

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. PRESIDING JUDGE FILPIA D. DEL CASTILLO, MTC, MAAYON, CAPIZ, RESPONDENT.

A.M. No. MTJ-08-1708 [formerly A.M. No. 08-5-149-MTC]. March 25, 2009

Ponente: BRION, J.

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BRION, J.:

We pass upon this administrative case that the Office of the Court Administrator (OCA) of this Court filed against Presiding Judge Filpia D. Del Castillo (Judge Del Castillo), MTC, Maayon, Capiz. The case arose from the judicial audit of the MTCC, Branch 2, Roxas City, Maayon Capiz (with the Hon. Elias A. Conlu, now retired, then presiding) and involves a case she handled while she was Acting Presiding Judge of the branch.

The Antecedents

On July 14, 2008, the Court issued a Resolution with the following directives: "(1) Docket the matter as a regular administrative case insofar as Presiding Judge Filpia D. Del Castillo, MTC, Maayon, Capiz, is concerned; (2) Require the parties to manifest whether they are willing to submit the matter for resolution on the basis of the pleadings filed, within ten (10) days from notice; and (3) Direct Judge Del Castillo to decide Criminal Case No. 97-10140 and to submit to the Court, through the Office of the Court Administrator, a certified true copy of her decision thereon with utmost dispatch." [1]

The Resolution originated from the judicial audit conducted on March 18, 2008 of the MTCC, Branch 2, Roxas City, Capiz, with Judge Elias A. Conlu (Judge Conlu) then presiding. In the course of the audit, the status of the Criminal Case No. 97-10140 [2] (subject criminal case), came to the attention of the audit team who reported that it could not audit the case because the records were not with the court. To quote from the Audit Report: [3]

. . . The team leader was informed that the aforementioned case was "borrowed" by Judge Filpia D. Del Castillo, Presiding Judge, MTC, Maayon, Capiz, apparently once an Acting Presiding Judge in the court, "and brought to the MTC, Maayon, Capiz. A demand was made on the Judge to return the records of the case but, as of the time of the audit, it did not "materialize." These (sic) fact is reported in the July to December 2007 Docket Inventory of the court as the "Judge to whom the case is assigned."

The Audit Report referred to "data supplied by a previous audit team who audited the court sometime in 2006, (that) the trial of the case was handled by various Judges until 20 February 2003 when Judge Del Castillo 'handled the case'." The Audit Report then narrated that Judge Del Castillo, while still the Acting Presiding Judge of MTCC, Branch 2, appears to have issued an Order that reads: [4]

x x x for non-compliance of defense to formally offer their exhibits, the same (was) deemed waived; (and) Prosecution was given 15 days from receipt to submit their Memorandum afterwhich (sic) the case was deemed submitted for decision, as soon as TSN (was) completed.

The OCA, in a Memorandum [5] dated April 2, 2008, required Judge Del Castillo "to inform the Office, within ten

(10) days from notice, whether the Guidelines in Mabunay[6] were observed by her, with respect to Criminal Case No. 97-10140, which is allegedly in her possession, belonging to the docket of the MTCC, Br. 2, Roxas City, Capiz, apparently submitted for decision (SFD) during the time that she was Acting Presiding Judge thereof."

In her letter-compliance dated April 21, 2008, Judge Del Castillo stated that -

When the incumbent judge [referring to Judge Elias A. Conlu] assumed as the newly appointed Presiding Judge of MTCC, Branch 2, in Roxas City, Capiz, the undersigned presumed that he conducted the required inventory of all cases of said court. The case record of Criminal Case No. 97-10140-10 was forwarded to the undersigned for proper disposition, presumably for the issuance of its decision.

During the conduct of a Judicial Audit of the said Court by the Judicial Audit Team coming from the Supreme Court last 2006, the questioned criminal case record was turned over to the said Court by the undersigned.

Again, the undersigned presumed that its incumbent judge had again gone over the record of the said case, knowing fully well that he assumes full responsibility for all the records of cases belonging in his Court and that any case record coming out from his Court must be with his personal knowledge and consent.

