

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE MTCC, BRANCH 5, BACOLOD CITY

A.M. No. 04-3-63-MTCC. November 23, 2004

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-04-3-63/>

QUISUMBING, J.:

On April 19 to 24, 2003, the Office of the Court Administrator conducted a judicial audit and physical inventory of cases at Branch 5, MTCC,[1] Bacolod City.

The audit team found that as of audit date, said Branch 5, with Judge Remegio V. Rojo presiding, had 965 pending cases. Only 60 of those cases were submitted for decision, but 42 of these were already beyond the 90-day reglementary period set for deciding cases. The audit team also found: (1) that Judge Rojo failed to take action in 10 civil cases despite the lapse of considerable time; (2) that there were 11 cases with pending motions for resolution, with one case already beyond the 90-day reglementary period; (3) that Judge Rojo failed to require bail in 21 cases involving B.P. Blg. 22 while the accused remained free; (4) that prosecution evidence was being presented in Criminal Case No. 02-02-2139 notwithstanding there had been no arraignment; and (5) that Judge Rojo had not been setting cases for hearing one week of each month since March 2003.

Based on the audit report, Senior Deputy Court Administrator Zenaida N. Elepaño issued an Order on August 8, 2003, directing Judge Rojo to:

a)

EXPLAIN within fifteen (15) days from notice why no administrative sanction should be imposed on him for his failure to decide within the mandatory period the following forty-two (42) cases submitted for decision before him, to wit: Criminal Cases Nos. 88777 to 88782, 91245 to 91249, 78108 to 78116, 91768, 83394, 88668 to 88669, 52947 to 52948, 67106 and 85214, and Civil Cases Nos. 26212, 25771, 26234, 24857, 20701, 25381, 25919, 26496, 25642, 24488, 26816, 25578, 25972 and 26444;

b)

APPRISE this Court, through the Office of the Court Administrator, why he failed to act for a considerable length of time on the following ten (10) cases: Civil Cases Nos. 26566, 24629, 27602, 26806, 25890, 24624, 26560, 28074, 28119 and 24369; and TAKE IMMEDIATE ACTION on these cases;

c)

INFORM this Court through the Office of the Court Administrator, whether he has rendered his decisions in Criminal Cases Nos. 88777 to 88782, 91245 to 91249, 94159 to 94163, 79047-79049, 84994, 88668-88669, 52947-52948, and 85214 and Civil Cases Nos. 27393, 26212, 27740, 25771, 26234, 24857, 20701, 25381, 25919, 26496, 25642, 24488, 27338, 26816, 25578, 25972, 26383 and 26444 and whether the pending inci-dents in the following cases have already been resolved, to wit: Criminal Cases Nos. 02-02-2064 to 02-02-2065, 97974-97977 and 02-7-2854 and Civil Cases Nos. 27146, 27148, 27149 and 27116;

d)

SUBMIT to this Court, through the Office of the Court Administrator, within thirty (30) days from notice hereof, certified true copies of his decisions and resolutions in the aforementioned cases;

e)

EXPLAIN within fifteen (15) days from notice why he should not be disciplinarily sanctioned for failure to require the accused in the following cases to post bailbond and yet are not detained: Criminal Cases Nos. 01-7-610 to 01-7-617, 01-5-61, 01-8-772 to 01-8-774, 01-10-1340 to 01-10-1343, 99305, 01-5-158, 83950 to 83951 and 01-5-241 and why the accused in Criminal Case No. 02-02-2139 has not yet been arraigned despite the fact that the trial is already in the stage of presentation of evidence for the prosecution; and

f)

CEASE and DESIST from his practice of not setting cases for one (1) week every month.[2]

As required, Judge Rojo decided all 42 cases listed in paragraph (a) and submitted his explanations why he failed to decide those cases within the 90-day period. He immediately took appropriate action and decided the 10 civil cases listed in paragraph (b). As directed in paragraphs (c) and (d), he sent the Office of the Court Administrator copies of his decisions and orders, and resolved the pending incidents in Criminal Cases Nos. 02-02-2064 and 02-02-2065, 97974 to 97977 and 02-7-2854 and Civil Cases Nos. 27146, 27148, 27149 and 27116.[3]

Judge Rojo also explained why he did not require bail in the 21 B.P. Blg. 22 cases listed in paragraph (e), as follows:

Paragraph (e) of the directive—Criminal Cases Nos.:

01-7-610 to 01-7-617 (violations of BP 22)

A warrant of arrest was issued on October 8, 2001. It was returned with the notation that the accused could not be found. Thereafter an alias warrant of arrest was issued on September 2, 2002. It is still outstanding. The accused is not yet arrested by the warrant officer.

01-5-61 (violation of BP 22)

The accused put up her bail bond per O.R. No. 1161192 dated September 15, 2003 for P4,000.00.

