

LETTER OF JUDGE JOSEFINA D. FARRALES, ACTING PRESIDING JUDGE, RTC, BR. 72, OLONGAPO CITY RE: 30 CASES AND 84 MOTIONS SUBMITTED FOR DECISION/ RESOLUTION IN THE SAID COURT

A.M. No. 06-3-196-RTC. December 24, 2008

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-06-3-196/>

LEONARDO-DE CASTRO, J.:

Before us is a Memorandum dated October 23, 2007 in A.M. No. 06-7-416-RTC (Audit Report on the Judicial Audit Conducted at the Regional Trial Court (RTC), Br. 72, Olongapo City), of then Court Administrator Christopher O. Lock, which recommended the following:

- that A.M. 06-3-196-RT[C] (Letter of Judge Josefina D. Farrales, Acting Presiding Judge, RTC, Br. 72, Olongapo City [Re: 30 cases and 84 motions submitted for decision/resolution in the said Court]) be CONSOLIDATED with this instant administrative matter;
- that Judge Eliodoro [G]. Ubiadas be held administratively liable for GROSS MISCONDUCT, GROSS INEFFICIENCY and VIOLATIONS OF SC CIRCULAR and he be FINED in an amount equivalent to his six (6) months salary;
- that Branch Clerk of Court Gerry R. Gruspe be held administratively liable for GROSS INEFFICIENCY and VIOLATIONS OF SC CIRCULAR and that he be FINED in the amount of Two Thousand (P2,000.00) Pesos with a stern warning that a repetition of the same or similar offense in the future shall be dealt with more severely;
- that Misses Catalina A. Atienza and Rizanilla R. Vito, Clerks-in-Charge of the Docket Books, same Court, to SUBMIT a quarterly report until the updating of aforesaid docket books are completed with a STERN WARNING that a repetition of the same shall be dealt with more severely;
- the Documentation Division-Legal OCA to COLLECT from Pacific Union Insurance Company Incorporated its liability for forfeited bonds in the following cases:

CERTIFICATION NO.

ISSUED

TOTAL AMOUNT OF THE BOND

488-0, Series of 2005

Atty. John V. Aquino Office of the Clerk of Court

Php256,000.00

Branch

Case Numbers

Amount of Bond

Remarks

72

CR No. 435-02

Php 12,000.00

Bond of accused Cecilia Asuncion amounting to Php80,000.00 which was reduced to 15% included in the Php530,000.00 reduced bond.

74

CR Nos. 321-02- and 270-02

64,000.00

Not paid yet paid to the OCC

75

CR Nos. 662-03, 134-03 and 743-03

180,000.00

It is likewise recommended that the Office of the Court Administrator be DIRECTED to make a REPORT and RECOMMENDATION that will be used as guidelines for the reduction of the liability of the bondsmen in forfeited bonds within sixty (60) days from notice hereof.

The present consolidated administrative matters have the following antecedent facts:

A.M. 06-3-196-RTC

The Court, through the First Division, issued Resolution dated February 7, 2005 in A.M. No. RTJ-05-1902 (PAGCOR, etc. v. Judge Eliodoro G. Ubiadas, etc.), preventively suspending Judge Eliodoro G. Ubiadas (Judge Ubiadas), Regional Trial Court (RTC), Branch 72, Olongapo City, effective immediately pending resolution of the said administrative case. Judge Ubiadas received the said Resolution on March 11, 2005.

Subsequently, several judges were designated[1] to preside over Branch 72, namely: Hon. Renato J. Dilag, RTC, Br. 73, Olongapo City from April 18 to June 10, 2005; Hon. Ramon S. Caguioa, RTC, Br. 74, Olongapo City, from June 10, 2005 to January 25, 2006; and Hon. Josefina D. Farrales, RTC, Br. 69, Iba, Zambales, from January 30, 2006 until the present.

Upon her assumption, Judge Farrales immediately conducted an inventory of the pending cases in Branch 72. In her letter dated February 15, 2006, Judge Farrales reported that there are still 30 cases and 84 motions submitted for decision and resolution and that she requested for sixty (60) days extension to resolve the same. Of the cases, 15 cases and 33 motions were already beyond the reglementary period to decide/resolve even before Judge Ubiadas was suspended. The other 15 cases and 51 motions were submitted for decision/resolution when Judge Caguioa took over as presiding judge of Branch 72, of which 6 cases and 30 motions were already beyond the reglementary period.

The Court[2] noted Judge Farrales' letter, directed her to resolve the cases/motions within six (6) months and to submit a copy of each of her decisions/resolutions within 10 days from rendition/promulgation thereof. The Court

likewise required Judge Ubiadas and Judge Caguioa to explain within 10 days from notice, their failure to decide/resolve the subject cases/motions within the reglementary periods and to make the necessary request for extension of time within which to decide/resolve the same.

In a series of compliances, Judge Farrales informed the Court through the OCA that she had decided/resolved all the 30 pending cases and 84 motions. The Court noted said compliances and considered the same as full compliance in the present administrative matter.

