

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 55, HIMAMAYLAN CITY, NEGROS OCCIDENTAL

A.M. NO. 05-4-213-RTC. March 06, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

In anticipation of the compulsory retirement on November 1, 2004 of Judge Jose Y. Aguirre, Jr., then the presiding judge of the Regional Trial Court (RTC), Branch 55, Himamaylan, Negros Occidental, a judicial audit and physical inventory of the cases in said court were made on August 2-3, 2004 by an audit team formed by the Court Management Office, Office of the Court Administrator (OCA), Supreme Court.[1] As of the date of audit, the team found that RTC, Branch 55, has a total caseload of 269 cases, of which 190 are criminal and 79 civil. The status of the cases, their nature and number are as follows:

CASE STATUS CRIMINAL

CASES CIVIL

CASES TOTAL

I. Case Submitted for Decision 2 5 7

II. Case with Pending Motion/
Incidents for Resolution 1 9 10

III. For Issuance of Warrant of
Arrest/Summons 40 3 43

IV. For Arraignment 8 --- 8

V. For Pre-Trial Conference 13 8 21

VI. On Trial 117 19 136

VII. Suspended Proceedings 3 3 6

VIII. For Compliance 3 15 18

IX. Cases with No further Action 1 15 16

XI. Cases where PJ Inhibited himself
from hearing the case --- 2 2

TOTAL 190 79 269

The team's audit Report[2] disclosed a more thorough and detailed inventory of Judge Aguirre's caseload, as follows:

I. Cases Submitted For Decision:

CASE NO. TITLE DATE
SUBMITTED
FOR
DECISION DUE DATE
OF
SUBMISSION REMARKS

Criminal Case

1230 F. Madalag 7-20-03 10-18-03 Beyond

1152 V. Arapoc

N. Barcenilla 12-04-03 3-03-04 Beyond

Civil Case

894 Tabitha Liongzon

vs. Sps. Gayoso 7-19-04 10-18-04 Within

899 H. Genosa vs.

G. Titong 4-30-04 7-29-04 Beyond

888 A. Arroyo vs. J.

Marie Javellana 06-07-04 9-05-04 Within

900 A. Genosa vs. R.

Sevilla 04-30-04 7-29-04 Beyond (Appealed Case)

877 A. Garanganao vs.

Sps. Arac 02-05-04 5-05-04 Beyond

(Appealed

Case)

II. Cases With Pending Motions/Incidents For Resolution:

CASE
NO. TITLE DATE SUBMITTED
FOR DECISION PENDING MOTION REMARKS

Criminal Case

1634 A. Secapuri 07-07-04 Motion for Preliminary Investigation Within

Civil Case

921 Linda Sailo, et al. vs. Ma. Socorro Tuvilla 07-23-04 Motion to Dismiss Within

902 Concepcion Ledesma vs. Sps. Lima 07-23-04 Omnibus Motion-entry of appearance Within

SP 51

SP 105 Intestate of R. Angodong, Jr. vs. Ana Matibonez 08-02-04 Motion to approve sale of intestate property Within

866 C. Mapagay vs. A Secoral 03-29-04 Motion for reconsideration of the Decision rendered on 12-17-03 Beyond

886 Sps. Chiong vs.

Sps. Lagtapon 05-07-04 Motion to declare defendant in default Motion to Expunge Answer from the Record and suspend the running of the period to reply and to answer counterclaim Within

847 E. Aragon vs. A Ordaniel 01-30-04 Motion for reconsideration of the Decision Beyond

852 P. Yulo vs. R. Cainap 03-25-04 Motion for reconsideration of the Decision Beyond

SP 242 Intestate Estate of the Late Miguel Gatuslao and Espectacion Gatuslao 11-28-03 Motion for authority to sell Beyond

III. Cases With No Further Action For A Considerable Length Of Time

CASE NO TITLE DATE OF LAST COURT ACTION ACTION TAKEN

Criminal Case

1556 F. Gamosa 10-08-03 For reinvestigation (Accused is a detention prisoner)

Civil Case

873 Feliza Arroz vs. Zaldy Arros 11-10-03 Government prosecutor to conduct investigation and submit report to determine that no collusion exists between parties