01-8-772 to 01-8-775 (violations of BP 22)

A warrant of arrest was issued on September 23, 2002 but was not returned by the warrant officer. Accused is not yet arrested. It appears that the civil aspect of these cases are being settled extra-judicially by the parties. Criminal Case No. 01-8-775 was dismissed on September 8, 2002.

01-10-1340 to 01-10-1343 (violations of BP 22)

Court issued a warrant of arrest on February 12, 2002 and an alias warrant of arrest on March 14, 2003. Accused put up a bail of P5,000.00 per O.R. No. 1161065 dated May 7, 2003.

99305 (violation of BP 22)

The court issued a warrant of arrest on March 29, 2001. It was returned with the notation that the accused could not be found. An alias warrant of arrest was issued on March 15, 2002 but was not yet returned by the warrant officer. The accused is not yet arrested.

01-5-158 (violation of BP 22)

Court issued a warrant of arrest dated June 6, 2001. It was returned with the notation that the accused was bonded. No bond receipt is attached to the record. Court issued an alias warrant of arrest on March 15, 2002. It required the warrant officer to explain why he made the notation that the accused was bonded when in fact no bond was filed with the court. Court will take further action on its order. Accused is not yet arrested.

83950 to 83951 (violation of BP 22)

The accused is bonded for P4,000 per O.R. No. 6831097 Y dated September 1, 1998 (Annex "A").

01-5-241 (violation of BP 22)

Accused put up a bail of P1,300 per O.R. No. 1161191 dated September 12, 2003.[4]

He also explained that he proceeded to try Criminal Case No. 02-02-2139 despite the absence of an arraignment because of the erroneous notation made by his OIC-Branch Clerk of Court in the Information that the accused had already been arraigned on September 10, 2002. Judge Rojo added that he immediately rectified the error after the audit team alerted him. He set the case for arraignment on May 6, 2003, and again set it on September 17, 2003, when the accused failed to appear.

Finding Judge Rojo's explanations unsatisfactory, the Office of the Court Administrator recommended to this Court on March 16, 2004 that,

- Judge Rojo be (a) SUSPENDED from office without salary and other benefits for six (6) months for gross neglect of duty for his failure to arraign the accused in Criminal Case No. 02-02-2139 and to require the accused in twenty-one (21) BP 22 cases to post bailbonds; and (b) FINED in the amount of Twenty Thousand Pesos (P20,000.00) for his failure to decide forty-five (45) cases within the reglementary period; and Twenty Thousand Pesos (P20,000.00) for making untruthful statements in his Certificates of Service; and

- Judge Danilo R. Amisola, MTCC, Branch 4, Bacolod City be DESIGNATED as Acting Presiding Judge of MTCC, Branch 5, Bacolod City during the period that Judge Rojo is suspended.[5]

We agree that Judge Rojo should be held administratively liable, as herein discussed.

The records indisputably show that Judge Rojo neglected and failed to decide the following 45 cases within the 90-day reglementary period: Criminal Cases Nos. 88777 to 88782, 91245 to 91249, 94159 to 94163, 78108 to 78116, 91768, 83394, 88668 to 88669, 52947 to 52948 and 67108[6]; and Civil Cases Nos. 26212, 25771, 26234, 24857, 20701, 25381, 25919, 26496, 25642, 26816, 25578, 25972 and 26444. For this neglect and failure, he could not escape the appropriate administrative sanction.

Judge Rojo attributes the delay in the resolution of the cases to the failure of his Branch Clerk of Court to monitor the movement and progress of cases, lack of personnel, heavy caseload, and his recurring stomach pains due to stress.[7] His explanations, however, provide him no justifiable excuse for the infractions found per the audit report.

Judge Rojo's Branch Clerk of Court might indeed have failed to inform him of the cases submitted for decision, but it is clear negligence for a judge to rely mainly on his clerk to manage his caseload. He himself must keep track of his pending cases for decision so that he may act on them promptly. Although the Branch Clerk of Court is the officer primarily tasked to monitor the movement of cases, and to constantly remind the trial judge of the status of each case, it is Judge Rojo who is primarily responsible for supervising his staff and managing his caseload.

Under Rule 3.05, Canon 3 of the Code of Judicial Conduct, the trial judge has the duty to dispose of the court's business promptly and decide cases within the period fixed by law.[8] It must be stressed that the present clogged

dockets in all levels of our judicial system cannot be cleared, unless every magistrate earnestly, painstakingly and faithfully complies with the mandate of the law.[9] Further, the public's faith and confidence in the judicial system is eroded by every delay in the disposition of cases.[10] The failure of judges to decide cases within the period provided by law warrants the imposition of administrative sanctions against them.[11]

The Court, in its pursuit of speedy dispensation of justice, is not unmindful of circumstances that may justify the delay in the disposition of the cases assigned to judges. It remains sympathetic to seasonably filed requests for extensions of time to decide cases.

Moreover, Judge Rojo had only to request from the Executive Judge of the MTCC of Bacolod City or the Office of the Court Administrator the detail of needed personnel, instead of allowing a vacancy or leave or absence of his staff to deprive the public of vital services, especially where the court has an unusually heavy caseload for a given period.