In the meantime, Judge Caguioa, in a letter dated April 19, 2007, explained that upon his designation as the Acting Presiding Judge of Br. 72, he immediately heard all the cases already set and calendared thereat in order to prevent a disruption of the court calendar and settings already made during the incumbency of Judge Ubiadas. Thus, together with the equally heavy docket of his own station in Branch 74, he heard all pending incidents calendared and conducted trial of scheduled cases in Branch 72 in order not to cause any further delay in the proceedings. Judge Caguioa further explained that he inherited all the unresolved cases and motions as acting judge of said branch. During his incumbency therein, they were not brought to his attention even at the time the Semestral Docket Inventory of Branch 72 was prepared. He was therefore unaware that he had to address the matter or at the very least ask for an extension of time to decide all of them.

On June 20, 2007, the Court noted Judge Caguioa's letter and referred the same to the OCA for evaluation, report and recommendation within 30 days from receipt of the records.

A.M. No. 06-7-416-RTC

On May 17-26, 2006, a judicial audit and physical inventory of cases was conducted at Branch 72, RTC, Olongapo City due to Judge Ubiadas' indefinite suspension and his forthcoming compulsory retirement on July 3, 2006.

The Report dated June 29, 2006 revealed that Branch 72 has a total caseload of 1,114 cases, consisting of 880 criminal cases and 234 civil cases.

Apart from the 30 cases and 84 motions submitted for decision/resolution mentioned in A.M. No. 06-3-196-RTC, the audit team noted that there were still other cases submitted for decision/resolution and matters which were not acted upon for a considerable length of time, to wit:

Status

Criminal

Civil

SFD* beyond the reglementary period

1

3

SFD* still within the reglementary period

7

7

SFR** beyond the reglementary period

4

6

SFR** still within the reglementary period

2

13

Cases in different stages of proceedings without further action for a considerable length of time

3

5

Warrants of Arrest

1. No Return/Unacted

2. For issuance of alias warrant of arrest

39

32

-

Summons

-

2

No further action/setting

4

17

For compliance of the parties

4

23

For compliance of the Bondsmen

51

-

Total

*SFD-Submitted for Decision

** SFR-Submitted for Resolution

Consequently, the Court En Banc issued a Resolution dated July 26, 2006, reiterating the directive to Judge Farrales to decide/resolve the 114 cases subject matter of A.M. 06-3-196-RTC until July 31, 2006. As regards the other cases submitted for decision/resolution which were not acted upon for a considerable length of time, the Court gave Judge Farrales a period of three (3) months from notice to decide/resolve/take appropriate action thereon.

In the same resolution, the Court directed Judge Farrales and Branch Clerk of Court, Atty. Gerry R. Gruspe, to take appropriate action on the lapses in records management,[3] as well as on the observation of the Audit Team concerning the archiving of cases.[4] They were also required to submit a report on the action taken and the present status of all the cases mentioned in the audit report, with instruction to attach to the report the copies of the orders/decisions/resolutions for reference as well as the measures taken with regard to the records management issues.

The latter part of the said resolution is quoted as follows:

(c) DIRECT Presiding Judge Eliodoro G. Ubiadas to

(i) EXPLAIN within thirty (30) days from notice hereof his failure to decide/resolve the cases enumerated in Exhibits "A"-"A-1" and "B"-"B-4" of the subject OCA Memorandum, which cases are already beyond the reglementary period to decide/resolve, and FILE a request for extension of time to decide/resolve the same;

(ii) EXPLAIN within thirty (30) days from notice hereof why he granted the reduction of the liability of the bondsmen in the following cases, to wit:

CASE NUMBER

PARTIES

AMOUNT OF THE BOND

CR NO. 383-02 Pp vs. Joel Llanilo

Php 10,000.00

CR NO. 356-02 CR NO. 357-02 Pp vs. Rey dela Cruz

20,000.00 each

Accused

CR NO. 642-03 Pp vs. Renato Silva

200,000.00

CR NO. 22-02 Pp vs. David Dengwas

10,000.00 each

Total Amount of the Bond

Php340,000.00

REMARKS

1. In a joint Motion to Reduce Bondsman Liability dated August 31, 2004, Commonwealth Insurance Company, thru its authorized representative, Dolores K. Millora, moved that the liability of the bonding company be reduced from Php340,000.00 to Php17,000.00 or equivalent to five (5%) of the total forfeited bond. She averred that bondsman has already exerted earnest effort to locate them and had already spent much more than the premium of the bonds received from them.

2. Order dated September 23, 2004, Judge Ubiadas approved the said motion and reduced bondsman liability to Php17,000.00.

3. Order dated April 27, 2005, considering the payment of Commonwealth Insurance paid the reduced amount

of Php17,000.00 per OR No. 21257141 dated January 31/ February 1, 2005 said Bondsman was absolved of its liability in the aforesaid cases. The said Order was signed by Pairing Judge Dilag as Judge Ubiadas was already suspended at that time.

