

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT – BRANCH 56, MANDAUE CITY, CEBU.

A.M. No. 09-7-284-RTC. February 16, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

This administrative matter stemmed from the Report dated July 6, 2009 on the judicial audit and physical inventory of cases conducted by the Audit Team of the Office of the Court Administrator (OCA) in March 2007 in the Regional Trial Court of Mandaue City, Branch 56, Cebu, in anticipation of the compulsory retirement of Judge Augustine A. Vestil (Judge Vestil), then presiding judge of the same court.

The report disclosed that during the audit, the trial court has: (1) a total caseload of 1,431 cases consisting of 555 civil cases and 876 criminal cases; (2) 15 cases submitted for decision, but were already beyond the reglementary period;^[1] (3) two cases with pending incidents awaiting resolution, which were beyond the reglementary period;^[2] and (4) 247 cases, which had remained dormant for a considerable length of time.

It was further reported that Branch 56 did not observe an organized record management. No system was being followed to facilitate the monitoring of the status of cases. The court records were found to be in disarray as: (1) court records of terminated and archived cases were mixed with active cases; (2) copies of orders, pleadings and other documents were not chronologically attached to the case folders; (3) copies of the minutes of the hearings/proceedings were left unattached to the case folders and were merely kept in a separate file; and (4) loose copies of orders, pleadings and other documents were found merely inserted in the case folders.

Thus, on April 23, 2007, then Deputy Court Administrator Zenaida N. Elepaño issued a Memorandum, directing Judge Vestil to: (1) submit an explanation of his failure to: [a] decide 15 cases submitted for decision within the reglementary period, [b] resolve the incidents for resolution in two cases within the reglementary period, and [c] take further action on the 247 cases despite the lapse of a considerable length of time; (2) decide the 15 cases submitted for decision and resolve the incidents in two cases; and (3) take appropriate action on the 247 dormant cases within 45 days from notice.

Likewise, in the same Memorandum, Atty. Emeline Bullever-Cabahug (Atty. Cabahug), Clerk of Court of the same court, was directed to devise and adopt a records management system that will ensure the immediate and orderly filing of court records, and effectively facilitate the monitoring of the status of cases and supervise her staff members to ensure prompt delivery of their respective assignments.

On June 20, 2007, in compliance with the Court's directives, Judge Vestil, without explaining the reason for the delay, reported the subsequent actions taken in the cases referred to in the Memorandum dated April 23, 2007, to wit:

As to directive no. 2:

- Civil Case No. MAN-2910 - submitted for decision in May 2007 as the defendant's Formal Offer of Exhibits was filed on February 12, 2007 and the exhibits were admitted on March 19, 2007;
- Civil Case No. MAN-3084 - still pending trial and hearing was reset to June 28, 2007;
- Civil Case No. MAN-4009 - decided on February 20, 2007, or 17 days before the lapse of the reglementary period. But due to the absence of the typist-in-charge, the typing of the decision was left unfinished;
- LRC No. 638 - decided on March 8, 2007;
- LRC (Fe Cortes Dabon, petitioner) - decided on December 7, 2006;
- Criminal Case No. DU-3316 - decided on September 4, 2006 and was promulgated on June 6, 2007;
- Criminal Case No. DU-5308 - decided on September 21, 2004. Promulgated set on December 5, 2006. Reset to May 28, 2007. Reset to April 26, 2007 and reset to May 21, 2007. Pre-trial of other accused was still set on May 21, 2007;
- Criminal Case No. DU-7047 - decided on April 13, 2007; promulgated on March 26, 2007;
- Criminal Case No. DU-7518 - decided on April 7, 2006; promulgated on April 3, 2007;
- Criminal Case No. DU-7649 - decided on February 9, 2007; promulgated on May 28, 2007;
- Criminal Case No. DU-9207 - decided on August 1, 2006 and promulgated on April 18, 2007;
- Criminal Case No. DU-9650 - submitted for decision on March 1, 2007;
- Criminal Case No. DU-11862 - decided per judgment dated October 16, 2006; set for promulgation on March 1, 2007;
- Criminal Case No. DU-12508 - originally set to be promulgated on December 6, 2006 but due to lack of judges, it was eventually promulgated only on May 11, 2007;
- Criminal Case No. DU-13453 - promulgated on April 2007;
- Civil Case No. MAN-3762 (Motion to Dismiss) - counsels were required to submit their respective memoranda with regard to the motion to dismiss only up to June 11, 2007, thus, not yet submitted for decision;
- Criminal Case No. DU-10480 (Demurrer to Evidence)- per order dated May 25, 2007, demurrer to evidence was denied. Reception of Accused evidence was set to August 28, 2007.