Likewise, in case of poor health, the Judge concerned needs only to ask this Court for an extension of time to decide cases, as soon as it became clear to him that there would be delay in his disposition of his cases.[12] We note that Judge Rojo made no such request.

It appears that Judge Rojo also neglected 10 civil cases for a considerable length of time. Further, he failed to give sufficient justification why he did not arraign the accused in Criminal Case No. 02-02-2139 before trying the case. In these instances, except for self-serving excuses, we are at a loss as to the real cause or causes of his gross neglect and failure to perform his tasks faithfully.

Contrary to OCA's recommendation, however, Judge Rojo may not be faulted for failing to require the accused to post bail in at least 21 cases involving violations of B.P. Blg. 22. Nothing on record shows that it devolved upon Judge Rojo to require bail. The accused apparently had made no motion for the grant of bail. Judge Rojo's liability in this instance, based on the audit team's report and from the OCA's memorandum to this Court, could arise from his failing to explain why the accused in said cases were reportedly "not detained."

We note that Judge Rojo has previously been fined P5,000 for the offense of gross neglect of duty.[13] This time, aside from gross neglect, we also hold Judge Rojo accountable for making untruthful statements in his Certificates of Service and for violation of Supreme Court Administrative Circular No. 3-99[14]. Judge Rojo falsely stated in his Certificates of Service for January 2003 to December 2003 that "all special proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for a period of ninety (90) days or more have been determined and decided." [15] Furthermore, Judge Rojo for some time did not set cases for hearing for one week every month. He thus violated Supreme Court Administrative Circular No. 3-99, which mandates the strict observance of session hours for all trial courts and adherence to the policy on avoiding postponements and needless delay.

Under Section 9, Rule 140 of the Rules of Court, acts of serious misconduct abovesited are classified as less serious charges for which Section 11 of the same Rule prescribes a penalty of either (a) suspension from office without salary and other benefits for not less than one nor more than three months, or (b) fine of more than P10,000 but not exceeding P20,000.[16] In this instance, we deem proper a fine of P11,000 for each clearly proven violation,[17] thus altogether calling for a total fine of P22,000 for the two violations duly proved.

WHEREFORE, Judge Remegio V. Rojo, presiding judge of Branch 5, MTCC, Bacolod City, is found **LIABLE** for (1) gross neglect of duty because of his failure and his delay to decide cases abovementioned, aggravated by untruthful statements in his Certificates of Service, as well as for (2) violation of Supreme Court Administrative Circular 3-99 when he did not set cases for hearing for one week every month. He is hereby **ORDERED** to pay a

FINE of P22,000.00, with a stern warning that commission of the same or similar offenses in the future will be dealt with more severely.

SO ORDERED.

Puno, (Acting C.J.), Panganiban, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Davide, Jr., C.J., on official leave.
Corona, J., on leave.

[1] Municipal Trial Court in Cities.

[2] Rollo, pp. 6-7.

[3] Id. at 8.

[4] Id. at 30-31.

[5] Id. at 15.

[6] 67106 in some parts of the Rollo.

[7] Id. at 34-35.

[8] *Ambalong v. Lubguban*, A.M. No. MTJ-02-1449 (Formerly OCA-IPI No. 01-1025-MTJ), 5 February 2003, 397 SCRA 7, 11.

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

[10] *Guerrero v. Deray*, A.M. No. MTJ-02-1466 (OCA-IPI No. 00-988-MTJ), 10 December 2002, 393 SCRA 591, 597; *Office of the Court Administrator v. Quizon*, A.M. No. RTJ-01-1636, 13 February 2002, 376 SCRA 579, 592.

[11] *Report on the Judicial Audit Conducted in the RTC, Bacolod City, Br. 46, then Presided by Judge Emma C. Labayen, Retired*, A.M. No. 01-3-173-RTC, 9 December 2002, 393 SCRA 519, 522-523.

[12] *Office of the Court Administrator v. Quizon*, *supra*, note 10 at 591.

[13] *Saylo v. Rojo*, A.M. No. MTJ-99-1225 (Formerly OCA IPI No. 97-356-MTJ), 12 April 2000, 330 SCRA 243, 249.

[14] *Strict Observance of Session Hours of Trial Courts and Effective Management of Cases to Ensure Their Speedy Disposition*.

[15] Rollo, p. 13.

[16] *Re: Request of Judge Sylvia G. Jurao for Extension of Time to Decide Criminal Case No. 5812 Before the RTC-Brs. 10 & 12, San Jose, Antique*, A.M. No. 00-11-566-RTC, 31 July 2003, 407 SCRA 464, 474; *Tugot v. Judge Coliflores*, A.M. No. MTJ-00-1332, 16 February 2004, p. 13.

[17] See *Carriaga v. Anasario*, A.M. No. MTJ-02-1403, 3 February 2003, 396 SCRA 599, 603.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.