CASE NUMBER

PARTIES

AMOUNT OF THE BOND

CR NO. 18-01 Pp vs. Sernan Patero Total Amount of the Bond Php530,000.00

CR NO. 675-01 Pp vs. Beth Mendoza, et al.

CR NO. 672-99 Pp vs. Edgar Natividad

CR NO. 95-01 Pp vs. Pedro Sarmiento

CR NO. 435-02 Pp vs. Cecilia Asuncion

CR NO. 397-01 Pp vs. Joel Santos

CR NO. 289-99 Pp vs. Remedios De Dios

CR NO. 30-02 Pp vs. Michael Garon

REMARKS

- In the Order dated February 16, 2005, Judge Ubiadas approved the Motion for Mitigation of Surety's Liability of Pacific Union Insurance Company from the above-mentioned cases from the total amount of Php540,000.00 to 15% of the aforesaid amount (Php81,000.00) and accordingly the writs of execution issued by the Court in connection with the bonds posted was amended (Annex "F").

- Per confirmation with the Office of the Clerk of Court, said amount was not paid by the bonding company.

(d) DIRECT Branch Clerk of Court Gerry R. Gruspe, same court, to EXPLAIN within thirty (30) days from notice hereof:

(i) why the Monthly Report of Cases for the months of May 2005 up to February 2006 were only submitted to the Court on April 17, 2006;

(ii) his failure to execute the judgments on the bond in the following cases as well as those cases enumerated in paragraph 2.d (B), to wit:

Case No.

Name of Accused

Bondsman

Amount of Bond

Date of Judgment

1. 124-03

B. Sangco

Plaridel Surety Company

P 24,000.00

October 21, 2004

2. 296-03

I. Baula

24,000.00

3. 297-03

I. Baula

24,000.00

4. 501-03

A. Naga

80,000.00

(iii) the non-submission of the stenographic notes of the cases submitted for decision/resolution that further causes the delay in the disposition of the cases;

(e) DIRECT Ms. Catalina A. Atienza and Rizanilla R. Vito, Clerks-in-Charge of the Docket Books, same court, to UPDATE the entries in the docket books assigned to them from year 2005 to 2006, and SUBMIT COMPLIANCE herewith within sixty (60) days from notice hereof; and

(f) REQUIRE Ms. Catalina A. Atienza and Rizanilla R. Vito to SUBMIT a quarterly report until the updating of the aforesaid docket books is completed.

The Court further resolved to:

(a) REFER the Orders dated September 23, 2004 and February 16, 2005 of Judge Ubiadas, reducing the liabilities of the Commonwealth and Pacific Union Insurance Company, respectively, as well as the Certification No. 488-0, Series of 2005, issued by Clerk of Court John V. Aquino, RTC, Olongapo City, to the COMMITTEE ON BONDS-OCA and DOCUMENTATION-LEGAL DIVISION, OCA, for study, report, recommendation and appropriate action, including Judge Ubiadas' liability, if there is any, within thirty (30) days from notice hereof; and

(b) DIRECT the Office of the Court Administrator to WITHHOLD the retirement benefits of Judge Ubiadas pending the submission of the recommendation of the Committee on Bonds-OCA.

In a Resolution dated November 27, 2007, the Court resolved to consolidate A.M. No. 06-7-416-RTC with A.M. No. 06-3-196-RTC and to note the OCA Memorandum dated October 23, 2007.

With regard to the status of the pending cases and incidents subject of these consolidated administrative cases, records show that Judge Farrales had already resolved and acted upon all the cases and unresolved motions pending in Branch 72. She also informed the Court that new measures/procedures are being implemented in order to correct the lapses in records management and that regular counter-checking is being done to avoid recurrence of similar incidents.

We now come to the OCA's recommendations with respect to Judge Ubiadas. Two (2) issues must be addressed herein: first, whether Judge Ubiadas is guilty of gross ignorance and/or gross misconduct in reducing the liability

of Commonwealth Insurance Company (Commonwealth) and Pacific Union Insurance Company, Incorporated (Pacific Union); and second, whether he is guilty of gross inefficiency in the conduct of court business and violations of existing SC circulars.

On the first issue, the Audit Team reported that Commonwealth filed a motion to reduce bondsman liability from P340,000.00 to P17,000.00 or equivalent to 5% of the total forfeited bond in Criminal Case Nos. 383-02, 356-02 to 357-02, 642-03 and 224-02. In said motion, Commonwealth averred that it exerted earnest efforts to locate and apprehend the accused and has already spent much more than the premium of the bonds it had received from the accused.

In an Order dated September 23, 2004, Judge Ubiadas granted the motion. Accordingly, Commonwealth paid the amount of P17,000.00.[5] Later, then acting presiding Judge Dilag issued an Order dated April 27, 2005 absolving Commonwealth of its liability.

Pacific Union, on the other hand, filed a motion for mitigation of surety's liability in Criminal Case Nos. 18-01, 675-01, 672-99, 95-01, 435-02, 397-01, 289-99 and 30-02 in the total amount of P 530,000.00. Pacific Union claimed that it had already spent nearly the amount of the bond posted in the said cases and that it spared no time and effort to comply with the court orders but was, however, hampered by unavoidable circumstances. It also claimed that should it be held liable to the full amount of the confiscated bonds, it will suffer tremendous losses in its business. Hence, it prayed that the court reconsider its order of execution and that it be allowed to pay 10% of the P530,000.00.