830 Mary Ann Medel vs. Leonardo Medel 03-04-039 AFP directed to release monthly pension to respondent

917 Michael Tumado vs. Daryle Tumado 05-19-04 Deputized government prosecutor directed to conduct an investigation and submit a report to determine that no collusion exist between the parties

883 M. Gatuslao vs. Paul Ramos 2-10-04 Parties to make peace with one another and directed to formally submit their withdrawal of complaint and counterclaim, respectively

SP 294 In the Matter of Probate of Will of Delfina Tabalac Tortosa and Simplicio Tortosa 07-30-03 Petitioner manifested that probate of will has already been allowed in its Order of 2-28-02- Revival of case sufficient

SP 323 Petition for Guardianship of Minor Kirk Alvin Genosa 07-08-03 Judicial guardian directed to account for the proceeds of the sale and to submit report within 30 days. No compliance as of audit

SP 243 Petition for Declare Absence and Administration of Properties of Letecia Gatuslao 07-11-00 Administrator to render an accounting as to the proper disposal of proceeds of ½ portion of subject property. No compliance as of audit

SP 235 Intestate Estate of Remegio Limsiaco 12-04-00 Letters of Administration issued. Appointed Special Administrator took his oath of office

SP 125 Intestate Estate of the Late Milagros Ramos 12-19-02 Motion for authority to withdraw deposit and sell Land Bank Bonds granted. Administrator to submit report as to disposition. No compliance

SP 88 Intestate Estate of the Late Amalia Nava 04-04-03 Motion for authority to have lots surveyed by movant

granted. Movant to engage the services of a Geodetic Engineer

SP 90 Intestate Estate of the Late Abraham Mangente 03-19-04 Motion for authority to secure loan and approval of loan contract granted. Administratrix to submit report as to proper disposal. No compliance as of audit

SP 126 In the Matter of the Guardianship of Incompetent Andrea Ramos 12-19-02 Motion for authority to withdraw deposit and sell Land Bank Bonds granted. Judicial Guardian directed to submit a report as to the proper disposition of the withdrawn deposit and proceeds from the sale. No compliance as of audit

SP 108 Intestate Estate of the Late Jose Montero 03-13-01 Motion to sell properties of estate granted. Special Administratrix directed to submit pertinent documents for approval and report on the proper disposition of the proceeds

SP 8 Lourdes Mesa 05-23-00 Motion for authority to sell property of estate granted. Administratrix directed to submit a report on its proper disposal within 30 days. No compliance as of audit

794 Intestate Estate of the Deceased Sps. Dioscoro and Emperatriz Rubin vs. Heirs of Feliciano Rubin 06-17-02 Petitioner given 5 days to comment on the motion for inhibition. No compliance

On receipt of the same Report, Senior Deputy Court Administrator Zenaida N. Elepaño issued a Memorandum[3] dated September 2, 2004 directing Judge Aguirre, Jr. to:

a) EXPLAIN the causes of the delay in deciding the following cases within the mandatory period to decide, to wit: Criminal Case Nos. 1230, 1152 and Civil Case Nos. 899, 900 and 877; DECIDE the same within 30 days from notice and submit to the Court copies of the decisions.

b) INFORM the Court whether the following cases submitted for decision but still within the mandatory period to decide at the time of audit, have already been decided, namely: Civil Case Nos. 894 and 888 and submit copies of the decision.

c) EXPLAIN the causes of the delay in resolving within the mandatory period the pending incidents/motions in the following cases, to wit: Civil Case Nos. 847, 852 and SP 242; RESOLVE the same within 15 days from notice and submit copies of the Orders.

d) INFORM the Court whether the pending motions/incidents in following cases but still within the mandatory period to resolve, have already been resolved, namely: Criminal Case No. 1634 and Civil Case Nos. 921, 902, 886, SP 51 and SP 105 and submit to the Court copies of the Orders.

e) EXPLAIN why the following cases have not been acted upon for a considerable length of time, to wit: Criminal Case No. 1556 and Civil Case Nos. 873, 830, 917, 883, 794, SP 294, SP 323, SP 243, SP 235, SP 125, SP 88, SP 90, SP 126, SP 108 and SP 8; IMMEDIATELY act on the said cases and submit to the Court copies of the action taken thereon.

f) STRICTLY COMPLY with OCA Circular No. 12-2002 as amended by OCA Circular No. 28-2003 by submitting to the Court the Minutes of the Judicial Service Team Meeting.

