civil Case No. 66423 was apparently decided 15 months after being submitted for decision, the delay caused by the failure to immediately locate one of the vital exhibits, which had been segregated from the rest of the record owing to its fragile condition. Civil Case No. 67066 was decided seven (7) months after being submitted for decision, as the record had been misplaced by Judge Legaspi's staff. The most egregious delay was in Criminal

Case No. 5986, the decision of which was released four (4) years after being submitted for decision. Again, the cause for the delay was blamed on the staff of Judge Legaspi, who apparently misplaced the decision she had prepared in 1999 by inserting it in one of the daily court calendars. She apparently remained in the belief that the decision was duly promulgated, and it was only during the 2003 audit that the lapse was discovered, after which she prepared a new decision which was promptly released.

The Constitution mandates that all decisions be decided or resolved by lower courts within three (3) months from submission.[16] The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for 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. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.[17]

Justice Guariña III concluded that the delays in these cases were due to clerical errors on the part of Judge Legaspi's staff, which according to him, were "isolated" and "not systemic." Even conceding that Judge Legaspi's intention to decide these cases within the reglementary period was frustrated by the incompetence of her staff, she cannot be wholly acquitted of administrative responsibility thereupon. A judge cannot simply take refuge behind the inefficiency or mismanagement of his/her court personnel, for the latter are not the guardians of the former's responsibility.[18] As the Court has previously held:

While the Court will not anymore dwell on the abject state of affairs of RTC-Br. 4, Panabo, Davao del Norte, under the leadership and direction of Judge Tupas who has already retired, nevertheless it underscores the need for all judges to adopt and implement effective management techniques and procedures in their respective jurisdictions. There is no gainsaying the snowball effect of the failure of a judge to exercise authoritative control and supervision over his court personnel and court processes. The whole system may simply break down. It is thus exigent that the Office of the Court Administrator appropriately address the administrative problems of trial courts, particularly those uncovered in this case, viz., inefficient and improper handling, nay, mismanagement of expedientes, docket books and other court documents and papers; lackadaisical or perfunctory enforcement of rules on financial accountabilities and related obligations of court officers and employees; and, the need for judicial inventory prior to the resignation or retirement of judges and court personnel. Unless the reins of control and supervision over the administrative aspect of the adjudicatory process are tightened, the swift and efficient delivery of justice will be impeded and rendered illusory.[19]

Moreover, the trial judge is expected to adopt a system of record management and organize his docket in order to bolster the prompt and effective dispatch of business. Proper and efficient court management is the responsibility of the judge. It is incumbent upon judges to devise an efficient recording and filing system in their courts so that no disorderliness can affect the flow of cases and their speedy disposition.[20] Based on the findings of Justice Guariña III, haphazard filing practices of Judge Legaspi's staff contributed to the delay in the rendition of the judgments in the three cases. While she may have since rebuked her staff for these missteps, her ultimate responsibility cannot be avoided.

Further evidence of Judge Legaspi's inability to implement an efficient recording and filing system is her failure to maintain her court's civil and criminal docket books since 1983. While it may be so that her predecessors had similarly failed to maintain these books, Judge Legaspi has presided over her sala since 1991. Yet, the entries of her docket book are complete only "from 2000 up." [21] In her defense, it appears that her clerks-in-charge have "confessed to the impossibility of completing the docket book and attending to their current work at the same time." [22] Still, it is incumbent on all trial court judges to duly apprise this Court or the OCA of problems they encounter in the day-to-day administration of their court dockets and records, so they may receive appropriate

guidance and assistance. After all, the responsibility for an efficient administration of justice lies not only with the trial court judges, but with the judicial system as a whole.

It does appear though that Judge Legaspi was particularly burdened by her court's designation as a drug court in 1999, and that on March 10, 2003, she had requested to the Court that her branch be relieved from such designation.[23] The Audit Team and Justice Guariña III both recommend that her request be favorably granted. We see no reason to countermand this recommendation.