Judge Ubiadas, in an Order dated February 16, 2005, reduced Pacific Union's liability to 15% of the P 530,000.00 or to P 79,500.00. The writs of execution previously issued were thus amended. From the records, it would appear that Pacific Union did not pay even this greatly reduced amount, among other unpaid liabilities as found by the Audit Team.

On this matter, the OCA further informed the Court that there is no existing Committee on Bonds which could appropriately act on Judge Ubiadas' Orders dated September 23, 2004 and February 16, 2005. Although the Court created three (3) committees which will handle the property bonds, cash bonds and recognizance, their creation was however solely for the purpose of drafting the guidelines thereon[6] and that the said committees have been inactive for a considerable length of time. The OCA, thus, believed that the instant administrative matter is beyond the competence of the said committees.[7]

As a defense to charge of misconduct with respect to the reduction of the liabilities of the aforementioned bondsmen, Judge Ubiadas explained that he was "guided in good faith" by the ruling[8] of this Court which were cited by Commonwealth and Pacific Union.

The rule governing forfeitures of bail bonds is found in Section 21, Rule 114 of the Revised Rules on Criminal Procedure, which provides:

Sec. 21. Forfeiture of bail. - When the presence of the accused is required by the court or these Rules, his bondsmen shall be notified to produce him before the court on a given date and time. If the accused fails to appear in person as required, his bail shall be declared forfeited and the bondsmen given thirty (30) days within which to produce the principal and to show cause why no judgment should be rendered against them for the amount of their bail. Within the said period, the bondsmen must:

- produce the body of the principal or give the reason for his non-production; and
- explain why the accused did not appear before the court when first required to do so.

Failing in these two requisites, a judgment shall be rendered against the bondsmen, jointly and severally, for

the amount of the bail. The Court shall not reduce or otherwise mitigate the liability of the bondsmen, unless the accused has been surrendered or is acquitted.

Significantly, OCA Circular No. 100-2006 (Re: Guidelines on the Reduction of Bond Liability) provides:

- REDUCTION OF BOND LIABILITY - Following an Order of Forfeiture, the Court may reduce or otherwise mitigate the liability of the bondsmen, PROVIDED, the accused has been surrendered or is acquitted. Only in these two instances may Judges reduce or mitigate the liability of the bondsmen. (RULE 114, SEC. 21)

The OCA's assessment of Judge Ubiadas' mitigation of the liabilities of Commonwealth and Pacific Union follows:

In the case at bar, Judge Ubiadas not only failed to perform his duties in accordance with the Rules, but he also acted willfully and in gross disregard of the law and controlling jurisprudence. As noted, the case of Pp vs. Sanchez is one of the cases cited by Judge Ubiadas in explaining his grant of the motion for reduction/mitigating the liabilities of bondsmen. Hence, he is fully aware that the surrender of the accused is the common consideration in the reduction of liability of the surety. It can be said, therefore, that the said oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority.

However, other issues should be clarified. In this particular instance, the said orders were not questioned by the accused nor the surety company as the same were not adverse to them. It was only discovered during the audit of the records. There is no way by which the abuse of discretion/propriety, if there is any, in granting reduction of the liability maybe counter-checked. It is necessary, therefore, that specific guidelines be used as basis for the reduction of the liability of the bondsmen in order to prevent appearance of impropriety and/or impropriety in the grant if the reduction of the liability of the surety. (emphasis supplied)

We agree with the OCA that Judge Ubiadas failed to strictly comply with the rules pertaining to forfeitures of bail bonds, in particular the prescription that the bondsman's liability can only be mitigated when the accused has been surrendered or is acquitted. However, Judge Ubiadas' conduct on this matter cannot be readily characterized as "gross ignorance" or "gross misconduct" in the absence of specific guidelines which the OCA itself stated in its report as necessary as a standard to measure the propriety or impropriety of mitigation of a bondsman's liability.

Anent the second issue, We hold that Judge Ubiadas is guilty of gross inefficiency in the conduct of court business and of violations of existing SC circulars.

The Constitution provides that lower courts have three (3) months within which to decide cases or resolve matters submitted to them for resolution. [9] Moreover, the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period.[10] In addition, this Court laid down guidelines in SC Administrative Circular No. 13 which provides, inter alia, that "[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so." We have reiterated this admonition in SC Administrative Circular No. 3-99 which requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases and the failure to comply therewith is considered a serious violation of the constitutional right of the parties to speedy disposition of their cases.

In his letter, Judge Ubiadas cited his health conditions as an explanation for the delay in deciding/resolving the cases/other matters submitted for decision/resolution in Branch 72. Judge Ubiadas averred that on August 2, 1997, he suffered a heart attack, diagnosed as myocardial infraction, and was confined in the intensive care unit (ICU) of the UST Hospital. He had a second heart attack on January 2, 1998, this time it was diagnosed as cardiac arrest.