In compliance with the above, Judge Aguirre submitted his explanations, one dated September 29, 2004[4] and the other dated October 29, 2004.[5] Admittedly, out of the eight (8) cases not yet decided beyond the period prescribed by law, only seven (7) cases were resolved. Respondent judge blamed the parties' non-submission of memoranda for his failure to decide the said cases within the 90-day period therefor. He explained that Civil Case No. 899 was not decided on time, because of plaintiff-appellee's manifestation therein that he will file a memorandum which was not yet filed at the time of audit. As to paragraphs (b) and (d), he immediately took appropriate action and decided the six (6) cases listed in the said paragraphs. As directed, he also submitted the

copies of the minutes of the meeting of the judicial service team for the months of January to August 2004 and the Court Performance Inventories and Court Action Plans for the months of March and June 2004.[6] Judge Aguirre also gave the following explanations and/or actions taken in the following cases:

Case Number Explanation/Action Taken

Criminal Case

1556 Case still under reinvestigation by the City Prosecutor

Civil Case

873 Archived per order dated August 31, 2004

830 This is a case for support, hence a continuing proceeding

917 Summons unserved. Petitioner manifested that he will file a motion for issuance of alias summons.

883 Dismissed per order dated August 16, 2004

794 Held in abeyance pending receipt of the Court of Appeals' resolution on the respondent's petition for certiorari and of the Office of the Court Administrator's order on the order of inhibition of the undersigned in SP No. 28 involving the same parties. Contempt case shall be heard by the Hon. Henry Arles, APJ appointed by the Supreme Court to hear SP No. 28.

SP No. 294 Petition for probate of wills was allowed per certification of allowance of wills dated Feb. 28, 2002. Revival of case is sufficient since the 2 testators are still alive. Probate of wills proceedings is continuing. Archived on October 5, 2004.

SP No. 323 Petition for appointment as guardian was granted per order dated June 4, 2003. Guardianship proceeding is continuing. Archived on October 5, 2004.

SP No. 243 Petition for declaration of absence of Leticia Gatuslao and appointment of regular administrator was granted per order dated April 10, 2004. Administrator of property proceeding is continuing. Archived on October 5, 2004.

SP No. 235 Petition for appointment as administratrix was granted on September 21, 2000. Intestate proceeding is continuing. Archived on October 5, 2004.

SP No. 125 Petition for appointment as administrator was granted on October 4, 1996. Intestate proceedings is continuing. Archived on October 5, 2004.

SP No. 88 Petition for appointment as special administrator was granted on January 3, 1997. Intestate proceeding is continuing. Archived on October 14, 2004

SP No. 90 Petition for appointment as administrator was granted on October 19, 1993. Intestate proceeding is continuing. Archived on October 4, 2004.

SP No. 126 Petition for appointment as guardian was granted on October 4, 1996. Guardianship proceeding is continuing. Archived on October 6, 2004.

SP No. 108 Petition for appointment as special administratrix was granted on July 18, 1996. Intestate proceeding is continuing. Archived on October 6, 2004.

SP No. 8 Petition for appointment as special administratrix was granted on January 19, 1995. Intestate proceeding

is continuing. Archived on October 10, 2004.

Judge Aguirre, Jr. likewise justified his failure to decide and/or resolve/take further action on some cases on account of his court's heavy caseload it being a heinous crimes court and that some cases involve difficult and intricate issues which need further study before rendering his decisions thereon.

Finding Judge Aguirre's explanations unsatisfactory, the OCA on April 4, 2005, recommended to the Court that the audit team's report be docketed as a regular administrative matter against Judge Aguirre, Jr. for gross inefficiency and that he be fined in the amount of P20,000.00, to be deducted from his retirement benefits.

After a careful evaluation of the records, the Court agrees with the finding of the OCA that Judge Aguirre, Jr.'s explanations for his failure to act promptly and decide the eight (8) cases[7] within the time prescribed by law are insufficient.