After the said Judicial Audit, the said case record was given back to the undersigned, presumably with the knowledge and consent of its incumbent judge, supposedly for decision.

With all sincerity, the undersigned was still in a quandary whether the said case is actually submitted for decision before the undersigned, considering that the mandatory submission of the required memorandum has not been complied with and whether or not the Mabunay Case still rules under the present circumstances, considering its several amendments thereto (sic) in subsequent rulings laid down by the Supreme Court.

Judge Elias A. Conlu, in his letter of April 25, 2008 regarding the Judicial Audit of MTCC Branch 2, had this to say when asked to comment by the OCA:

As regards Crim. Case No. 97-10140 entitled People of the Philippine vs. Lorenzo Cabantug y Alayon for Reckless Imprudence Resulting in Physical Injuries and Damage to Property, the record has just been turned over to this Court by Judge Filpia del Castillo, without any action thereon since her last Order dated February 3, 2004. It appears that the good Judge does not know what to do with this case shown by her reply dated April 21, 2008 (copy attached for ready reference).

Judge Del Castillo submitted the administrative case on the basis of her submissions to the OCA.

The OCA Evaluation and Recommendation

In its Memorandum to the Court dated May 19, 2008, the OCA opined that Judge Del Castillo should be held liable for delay in deciding the criminal case.[7] The OCA noted that the case was ordered submitted for decision in an order issued by Judge Del Castillo herself on February 3, 2004 when she was still Acting Presiding Judge of MTCC, Branch 2, of Roxas City, Capiz.

The case, according to the OCA, was still governed by the ordinary procedure so that Judge Castillo had 90 days from February 15, 2004 (the date the case was effectively deemed submitted for decision) to decide; at the most, the case should have been decided by April 15, 2004 (the end of the 90-day period); pursuant to Mabunay,[8] Judge Conlu, who was appointed on February 9, 2004 and who took his oath of office on February 23, 2004, "could not be expected to decide the case unless the parties decides (sic) otherwise since. . .he cannot still (sic) exercise his judicial functions at that time, but only his administrative functions." After assumption to office, a new judge cannot exercise his judicial functions until he has undergone an orientation seminar-workshop and an

immersion program in accordance with the Court En Banc's Resolution dated July 20, 1999 in A.M. No. 99-7-07-SC, which provides:

E. Before undertaking the orientation seminar-workshop and while undergoing the immersion program, new and original appointees to the judiciary, although they have already taken his oath of office, cannot perform judicial functions. However, they may act on administrative matters.

The OCA's verification of Judge Conlu's 201 file showed that the judge finished his orientation seminar-workshop on March 12, 2004 and his immersion on April 23, 2004. Thus, OCA took the view that Judge Del Castillo still retained the obligation to decide the case. When she failed to decide within the reglementary period (i.e., up to April 15, 2004), she was already liable for delay in rendering a decision on the case. She could not, at that point, invoke Mabunay and toss back the case to Judge Conlu for his decision, "since the period within which she should have decided the cases had already elapsed (when Judge Conlu) assumed office."

The OCA recommended that the matter be docketed as a regular administrative case; that Judge Del Castillo be adjudged administratively liable and fined P10,000.00 for gross inefficiency; and that she be directed to decide Criminal Case No. 97-10140 with utmost dispatch.

Compliance with the Court's Resolution Issued on July 14, 2008

Judge Del Castillo complied with the July 14, 2008 Resolution of the Court through a Manifestation dated September 1, 2008 advising the Court that:

THAT with regards to Crim. Case No. 97-10140-10 pending before MTCC - Br. 2 in Roxas City, the same had already been ordered DISMISSED last 12 June 2008 when the undersigned assumed as Acting Presiding Judge of that Court, certified copy of which is hereto attached as ANNEX "A" for your perusal;

THAT said order dated 12 June 2008 was furnished the herein parties and counsels, as per Return made and attached hereto as "Annex "B;"

That no reconsideration to the said order was made, the same having become final and executory;

That the said order dated 12 June 2008 was released even before the Honorable Second Division issued the subject Resolution.