Again, he was confined in the ICU of the same hospital. Then a third heart attack occurred in July 1998, which, although not as serious as the first and second attacks, nevertheless, required his confinement at the James Gordon Memorial Hospital.

Judge Ubiadas further explained that he was confined since March 19, 1999 and subjected to a triple by-pass operation on April 13, 1999. It was only on June 1, 1999 that he was able to return to work. Notwithstanding his failing health then, he still acted as the judge of the four (4) RTCs for two (2) months as: (1) presiding judge of Br. 72; (2) pairing judge of Br. 73;^[11] (2) acting presiding judge of Br. 75;^[12] and (3) pairing judge of Br. 74.^[13]

Indeed, Judge Ubiadas' illness could have adversely affected the performance of his duties. Despite having just been subjected to a triple by-pass operation, he knew fully well that he still had to act as the judge of four (4) RTC branches for two (2) months. If his illness had indeed seriously hampered him in the discharge of his duties, Judge Ubiadas could have requested this Court for additional time to decide/resolve pending cases and incidents. His illness cannot be an excuse for his failure to render decisions or resolutions within the constitutionally prescribed period, considering that he could have requested an extension or other relief from this Court but he did not. It is incumbent upon him to dispose the cases assigned to him without undue delay.

This Court has incessantly admonished members of the bench to administer justice without undue delay, for justice delayed is justice denied. 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. Undue delay in the disposition of cases amounts to a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary.^[14]

On this point, our ruling in another case is instructive:

The Court finds deserving of due consideration, the explanation of respondent Judge for leaving ten (10) undecided cases before his retirement from the service. Serious illness may justify the inability of a judge to perform his official duties and functions. But then, the Court has to enforce what is required by law and to impose a reasonable punishment for violation thereof. The members of the judiciary have the sworn duty to administer justice without undue delay. Failure to decide cases within the period fixed by law constitutes a neglect of duty, which warrants the imposition of administrative sanctions. When he was hindered by a grave malignancy, it was incumbent upon the respondent Judge to request this Court, through the Office of the Court Administrator, for additional time to decide the cases which he could not seasonably act upon and decide. For failing to do so, respondent Judge has to suffer the consequences of his omission.^[15] (emphasis supplied)

Aware of the caseload of judges, this Court has viewed with understanding requests for extension made by judges. Hence, should a judge find himself unable to decide cases within the 90-day period for doing so, he can ask for an extension of time for deciding the same. Such requests are generally granted.^[16]

In his letter, Judge Ubiadas acknowledged that it would have been better had he requested for an extension of time to decide the cases. Yet, he hoped that this Court would understand his failure by explaining that, "[t]o my mind, the measure of a judge's efficiency and hard work should be viewed more in the light of the total work accomplished rather than ask for a prior excuse to decide the case beyond the period allowed by the Rules."

Judge Ubiadas' position is untenable. This Court wishes to remind him that as an official of the Judiciary, he is expected to follow the rules laid down by this Court for the prompt and speedy disposition of cases. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction. If a judge can not comply with this Court's directives on the matter of disposition of cases, he may seek extensions from this Court to avoid administrative liability.

In view of the foregoing, we agree with the OCA that Judge Ubiadas should be held administratively liable. Records show that prior to these consolidated cases, he had been held administratively liable four (4) times.[17] Had he not compulsorily retired on July 3, 2006, the OCA opined that the appropriate penalty would have been dismissal from service with forfeiture of his retirement benefits except his earned leave credits, and with prejudice to re-employment in any branch, instrumentality or agency of the government, including government-owned and controlled corporation.

Instead, the OCA recommended that Judge Ubiadas be meted the penalty of a fine equivalent to six (6) months of his salary. We approve the recommended penalty. In one case,[18] We explained, thus:

We have always considered the failure of judge to decide a case within ninety (90) days as gross inefficiency and imposed either fine or suspension from service without pay for such. The fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances--the damage suffered by the parties as a result of delay, the health and age of the judge, etc. Thus, in one case, we set the fine at ten thousand pesos (P10,000.00) for failure of a judge to decide 82 cases within the reglementary period, taking into consideration the mitigating circumstance that it was the judge's first offense. In another case, the fine imposed was sixty thousand pesos (P60,000.00), for the judge had not decided about 25 or 27 cases. Still in other cases, the fines were variably set at fifteen thousand pesos (P15,000.00), for nineteen (19) cases left undecided, taking into consideration that it was the judge's first offense; twenty thousand pesos (P20,000.00), for three (3) undecided criminal cases; eight thousand pesos (P8,000.00), for not deciding a criminal case for three (3) years; forty thousand pesos (P40,000.00), for not deciding 278 cases within the prescribed period, taking note of the judge's failing health and age; and ten thousand pesos (P10,000.00), for belatedly rendering a judgment of acquittal in a murder case, after one-half years from the date the case was submitted for decision. In another case, suspension without pay for a period of six (6) months was imposed since, besides the judge's failure to timely decide an election protest for eight (8) months, the judge submitted false certificates of services and was found guilty of habitual absenteeism. (emphasis supplied; citations omitted)

Here, Judge Ubiadas failed to decide 15 cases and 33 motions which were beyond the reglementary period to decide/resolve. Here were also other matters that were not acted upon. In affirming the OCA recommended penalty, we took into consideration Judge Ubiadas' health. We also noted that his caseload then was 1,300 more or less and that during his tenure, as in his letter, he has "done [his] best and in utmost good faith to serve the ends of justice and perform [his] duties as a judge." However, previous administrative sanctions imposed upon him must likewise be given appropriate weight.