As a whole, the Court accepts the findings of Justice Guariña III, but not his recommendation that Judge Legaspi be exonerated from administrative liability based thereon. We have held that the delay in the disposition of even one case constitutes gross inefficiency

which this Court will not tolerate.[24] Since the delays in these cases were attributable to causes within the control of Judge Legaspi, proper administrative sanction should be delivered. There are nonetheless mitigating circumstances to consider, such as the fact that she has not been previously held administratively liable by the Court, and her lack of willful intent to delay the disposition of her case docket. Under the premises, a reprimand should suffice, as previously recommended by the OCA.

WHEREFORE, Judge Marietta A. Legaspi, presiding judge of Branch 1655, RTC, Pasig City, is found **LIABLE** for gross inefficiency because of her failure and/or delay to decide the cases abovementioned. She is hereby **REPRIMANDED** with the **STERN WARNING** that commission of the same or similar offenses in the future will be dealt with more severely.

Judge Legaspi is **ORDERED** to **COMPLETELY UPDATE** her docket book within **NINETY (90) DAYS** from receipt hereof.

The designation of Regional Trial Court, Br. 165, Pasig City, as a special court for drug cases is **IMMEDIATELY REVOKED**.

SO ORDERED.

Quisumbing, (Chairman), Carpio and Carpio-Morales, JJ., concur.

[1] Composed of Team Leader Teresita Aquino Tuazon and the following as members: Elizabeth S. Tanchoco, Susana M. Luber, Christopher dela Cruz, Farrah Jane Celestino, Dorothy Salgado, and Chibert P. Aguirre. See rollo, p. 26.

[2] Signed by the team members, and recommended for approval by Thelma C. Bahia, Officer-in-Charge, Court Management Office.

[3] Rollo, pp. 21-25.

[4] Id. at 11.

[5] Id. at 216-217.

[6] See rollo, pp. 224-554.

[7] In his Order dated April 27, 2005, Justice Guariña III noted that only Judge Legaspi appeared at the hearing on even date, despite due notice served on the Office of the Court Administrator. Rollo, p. 556. In his subsequent Order of May 13, 2005, Justice Guariña III remarked only on the appearance of Judge Legaspi on the hearing of

that date, without referring to any appearance on the part of the OCA. Id. at 558.

[8] Id. at 559-938.

[9] Civil Cases No. 66423, 67066, and 67321; Criminal Case No. 5986.

[10] Criminal Cases No. 11867, 8318, 9969, and 9833.

[11] Criminal Cases No. 9002, 9635, and 11763.

[12] Civil Cases No. 66564, 66636; LRC Cases No. 11263, and 11303 to 11305; Criminal Cases No. 10027, 11523, 66636, 6378, 11848, 11849, 8588, 9199, and 7619.

[13] Criminal Cases No. 9969, 9709, 10971, 11512, 11513, 11775, and 11821.

[14] Report and Recommendation dated August 1, 2005 (Report and Recommendation), p. 20.

[15] Id. at 9-20.

[16] See Constitution, Art. VIII, Sec. 15.

[17] Report on the Judicial Audit Conducted in the RTC, Br. 22, Kabacan, North Cotabato, A.M. No. 02-8-441-RTC, March 3, 2004, 424 SCRA 206, 211.

[18] Lagatic v. Peñas, Jr., 342 Phil. 12, 20 (1997), citing Tan v. Madayag, 231 SCRA 62 (1994) and Nidua v. Lazaro, 174 SCRA 581 (1989).

[19] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabao, Davao del Norte, 351 Phil. 1, 24-25 (1998). Emphasis supplied.

[20] Report on the Judicial Audit Conducted in The Regional Trial Court, Branches 87 and 98, Quezon City, 392 Phil. 675, 683 (2000).

[21] See Report and Recommendation, *supra* note 14, at 19-20.

[22] Id.

[23] See rollo, p. 262.

[24] Atty. de Jesus v. Judge Mendoza-Parker, 387 Phil. 644, 656 (2000), citing Re: Judge Danilo M. Tenerife, 255 SCRA 184, 187 (1996).

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