

REPORT ON THE AUDIT AND INVENTORY OF CASE LOAD IN THE MUNICIPAL TRIAL COURT AT BIÑAN, LAGUNA. JUDGE ARTURO L. JULIANO, RESPONDENT.

A.M. No. 91-1-2421-MTC. October 13, 1993

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Per Curiam:

Sometime in October, 1990, on the basis of information relayed by the Court's Statistics Division to the Office of the Court Administrator -- that the monthly report of cases of Judge Arturo L. Juliano of the Municipal Trial Court at Biñan, Laguna showed that there were 1,404 cases pending in said court as of July 19, 1990-- the Court Administrator sent a team to conduct an audit and inventory of the case load of that court. At that time, Judge Juliano was facing criminal charges in the Sandiganbayan,[1] and had in fact been suspended from office on account thereof in accordance with law.[2]

The audit team submitted its report on November 19, 1990. The report confirmed that the MTC at Biñan did indeed have 1,404 pending cases as of July 19, 1990: 1,203 criminal cases and 201 civil cases.[3] Of these, 921 criminal and 102 civil cases were classified as "inactive," i.e., "unserved warrants of arrest/summons, no setting & the like;" and as regards 110 other cases listed in "the docket books" (77 criminal and 33 civil cases), the records were missing although considered by the audit team as "still pending." [4]

The audit team's report also contained the following findings, viz.:

- 1) that prior to Judge Juliano's suspension, "140 criminal cases and 50 civil cases ** (had) not been decided or resolved by ** (him) way beyond the 90-day reglementary period ** **;" and
- 2) that according to the records of the Court's Leave Section, "Judge Arturo L. Juliano has been regularly submitting his monthly Certificate of Service (Form No. 86) certifying that he has fully complied with the provisions of Sec. 5 of RA 296 when in truth he has plenty of unresolved cases as of July 19, 1990."

Acting on these findings, this Court, in its Resolution dated February 12, 1991, directed Executive Judge Minita Chico Nazario, Regional Trial Court at Biñan, Laguna, to herself conduct an audit and physical inventory of the case load of Judge Juliano. This, Judge Nazario promptly did, with the assistance of her clerk of court (Atty. Ernesto A. Luzod, Jr.), interpreter (Benedicto Pascual), and deputy sheriff (Narciso P. Paz). In due course, Judge Nazario submitted her report, dated May 20, 1991, covering "the time of the assumption to office of Judge Juliano in August, 1975 up to the time of his suspension on July 20, 1990," which confirmed inter alia that there were 101 cases (56 criminal and 32 civil) submitted for decision but undecided beyond 90 days, and 42 motions in other cases submitted for resolution but also unresolved by Judge Juliano beyond 90 days, and that the records of thirty-two (32) cases (29 criminal and 3 civil, including one [1] submitted for decision) could not be found or accounted for.

Thus indisputably established is Judge Juliano's omission to render judgment on the merits in more than a hundred cases, and to resolve more than forty incidents, within ninety (90) days from their submission; and that this

notwithstanding, and over a period surely extending over many years, he has executed and submitted to the Court monthly certifications falsely asserting the contrary: i.e., that all cases and motions submitted to him had been decided or resolved by him within ninety (90) days from submission, and thus was able to collect his salaries. Similarly demonstrated beyond cavil is his failure to account for the records of no less than twenty-nine (29) criminal cases, and three (3) civil cases including one already submitted for decision.

These facts speak for themselves. Judge Juliano is guilty of extremely gross misconduct: failure to comply with positive duty over an unconscionably long period of time and falsification of official documents. (See *Secretary of Justice v. Legaspi*, 107 SCRA 233, 245). He is guilty as well of an incredible laxity in the custody and safekeeping of judicial records amounting almost to a deliberate intent to cause their disappearance (SEE *Longboan v. Polig*, 186 SCRA 557, 562).

The Court therefore Resolved to DISMISS respondent Judge Arturo L. Juliano from the service, with forfeiture of all retirement benefits and privileges, if any, except accrued or earned leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government including government-owned or controlled corporations. Said respondent Judge is hereby ORDERED, immediately on notice of this Decision, to vacate his office and cease and desist from the performance of his functions as such judge.

IT IS SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Quiason, Puno, and Vitug, JJ., concur.

[1] He has since been convicted and taken an appeal to this Court.

[2] On July 20, 1990, Judge Conrado R. Sison, MTC, Cabuyao, Laguna, was designated Acting Judge of the Biñan MTC by RTC Executive Judge Minita Chico-Nazario; on July 27, 1990, by this Court's designation, Judge Constancio H. Alimagno, St, MCTC, Lumban, Laguna, took over the Biñan MTC; and later still, Hon Pio M. Pasia was designated Acting Judge of the same MTC at Biñan.

[3] It appears that of some 218 "active" cases pending in the sala of suspended Judge Juliano, 62 had been decided by Judge Pasia (see preceding footnote 3) as of February, 1992

[4] The record further shows that despite diligent search, the missing records have not been found.

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