Section 15 (1), Article VIII, of the Constitution provides:

SEC. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

To implement the foregoing constitutional mandate, Rule 1.02, Canon 1 and Rule 3.05, Canon 3 of the Code of Judicial Conduct respectively provide:

Rule 1.02. — A judge should administer justice impartially and without delay.

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

Respondent judge cannot justify his delay in deciding the aforementioned eight (8)[8] cases on the excuse that he was still awaiting the parties' memoranda. The Court issued Administrative Circular No. 28 on July 3, 1989 to make clear to all judges that a case is considered submitted for decision upon the admission of the parties' evidence at the termination of the trial. However, should the court require or allow the submission of memoranda, the case is considered submitted for decision upon the filing of the last memorandum or the expiration of the period therefor, whichever is earlier, and while a court may grant an extension of time to file memorandum, it cannot extend the ninety-day (90) period within which to decide. In *Salvador vs. Salamanca*,[9] this Court held:

...judges should decide cases even if the parties failed to submit memoranda within the given periods. Non-submission of memoranda is not a justification for failure to decide cases. The filing of memoranda is not a part of the trial nor is the memorandum itself an essential, much less indispensable pleading before a case may be submitted for decision. As it is merely intended to aid the court in the rendition of the decision in accordance with law and evidence — which even in its absence the court can do on the basis of the judge's personal notes and the records of the case — non-submission thereof has invariably been considered a waiver of the privilege.

Judge Aguirre, Jr. would rely on his court's heavy caseload it being a heinous crimes court to justify the delay in the disposition of cases in his sala. The Court reiterates that judges, when burdened with heavy caseloads which prevent them from disposing their cases within the reglementary period, may ask for additional time. Here, Judge Aguirre never asked for additional time. The presumption then is that he is not burdened with caseloads.

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, on the principle that justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards and brings it into disrepute. Hence, judges are enjoined to decide

cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.[10]

The Court adopts the recommendation of the OCA to impose a fine of P20,000.00 on the respondent judge.

Under Rule 140, as amended by A.M. No. 01-8-10-SC dated 11 September 2001, undue delay in rendering a decision or order is categorized as less serious charge with the following sanctions: (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than P10,000.00 but not exceeding P20,000.00.

The Court notes that this is not the first time that an administrative case was filed against Judge Aguirre, Jr. for delay in deciding a case. In Administrative Case No. RTJ-01-1624 (Request For Assistance Relative To Special Proceedings No. 28 Pending At Regional Trial Court Of Himamaylan, Negros Occidental, Branch 55, Presided By Judge Jose Y. Aguirre, Jr.) promulgated on March 26, 2001, Judge Aguirre, Jr. was fined by the Court in the amount of P2,000.00 for failure to timely resolve two pending incidents in Special Proceedings No. 28 then pending before his court.

WHEREFORE, Judge Jose Y. AGUIRRE, JR. is found administratively liable for GROSS INEFFICIENCY for delay in the disposition of cases and is hereby FINED in the amount of Twenty Thousand Pesos (P20,000.00), which amount shall be deducted from whatever retirement benefits due him. Let copy of this resolution be FORWARDED to the Office of the Court Administrator so that the remaining benefits due the respondent judge are promptly released, unless there exists another lawful cause for withholding the same.

SO ORDERED.

Puno, Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Rollo, pp. 8-14.

[2] Rollo, pp. 8-12.

[3] Rollo, pp. 15-16.

[4] Rollo, pp. 68-72.

[5] Rollo, pp. 17-18.

[6] Rollo, pp. 121-135.

[7] 1. Criminal Case No. 1230.

2. Criminal Case No. 1152.

3. Civil Case No. 899.

4. Civil Case No. 900.

5. Civil Case No. 877.

6. Civil Case No. 847.

7. Civil Case No. 852.

8. SP 242.

[8] See Footnote #7.

[9] 144 SCRA 276 (1986), cited in *Guillas vs. Muñoz*, 363 SCRA 701 (2001).

[10] Monfort Hermanos Agricultural Development Corporation vs. Judge Rolando V. Ramirez, 355 SCRA 477 (2001).

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