With respect to Judge Caguioa, records show that his letter was referred to the OCA for evaluation, report and recommendation. At the time of the consolidation of these two administrative matters, the OCA has yet to submit its report.

We shall dispense with the report and rule on Judge Caguioa's liability, if any. In gist, Judge Caguioa explained that the unresolved cases and motions were not brought to his attention; hence, he was unaware that there are still matters that he had to address or he could have asked from the Court an extension of time to decide on them.

The Court takes this opportunity to again remind judges, clerks of court, and all other court employees that they share the same duty and obligation to dispense justice promptly. They should strive to work together and mutually assist each other to achieve this goal. Nonetheless, judges have the primary responsibility of maintaining the professional competence of their staff. Judges should organize and supervise their court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.[19]

Although Judge Caguioa was merely the acting presiding Judge of Branch 72, he ought to have been vigilant and probing in the management of the said court. His proffered excuse, that the undecided cases and unresolved motions were not brought to his attention, is untenable. Accordingly, Judge Caguioa is hereby reminded to be more circumspect in performing his functions as a judge, whether in his own court or in other courts where he is just in an acting capacity.

With respect to Branch Clerk of Court Gerry R. Gruspe, the OCA recommended that he should be held administratively liable for gross inefficiency and violations of SC circular and that he be fined in the amount of P2,000.00.

The OCA's findings are quoted below:

As mentioned, at the end of each month the branch clerk of court shall be responsible for the preparation of the monthly report of cases and shall be certified under oath as true and correct by the branch clerk of court and must be also be certified by the presiding judge to the correctness of the report (A.C. No. 4-2004 dated February 4, 2004).

Notably, the reports for the months of January to April 2005 were solely signed by Branch Clerk of Court Gruspe and filed only on June 15, 2005 (Annexes "E", "F", "G"). Also, a comparison of the List of Cases submitted for decision contained in the aforesaid monthly reports and in the letter-request of Judge Farrales reveals that there are cases in the request which were not included in the reports as submitted for decision to wit:

Case No.

Case Title

Date Submitted

1. CV No. 354-0-94

G. Dela Llana vs. City of Olongapo

03-21-95

2. CV No. 28-0-00

L. Viacrusis vs. J. Asada, etc.

07-12-00

3. CV No.652-0-00

E. Stewart vs. Fely Baldos

06-04-04

4. CV No. 456-0-02

E. Stewart vs. Fely Baldos

06-14-04

5. CR No. 55-01

Pp vs. Wang Chan Chun

03-24-04

6. CR No. 626-02

Pp vs. Judith Villatema

10-20-04

Under the foregoing circumstances, it appears that the negligence of Branch Clerk of Court Gerry Gruspe in the performance of his duties and responsibilities compounded the delay in the disposition of cases and his lackadaisical attitude in the supervision of court personnel aggravated the mismanagement of the court's business. If he is only assiduous in the performance of his official duties and in supervising the court personnel and managing the court's dockets, the prompt disposition of the court's business will be attained, despite the failure of Judge Ubiadas to adopt an efficient system of court management.

A Clerk of Court who is lax in the supervision of court personnel is subject to disciplinary action.

However, considering that this is the first time that the said Clerk of Court has committed the said infraction and in order to avoid repetition of similar offense, a fine in the amount of Two Thousand Pesos (Php2,000.00) with a stern warning that his failure to submit the reportorial requirements on time and similar lapses in the future will be dealt with more severely.

In his letter, Atty. Gruspe informed the Court that he personally prepared the data in the Monthly Report of Cases Form and that he had already issued writs of executions in Criminal Cases Nos. 124-03 (B. Sangco), 296-03 and 297-03 (I-Baula) and 501-03. He apologized for the delay in its submission due to heavy workload. Also, Atty. Gruspe averred that he has been a Clerk of Court V in Branch 72 and legal researcher at the same time since September 1, 2000. In the early part of 2005, he assumed the duties of the interpreter in addition to his functions and other duties assigned by his judge. His duty as interpreter lasted for several months until the appointment of a regular interpreter.

After consideration of the foregoing, We agree with the OCA's findings and recommendation. In Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional Trial Court, Branch 54, Bacolod City,[20] we held that a branch clerk of court's administrative functions are just as vital to the prompt and proper administration of justice. A branch clerk of court is charged with the efficient recording, filing and management of court records, besides having supervision over court personnel. Having been assigned a key role in the complement of the court, one cannot be permitted to slacken on one's job under one pretext or another. The clerk of court in this case was advised to be assiduous in performing official duties and in supervising and managing court dockets and records.

