

IN RE: ANONYMOUS COMPLAINT VS. JUDGE JUAN ECHIVERRI, RESPONDENT.

A.M. No. 697-CFI. October 30, 1975

Ponente: MUNOZ PALMA, J.

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MUNOZ PALMA, J.:

An undated anonymous letter signed "Ang Bagong Filipino" initiated this administrative proceeding against Hon. Judge Juan Echiverri who at the time of the sending of said letter was presiding judge of Branch IV, Court of First Instance of Bulacan. Although as a rule anonymous complaints are not entertained, nevertheless, considering that among the matters complained of was that Judge Echiverri does not hold sessions on Wednesdays and that there is a backlog of cases in his sala, the Court directed its Judicial Consultant, Justice Manuel P. Barcelona, to conduct an investigation of the records of Branch IV.

A report of the investigation was submitted to the Court and by Resolution of April 30, 1974, a copy thereof was furnished Judge Echiverri for his comment.[1]

According to the findings of the investigator of the Court, in the year 1973 and early part of 1974 no cases were usually set for trial on Wednesdays and that on those Wednesdays where cases were scheduled for trial, the minutes book of the court failed to show that a hearing was actually held. As to the condition of the docket of Branch IV the report revealed that: (1) as of the time of the investigation there were 643 pending cases which was 106 less than the figure reported in the monthly report of the court as of December 31, 1973, which showed that no physical inventory was being made of the pending cases so as to reflect in the monthly report the correct figures; (2) that the actual input is more than the court's output for a 6-month period preceding December, 1973, resulting in a general increase of pending cases; and (3) there were instances when motions were left unacted upon for an unreasonable length of time. The report also stated that Branch IV does not keep a court journal and that no entries are regularly made in the docket books (criminal and civil), making it difficult to ascertain the true status of a particular case.

In his comment, respondent claims that the keeping of books is the work of the clerk of court, that Branch IV has been hampered by inadequate personnel, and that the court's docket is inevitably clogged because the territorial jurisdiction of Branch IV covers a population of around 199, 130 which is much bigger than that of the other branches not to mention the fact that when he assumed office there were already many pending cases assigned to that particular sala. With respect to his activities on Wednesdays, respondent gives the following explanation:

"To ease the clogged dockets, or at least to ameliorate the situation, occasioned by the foregoing facts and difficulties, undersigned adopted a rigorous program of hearings and other judicial work from Mondays to Saturdays, mornings and afternoons, sometimes until late in the afternoon or early evening, even during the fuel crisis. To catch his breath, so to speak, in order to be more effective, a midweek pause is imperative. Wednesdays are therefore set aside for minimum hearings to enable undersigned to conduct studies, draft decisions, engage in internal affairs of the court and to follow up matters with this Honorable Court such as appointments of personnel of his court.

". . The clogged dockets and pressure of work demand overtime work just as his physical condition and other judicial duties make imperative a mid-week pause, Wednesday . ." (italics supplied)

We cannot sanction the allegation of respondent that he needs a "mid-week pause" on Wednesdays. The law regulating court sessions does not permit any "mid-week pause." Section 58 of the Judiciary Act of 1948, as amended, expressly provides:

"Sec. 58. — Hours of daily sessions of the court. — The hours for the daily session of Courts of First Instance shall be from nine to twelve in the morning, and from three to five in the afternoon, except on Saturday, when a morning session only shall be required; but the judge may extend the hours of session whenever in his judgment it is proper to do so. The Judge holding any court may also, in his discretion, order that but one session per day shall be held instead of two, at such hours as he may deem expedient for the convenience both of the court and the public; but the number of hours that the court shall be in session per day shall not be less than five."[2] (emphasis Ours)

Judges are duty bound to comply with the above to insure the maximum efficiency of the trial courts for a speedy administration of justice. Daily trials at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with the court. All other matters needing the attention of the judge are to be attended to outside of this five-hour schedule of trial.

WHEREFORE, respondent Judge Echiverri is hereby admonished to comply strictly with Sec. 58 of the Judiciary Act. As regards the other matters mentioned in the report of the Investigator, no action need be taken thereon considering that Judge Echiverri no longer presides over Branch IV of the Court of First Instance of Bulacan.

SO ORDERED.

Teehankee, (Acting Chairman), Makasiar, Concepcion, Jr.[*], and Martin, JJ., concur.

Aquino, J., no part.

[*] Designated to participate in this case in lieu of Justice Aquino by Special Order No. 59.

[1] An appraisal of the report of investigation as well as the comment of respondent was submitted to the Court on July 15, 1975.

[2] In conformity with Presidential Order No. 40 dated November 10, 1973, a Memorandum Order was issued on November 19, 1973 by the Chief Justice of the Supreme Court directing all inferior courts outside the Greater Manila Area to observe a five-day forty-hour week schedule.

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