Judge Del Castillo prayed that the manifestation be considered as sufficient compliance with the Court's Resolution.

The Court's Ruling

For lack of material facts sufficient to conclude that Judge Del Castillo was in delay in deciding the subject criminal case, we can only find her liable for simple misconduct.

An undisputed fact in this case is that Judge Del Castillo acted on the subject criminal case on February 3, 2004. What she ordered is not in dispute and from this, the OCA concluded that the subject criminal case was deemed submitted for decision by February 15, 2004. In the interim, a new judge - Judge Conlu - was appointed on February 9, 2004 and took his oath of office on February 23, 2004. What remains unclear in the records is when Judge Conlu actually assumed office. The OCA assumed that he only did so after April 23, 2004 after he concluded his orientation seminar workshop and his orientation program. By that time, the subject criminal case, deemed submitted on February 15, 2004, should have been decided by Judge Del Castillo, given the 90-day period from submission for decision then given to judges to decide the cases before them. Thus, the OCA concluded that Judge Del Castillo was already in delay when Judge Conlu "assumed" office after April 23, 2004.

Basic in the OCA's thinking in making this conclusion is that Judge Conlu only assumed office when he had already finished his orientation-immersion programs when he could already perform his "judicial" functions. Lost to the OCA, however, is that A.M. No. 99-7-07-SC also provides that a new judge can already act on "administrative matters" even while undergoing the orientation-immersion programs. Had Judge Conlu done so, then he would have effectively assumed office when he began performing the duties of his office, even though they might only have been administrative in character. Without this piece of evidence, we cannot conclude that Judge Del Castillo had been in delay since the obligation to decide the case would no longer be hers when she ceased acting as judge of MTCC Branch 2. To state the obvious, a branch cannot have two incumbent presiding judges at the same time.

The Mabunay ruling cited by the OCA and the judicial auditors provide in its material portions:[9]

Basically, a case once raffled to a branch belongs to that branch unless reraffled or otherwise transferred to another branch in accordance with established procedure. When the Presiding Judge of that branch to which a case has been raffled or assigned is transferred to another station, he leaves behind all the cases he tried with the branch to which they belong. He does not take these cases with him even if he tried them and the same were submitted to him for decision. The judge who takes over this branch inherits all these cases and assumes full responsibility for them. He may decide them as they are his cases, unless any of the parties moves that his case be decided by the judge who substantially heard the evidence and before whom the case was submitted for decision. If a party therefore so desires, he may simply address his request or motion to the incumbent Presiding Judge who shall then endorse the request to the Office of the Court Administrator so that the latter may in turn endorse the matter to the judge who substantially heard the evidence and before whom the case was submitted for decision. This will avoid the "renvoi" of records and the possibility of an irritant between the judges concerned, as one may question the authority of the other to transfer the case to the former. If coursed through the Office of the Court Administrator, the judge who is asked to decide the case is not expected to complain, otherwise, he may be liable for insubordination and his judicial profile may be adversely affected. Upon direction of the Court Administrator, or any of his Deputy Court Administrators acting in his behalf, the judge before whom a particular case was earlier submitted for decision may be compelled to decide the case accordingly.

We take this opportunity to remind trial judges that once they act as presiding judges or otherwise designated as acting/assisting judges in branches other than their own, cases substantially heard by them and submitted to them for decision, unless they are promoted to higher positions in the judicial ladder, may be decided by them wherever they may be if so requested by any of the parties and endorsed by the incumbent Presiding Judges through the Office of the Court Administrator. The following procedure may be followed: First, the Judge who takes over the branch must immediately make an inventory of the cases submitted for decision left behind by the previous judge (unless the latter has in the meantime been promoted to a higher court). Second, the succeeding judge must then inform the parties that the previous judge who heard the case, at least substantially, and before whom it was submitted for decision, may be required to decide the case. In this event, and upon request of any of the parties, the succeeding judge may request the Court Administrator to formally endorse the case for decision to the judge before whom it was previously submitted for decision. Third, after the judge who previously heard the case is through with his decision, he should send back the records together with his decision to the branch to which the case properly belongs, by registered mail or by personal delivery, whichever is more feasible, for recording and promulgation, with notice of such fact to the Court Administrator.