In another case,[21] We held:

Clerks of Court Caparros and Pulgar-Navarro should be reminded that they are ranking officers in our judicial system. It is their basic responsibilities to conduct docket inventory and to ensure that the records of each case are constantly accounted for. The volume of work cannot be an excuse for their being remiss in the performance of these functions, and it may not be underscored enough that the office of a clerk of court involves the performance of delicate administrative duties essential to the prompt and proper administration of justice. (citations omitted)

Thus, under Section 52 (B)(1) of the Uniform Rules on Administrative Cases in the Civil Service, simple neglect of duty is a less grave offense punishable by suspension from office for one (1) month and one (1) day to six (6) months for the first offense, and dismissal for the second offense. Considering that this is Atty. Gruspe's first offense, he should be imposed a fine of P2,000.00.

As regards the docket books, the OCA did not receive any updates from Misses Catalina A. Atienza and Rizanilla R. Vito from the time that the Memorandum dated October 23, 2007 was submitted to the Court.

WHEREFORE, the Court rules as follows:

- Judge Eliodoro G. Ubiadas, retired Presiding Judge, RTC, Branch 72, Olongapo City, is GUILTY of gross inefficiency and violations of SC circular and hereby FINED an amount equivalent to his six (6) months salary;
- Judge Ramon S. Caguio, Presiding Judge, RTC, Branch 74, Olongapo City, is REMINDED to be more circumspect in the performance of his duties;
- Branch Clerk of Court, Atty. Gerry R. Gruspe RTC, Branch 72, Olongapo City, is GUILTY of simple neglect of duty and hereby FINED the amount of Two Thousand (P2,000.00) Pesos, with a STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely;
- Misses Catalina A. Atienza and Rizanilla R. Vito, Clerks-in-Charge of the Docket Books, same Court, are DIRECTED to submit quarterly reports until the updating of the docket books are completed with a STERN WARNING that repetition of the same lapses shall be dealt with more severely;
- The Documentation Division-Legal OCA is DIRECTED to collect from Pacific Union Insurance Company Incorporated its liability for forfeited bonds in the following cases:

CERTIFICATION NO.

ISSUED

TOTAL AMOUNT OF THE BOND

488-0, Series of 2005

Atty. John V. Aquino Office of the Clerk of Court

Php256,000.00

Branch

Case Numbers

Amount of Bond

Remarks

72

CR No. 435-02

Php 12,000.00

Bond of accused Cecilia Asuncion amounting to Php80,000.00 which was reduced to 15% included in the Php530,000.00 reduced bond.

74

CR Nos. 321-02- and 270-02

64,000.00

Not paid yet paid to the OCC

75

CR Nos. 662-03, 134-03 and 743-03

180,000.00

- the Office of the Court Administrator is DIRECTED to report on and recommend guidelines for the reduction of the liability of the bondsmen in forfeited bonds within sixty (60) days from notice hereof.

SO ORDERED.

Puno, C.J., Quisumbing, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Brion, JJ., concur.

Ynares-Santiago, J., No part.

Corona, J., on leave.

[1] Report dated March 17, 2006 of the Office of the Court Administrator, Rollo of A.M. No. 06-3-196-RTC, page 1.

[2] Resolution dated June 7, 2006, Rollo of A.M. No. 06-3-196-RTC.

[3] The Audit Team noted the following observations in the Records Management of Branch 72, thus:

- Entries in the docket books are not updated and deficient entries especially in civil and special proceedings which merely indicate the title of the case and the date the case was filed. Copies of the decision were stapled in the pages.
- No Certificate of Arraignment attached to criminal case records so that there are instances that the accused were twice arraigned or, in cases with multiple accused, one was not duly arraigned.
- Minutes of the Hearing have no summary of what transpired during the hearing of the case, except hearings/trial with witnesses presented.
- Returns of warrants of arrest are not properly monitored.
- There are pending criminal cases which were already included in the bundle of archived cases.
- Registry Return Cards were not properly monitored.
- Court orders with directives for parties are not properly monitored especially those with show cause order to the bondsmen.
- Judgments on the bond are not executed.
- The Office of the Clerk of Court was not informed of the consolidated, transferred, inhibited cases forwarded to other branches.
- The Monthly Report of Cases and Semestral Docket inventory were not filed on time.
- Stenographic notes were not attached to the records of the case, especially on the cases submitted for decision/resolution, causing further delay in their disposition.

[4] The Report mentioned the Audit Team's observation on Archived Cases, to wit:

In the sampling of archived cases, the Team noted that the show cause to bondsmen for their failure to produce the body of the accused during the hearing was not properly monitored. After the lapse of six (6) months, the case

will be archived without any action on the show cause order. There are also instances where the judgments on the bond were already ordered but the same were not executed by the Branch Clerk of Court.

[5] O.R. No. 21257141 dated January 31, 2005, OCA Memorandum dated September 19, 2006, page 2.