With regard to the alleged dormant cases, Judge Vestil acted, although belatedly, on the two hundred forty-seven (247) cases before he retired on August 8, 2007. Some of the cases were ordered dismissed or archived; others were set for pre-marking of exhibits, deposition-taking, arraignment, pre-trial or hearing; and, some were ordered submitted for decision. Judge Vestil, however, offered no explanation why there was delay in the court's action in these cases.

For her part, Atty. Cabahug reported that:

(1)

they have already conducted an inventory of court records in the storage room to properly give space for cases which are archived, disposed or decided cases;

(2)

they made a list in separate logbooks - of the cases: (a) forwarded to the Supreme Court, and the Court of Appeals; (b) those placed in the bodega; (c) transmitted to the Office of the Clerk of Court; (d) newly filed and transferred from other courts; and (e) already disposed of, decided or archived;

(3)

they already gave instructions to the court clerks to note in the Semi Annual Inventory Report the last action of the court in all the cases assigned to them;

(4)

issued a memorandum to her staff members to seek permission and enter in the logbook the time whenever they go out of the office during office hours;

(5)

and suggested to have a staff meeting every Monday of the month to monitor the concerns of their staff.

In a Resolution dated March 26, 2008, the Court granted the request of Judge Vestil for the release of his retirement benefits, "provided the amount of One Hundred Thousand Pesos (P100,000.00) shall be retained/withheld therefrom to answer for whatever adverse decision the Court may impose on him in relation to the instant case.

The audit team maintained, however, that except for Civil Case No. MAN-3084 and Criminal Cases Nos. DU-9650 and DU-11862 which were inadvertently included as submitted for decision but were in fact already decided or still pending trial, all other cases reported in the audit report suffered undue delay in its disposition. While, Judge Vestil claimed that certain cases were decided within the reglementary period, he, however, also admitted that while he was able to prepare the decisions, the same remained unpromulgated within the reglementary period. With regard to the 247 dormant cases, while he immediately acted upon its resolution, he however, offered no explanation for the delay in the resolution thereof.

On August 8, 2007, Judge Vestil compulsorily retired from service.

Later, on July 6, 2009, the OCA, in its Report, found Judge Vestil guilty of undue delay in deciding cases and recommended that a fine of twenty thousand pesos (P20,000.00) be deducted from the one hundred thousand pesos (P100,000.00) previously withheld from his retirement benefits. However, in so far as Atty. Cabahug is concerned, the instant matter was recommended to be considered as closed and terminated.

On August 19, 2009, the Court resolved to consider the instant complaint CLOSED and TERMINATED in so far as Atty. Cabahug is concerned.

On October 12, 2009, Judge Vestil manifested that since his retirement in 2007, he had already undergone several medical examinations and presently his continuous medication costs at least P500.00 daily. Judge Vestil, thus, prays for the resolution of the instant complaint against him and the subsequent release of the P100,000.00 which was previously withheld from his retirement benefits upon his retirement.

We sustain the findings and recommendation of the OCA.

A review of the records would show the undisputed delay in the disposition of numerous cases assigned to Branch 56 which was then presided by Judge Vestil. There were at least 80 civil cases, some were filed as early as 1997, which are still pending as of March 2007. Furthermore, at least 100 criminal cases are still pending beyond the 90-day reglementary period.