Since the primary responsibility over a case belongs to the presiding judge of the branch to which it has been raffled or assigned, he may also decide the case to the exclusion of any other judge provided that all the parties agree in writing that the incumbent presiding judge should decide the same, or unless the judge who substantially heard the case and before whom it was submitted for decision has in the meantime died, retired or for any reason has left the service, or has become disabled, disqualified, or otherwise incapacitated to decide

the case.

The Presiding Judge who has been transferred to another station cannot, on his own, take with him to his new station any case submitted for decision without first securing formal authority from the Court Administrator. This is to minimize, if not totally avoid, a situation of "case-grabbing." In the same vein, when the Presiding Judge before whom a case was submitted for decision has already retired from the service, the judge assigned to the branch to take over the case submitted for decision must automatically assume the responsibility of deciding the case.

This ruling laid out in loud and clear terms the responsibility for assigned cases, the conditions for the transfer of that responsibility, and the primacy that the presiding judge of the assigned court has over a case assigned to his sala.

Given the Mabunay guidelines, another missing basic piece of evidence is the inventory of cases that Judge Conlu presumably prepared when he assumed office. Neither the OCA Memorandum nor the Audit Report mentions this document, yet it is of critical importance to find out how Judge Conlu regarded the subject criminal case and what he did with this case. Significantly, neither judges made any reference to the inventory. Judge Del Castillo only mentioned that she "assumed" that an inventory had been made, resulting in the forwarding of the records of the subject criminal case to her for decision.[10] Judge Conlu could only say that there was no action on the subject criminal case since Judge Del Castillo acted on it on February 3, 2004.[11] Yet an Audit Team already noted in the 2006 audit that the case was with the branch and even the July to December 2007 Docket Inventory of the branch noted that the records were with the "judge to whom the case is assigned." [12]

What both judges completely missed under the Mabunay ruling is that the subject criminal case was a MTCC Branch 2 case and that Judge Conlu, as the presiding judge of MTCC Branch 2, had the primary responsibility over the case. He could not have passed on the case to another judge, even if it had been submitted for decision when Judge Del Castillo was there and even if Judge Del Castillo had already been in delay when he (Judge Conlu) assumed office, without the documentation that the Mabunay guidelines require.

That nothing in the records before us indicates how Judge Del Castillo happened to have the records of the case is a big evidentiary gap. While MTCC Branch 2 stated that the case was "borrowed" by Judge Del Castillo,[13] the latter, on the other hand, said that the records of the case were forwarded to her for disposition.[14] What the truth really is, is lost to us at this point, although Judge Del Castillo's version is more believable; the records of the case, submitted to the 2006 audit team, were again sent to her after the audit, indicating that the case was regarded to be hers to decide.[15]

Under the circumstances, it appears to us that the judges, when they communicated with the OCA, were less than candid and were trying to pass on the blame to each other with an eye on mitigating their potential liabilities. Judge Conlu's explanation clearly pointed to his desire to be absolved of wrongdoing in light of his coming retirement. What appears certain, though, is that the terms of Mabunay were lost on both of them. While this is gross ignorance of the law punishable as a serious offense, we do not believe that we should hold Judge Del Castillo liable for this offense because of the attendant circumstances of this case. Her ignorance is a breach she commonly shared with, and was reinforced by the actions of, Judge Conlu who retired on April 27, 2008 and who is now beyond the reach of this Court. Judge Conlu can even be said to have the greater share of the blame since the case was assigned to his branch and he had direct responsibility over it. Under the circumstances and out of fairness, we cannot now hold Judge del Castillo liable while simply admitting that we can no longer similarly penalize Judge Conlu. The option more consistent with basic fairness is to simply consider her share of ignorance an aggravating factor in imposing the appropriate penalty for her. For, to be sure, she must be held liable and penalized for unreasonably and unjustifiably holding on to the case for 4 years - from 2004 to 2008 - without

doing anything about it. To her credit, she finally decided the case in June 2008, although her ruling makes us wonder why she had to hold on to the case for so long. The length of time she held on to it and the tenor of her ruling, however, at least tell us that no ulterior design motivated her to keep the case with her.