[6] Administrative Matter No. 04-9-03-O - Re: Query Dated 23 July 2004 of Ms. Mary Jane Tero of Sitio Cebulay, Gabuyan, Kapalong, Davao del Norte, Requesting a Refund of Her Cash Bond in Criminal Case No. 11277, issued on December 1, 2004.

[7] OCA Memorandum dated September 19, 2006 signed by then Court Administrator Christopher O. Lock.

[8] *People v. Lamberto Guevarra, et al.*; Rural Insurance and Surety Company, G.R. No. L-17644, June 22, 1965, 14 SCRA 349-352.

[9] Article VIII, Section 15 (1) of the 1987 Constitution.

[10] Canon 3, Rule 3.05.

[11] Judge Alicia I. Santos was promoted to the Court of Appeals.

[12] Presided formerly by Judge Leopoldo Calderon.

[13] Incumbent Judge Fatima Asdala was assigned to Quezon City.

[14] Re: Cases Left Undecided by Retired Judge Benjamin A. Bongolan of the Regional Trial Court, Branch 2, Bangued, Abra, A.M. No. 98-12-394-RTC, October 20, 2005, 473 SCRA 428, 432, citing Cases Left Undecided by Retired Justice Antonio E. Arbis, RTC Branch 48, Bacolod City, A.M. No. 99-1-01-RTC, January 20, 2003, 395 SCRA 398, citing *Concerned Citizens of Madella v. Judge Ma. Theresa Dela Torre-Yadao*, A.M. No. RTJ-01-1639, November 27, 2002, 393 SCRA 217; *Quintero and Quintero v. Ramos*, A.M. No. MTJ-00-1263, October 3, 2000, 341 SCRA 679, citing Re: Report of Justice Felipe B. Kalalo, 282 SCRA 61, 73 (1997); *Guillas v. Muñoz*, A.M. No. RTJ-00-1571, August 28, 2001, 363 SCRA 701; *Gallego v. Doronilla*, 334 SCRA 339 (2000); *Sanchez v. Eduardo*, A.M. No. MTJ-00-1322, July 17, 2001, 361 SCRA 233; *Ricolcol v. Camarista*, 312 SCRA 468 (1999).

[15] *Id.*, citing Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr., 306 SCRA 50, 53-54 (1999).

[16] Re: Judicial Audit Report Conducted in the Regional Trial Court, Branch 17, Kidapawan City. Judge Rodolfo M. Serrano, Regional Trial Court, Branch 17, Kidapawan City, North Cotabato, A.M. No. 02-8-471-RTC, March 14, 2003, 399 SCRA 55, 61, citing Report on the Judicial Audit Conducted in RTC-Branches 61 & 63, Quezon; MTC, Calauag, Quezon & Tagkawayan, Quezon, 328 SCRA 543 (2000).

[17] Per records of the Docket and Clearance Division, there were eleven (11) administrative complaints filed against Judge Ubiadas. Out of these cases, one (1) case is still pending (A.M. No. RTJ-05-1902). However, he was meted administrative sanctions in the following four (4) cases, to wit:

A.M. Case No.

For

Penalty

1. RTJ-02-1712

Misconduct, Violation of SC Circular

Fine Php5,000.00 (12-08-03)

2. 02-1490-RTJ

Gross Ignorance of the Law

Reprimand (07-22-02)

3. RTJ-03-1774

Gross Ignorance of the law, grave abuse of authority and violation of Code of Judicial Conduct

Fine Php20,000.00 (05-27-04)

4. RTJ-03-1768

Evident partiality and violation of SC circular, gross ignorance of the law

Fine Php15,000.00 (05-24-04)

[18] Re: Report on the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City, A.M. No. 97-9-278-RTC, July 8, 1998, 292 SCRA 8, 23.

[19] Office of the Court Administrator v. Judge Henry J. Trocino, Presiding Judge, Judge Edgardo L. Catilo, Former Acting Presiding Judge, Atty. Josephine Mutia-Hagad, Clerk of Court, and Ms. Evelyn Montoyo, Ms. Clarita Lamera, Ms. Ofelia Gorantes, and Mr. Emezer Arellano, Stenographers, Regional Trial Court, Branch 62, Bago City, Negros Occidental, A.M. No. RTJ-05-1936, May 29, 2007, 523 SCRA 262, 276, citing Re: Report on the Judicial Audit and Physical Inventory of Cases in the RTC, Branch 54, Bacolod City; Code of Judicial Conduct, Rule 3.08; Code of Judicial Conduct, Rule 3.09.

[20] A.M. No. 06-4-219-RTC, November 2, 2006, 506 SCRA 505, 521.

[21] Report on the Judicial Audit Conducted in Regional Trial Court, Branch 61, Gumaca, Quezon; Regional Trial Court, Branch 63, Calauag, Quezon; Municipal Trial Court, Calauag, Quezon; and Municipal Trial Court, Tagkawayan, Quezon, A.M. No. 98-8-262-RTC, March 21, 2000, 328 SCRA 543, 581-582.

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.