In his defense, Judge Vestil sought refuge from the fact that Branch 56 was saddled with a heavy caseload. We

are, however, unconvinced. The Court knew the heavy caseloads heaped on the shoulders of every trial judge. But such cannot excuse him from doing his mandated duty to resolve cases with diligence and dispatch. Judges burdened with heavy caseloads should request the Court for an extension of the reglementary period within which to decide their cases if they think they cannot comply with their judicial duty. This, Judge Vestil failed to do. Corollarily, a heavy caseload may excuse a judge's failure to decide cases within the reglementary period but not their failure to request an extension of time within which to decide the case on time.[3] Hence, all that respondent judge needs to do is request for an extension of time over which the Court has, almost customarily, been considerate.

Moreover, as correctly pointed out by the OCA, it is not enough that he pens his decision; it is imperative to promulgate the same within the mandated period. The lack of staff that will prepare and type the decision is equally inexcusable to justify the delay in the promulgation of the cases.

We cannot overemphasize the Court's policy on prompt resolution of disputes. Justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Section 16,[4] Article III of the Constitution.

The honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.[5]

Furthermore, the proper and efficient court management is the responsibility of the judge, and he is the one directly responsible for the proper discharge of his official functions.[6] What we emphasized before bears repeating: "It is the duty of a judge to take note of the cases submitted for his decision or resolution and to see to it that the same are decided within the 90-day period fixed by law, and failure to resolve a case within the required period constitutes gross inefficiency." "A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly." "The public trust character of his office imposes upon him the highest degree of responsibility and efficiency." [7] Accordingly, it is incumbent upon him to devise an efficient recording and filing system in his court, so that no disorderliness can affect the flow of cases and their speedy disposition.

Failure to render decisions and orders within the mandated period constitutes a violation of Rule 3.05,[8] Canon 3, of the Code of Judicial Conduct, which then makes Judge Vestil liable administratively. Section 9, Rule 140 of the Revised Rules of Court classifies undue delay in rendering a decision or order as a less serious charge punishable under Section 11 (B) of the same Rule.

Here, considering that Judge Vestil had been previously administratively sanctioned for dereliction of duty,[9] the imposition of fine amounting to P40,000.00 is, thus, proper.

WHEREFORE, in view of all the foregoing, Judge Augustine A. Vestil is adjudged administratively liable for failure to decide cases within the reglementary period and is hereby FINED in the amount of P40,000.00, to be deducted from the P100,000.00 previously retained from his retirement benefits. The Fiscal Management Office is DIRECTED to immediately release the balance of Judge Vestil's retirement benefits after such fine has been deducted therefrom.

SO ORDERED.

Carpio, (Chairperson), Nachura, Abad, and Mendoza, JJ., concur.

[1] Civil Cases Nos. MAN-2910, MAN-3084, MAN-4009, Land Registration Cases Nos. LRC-638, LRC (Fe Cortes Dabon, Petitioner), and Criminal Cases Nos. DU-3316, DU-5308, DU-7047, DU-7518, DU-7649, DU-9207, DU-9650, DU-11862, DU-12508 and DU-13453.

[2] Civil Case No. 3762 (Motion to Dismiss) and Criminal Case no. 10480 (Demurrer to Evidence)

[3] Report on the Judicial Audit Conducted in the RTC, Branches 2 and 31, Tagum City, A.M. No. 04-1-56-RTC, February 17, 2005, 451 SCRA 605, 610.

[4] Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

[5] Petallar v. Pullos, A.M. No. MTJ-03-1484, January 15, 2004, 419 SCRA 434, 438.

[6] Office of the Court Administrator v. Judge Reinato G. Quilala and Branch Clerk of Court Zenaida D. Reyes-Macabeo, MeTC, Branch 26, Manila, A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597, 604

[7] Id.

[8] CANON 3-A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE

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

[9] Suspended for one (1) year and fined in the amount of P50,000.00 for dereliction of duty.

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