What is Judge Del Castillo's liability under the circumstances? We cannot hold her liable for delay in rendering a decision; the subject criminal case belonged to another branch and paucity of facts prevents us from concluding that she had the obligation to decide the case. That she finally decided the case is in no way indicative of whether she had the obligation to decide the case. Nor can we hold her liable for undue delay in transmitting the records of the case; what she failed to do was beyond the act of "transmitting" which also does not appear to be the exact task she had to undertake. What she is undoubtedly guilty of was her continued omission to do anything about the case, either in terms of deciding it or clarifying its status with the MTCC branch to which it rightfully belonged. This lapse, to our mind, is best classified under the Classification of Charges (provided under Rule 140, Section 7 of the Rules of Court) as a simple misconduct - a less serious offense similar to undue delay in rendering a decision in gravity, but one which more accurately depicts what she had done.

Lest this ruling be misunderstood, we are not taking Judge Del Castillo's gross inaction lightly. By what she did or failed to do, she exhibited gross insensitivity to her role and duties as a judge and dispenser of justice, resulting partly from her ignorance of the law. As she openly manifested, the case left her in a "quandary." She also forgot that a judge must administer justice without delay^[16] and be punctual in the performance of his or her judicial duties.^[17] Delay not only results in undermining the people's faith in the judiciary; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly, and worse, it invites suspicion of ulterior motives on the part of the judge and casts doubt on the integrity of the members of the judiciary.^[18]

Under Section 11(B), Rule 140 of the Rules of Court, as amended, simple misconduct, as a less serious charge, carries the penalty of suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00. In light of the attendant ignorance of the law that we noted above and the delay involved in the handling of the case, we deem it appropriate to impose the maximum fine of P20,000.00 on Judge Del Castillo.

WHEREFORE, premises considered, Judge FILPIA D. DEL CASTILLO, MTC, Maayon, Capiz, is hereby declared guilty of simple misconduct in her handling of Criminal Case No. 97-10140. We hereby impose the MAXIMUM FINE of P20,000.00 with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Tinga^[**], (Acting Chairperson), Austria-Martinez, Corona, and Velasco, Jr., concur.

[**] Designated Acting Chairperson of the Second Division per Special Order No. 592 dated March 19, 2009.

[1] Through the Second Division.

[2] Reckless Imprudence Resulting to Serious Physical Injuries and Damage to Property.

[3] Quoted from the OCA Memorandum of May 19, 2008, p. 1.

[4] As quoted from the OCA Memorandum, p. 4.

[5] Issued by Deputy Court Administrator Reuben P. dela Cruz.

[6] Re: Cases Left Undecided by Judge Sergio D. Mabunay, RTC, Br. 24, Manila; A.M. No. 98-3-114-RTC, July

22, 1998, 292 SCRA 694.

[7] Signed by Court Administrator Zenaida N. Elepaño, Deputy Court Administrator Reuben P. dela Cruz, and Judicial Supervisor Artemio A. Nuñez III.

[8] Supra note 6.

[9] Supra note 6; see also: Resolution dated 8 June 2004 in A.M. No. 04-5-19-SC entitled "Providing Guidelines in the Inventory and Adjudication of Cases Assigned to Judges who are Promoted or Transferred to other Branches in the Same Court of the Judicial Hierarchy."

[10] Letter-compliance of Judge Castillo dated April 21, 2008.

[11] Letter dated April 25, 2008 of Judge Conlu.

[12] Supra note 4, as quoted from the OCA recommendation, p. 1.

[13] Id., p.1.

[14] Supra note 10, paragraph 2.

[15] Id., paragraph 5.

[16] Code of Judicial Conduct, Canon 1, Rule 1.02.

[17] Id., Canon 3, Rule 3.05.

[18] Office of the Court Administrator v. Judge James Go, et al., A.M. No.MTJ-07-1667, September 27, 007, 534 SCRA 156.

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