

REPORT ON AUDIT AND PHYSICAL INVENTORY OF THE RECORDS OF CASES IN THE METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY. FRANCISCO D. VILLANUEVA, RESPONDENT.

A.M. No. 92-6-326-MeTC. December 16, 1996

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

The administrative proceedings at bar involve no less than two Resolutions, one dated October 13, 1992 and the other, October 17, 1995, requiring Judge Francisco D. Villanueva, Presiding Judge of Branch 36 of the Metropolitan Trial Court of Quezon City, basically to explain his refusal over a span of three (3) years to comply with directives of the Executive Judge of Quezon City and the Office of the Court Administrator. The Resolution of October 13, 1992 ordered:

" ** Judge Villanueva to EXPLAIN (a) within seventy-two (72) hours his open defiance to Judge Guillermo Loja's directive to transfer to the Hall of Justice; and (b) why ** (certain specified cases) were not listed in his monthly report of May to July, 1992 ** (as) submitted for decision/resolution; and (b) ** aforesaid Judge Villanueva to transfer from the MMA Compound to the Hall of Justice immediately from receipt of the directive."

The Resolution of October 17, 1995 directed Judge Villanueva "(a) ** to sever all connection with the Quezon City Youth Foundation, Inc.; an (b) ** explain why no disciplinary sanction should be imposed upon him for gross insubordination and for violation of Canons 2 and 5 of the Code of Judicial Conduct."

It appears that after the courtrooms at the City Hall of Quezon City were, among others, destroyed by fire sometime in 1988, Judge Villanueva was allowed the use of a small building in the MMA Compound at Quezon City as his courthouse. This area is described by Judge Villanueva as "the office and conference venue of the Quezon City Youth Development Foundation, Inc., the Umbrella Organization of the Molave Juvenile Detainees of Quezon City, of which he is the President since 1991."

After completion in 1992 of the new Hall of Justice at Quezon City, all the Judges of the Regional and Metropolitan Trial Courts of Quezon City transferred to and began holding sessions at the rooms respectively assigned to them by the Supreme Court in the new building; all, that is, except Judge Villanueva who continued to conduct his judicial business in the MMA Compound.

On July 10, 1992, the Executive Judge of the Metropolitan Trial Court at Quezon City, Hon. Guillermo L. Loja, Sr., sent to Judge Villanueva a MEMORANDUM reading as follows:

"MEMORANDUM

TO : Hon. Francisco D. Villanueva
Presiding Judge, Branch 36
MetroTC, Quezon City

SUBJECT: URGENT TRANSFER TO QUEZON CITY
HALL OF JUSTICE

Complaints from Lawyers, Party Litigants, and personnel from the Office of the Clerk of Court, this Court, have reached my attention that they are encountering difficulties in going to and returning from your Court housed in one of the small buildings formerly occupied by the Metro Manila Commission.

In this connection, therefore, pursuant to Administrative Order No. 31-92 issued by the Honorable SUPREME COURT, and in the interest of safety, security, convenience, and centralization of Court operation, you are hereby directed to transfer to Room 306 Quezon City Hall of Justice, the one assigned to you by the Honorable SUPREME COURT, hold office, and conduct court session thereat, within five (5) days from receipt hereof.

It must be noted that, save for your Court, all other Court branches, whether RTC or MetroTC, have already transferred to the Hall of Justice a few months ago.

In the exigency of public service, we expect you to do likewise.

FOR STRICT COMPLIANCE.

* * *."

Judge Villanueva ignored this memorandum; he continued to hold office in the MMA Compound.

On July 23, 1992, Deputy Court Administrator Reynaldo L. Suarez wrote to Judge Villanueva urging the latter to comply with Judge Loja's memorandum. Judge Villanueva made no reply either to Judge Loja's memorandum or DCA Suarez's letter.

In September, 1992 an audit and physical inventory of the cases of Judge Villanueva's sala (Branch 36, MetroTC, Quezon City) was conducted by a team from the Office of the Court Administrator, composed of Messrs. Nicandro A. Cruz, Exequiel C. Rojas, Rodolfo A. Casupanan, and Samuel Ruñez, Jr. The team's Report to Court Administrator Ernani Cruz-Paño, dated September 16, 1992, contained the following observations:

a) as of August 11, 1992, there were pending in Judge Villanueva's branch, 399 criminal, and 80 civil, cases; and all "cases submitted for decision/resolution are within the 90-day reglementary period save (Civil Case No. 1059, where a motion for reconsideration filed on June 27, 1991 had yet to be resolved);"

b) "case records ** are properly managed except that the records of civil cases have to be brought out on the streets as Judge Villanueva is holding court sessions in two (2) salas" -- in the MMA Compound and in the new Hall of Justice;

c) "Judge Villanueva explained that he opted to remain in his old office as it is more spacious than the room allocated for his chambers and staff room in the Hall of Justice (and) he needs extra space for holding conferences and meetings ** (as) the concurrent president of the Quezon City Youth Development Foundation, Inc. ** (although some) court personnel offered a more colorful explanation ** (i.e., that the Judge) has a bathtub (or a jacuzzi) ** which he cannot transfer to a mere 1 ½ x 2 ½ meter bathroom assigned to him at the Hall of Justice. ** ; " and

d) a few civil actions, and two criminal cases were not listed in the Monthly Reports of Cases for Branch 36, QC MetroTC, for the months of May, June and July, 1992."

These matters were brought to the Court's attention which (adopting the Court Administrator's recommendations) promulgated a Resolution dated October 13, 1992, supra, ordering:

"** Judge Villanueva to EXPLAIN (a) within seventy-two (72) hours his open defiance to Judge Guillermo Loja's directive to transfer to the Hall of Justice; and (b) why ** (certain specified cases) were not listed in his

monthly report of May to July, 1992 ** (as) submitted for decision/resolution; and (b) ** aforesaid Judge Villanueva to transfer from the MMA Compound to the Hall of Justice immediately from receipt of the directive."

Judge Villanueva submitted his explanation to the Court under date of December 8, 1992. Among other things, he said:

a) he had "transferred to the Hall of Justice since July 1, 1992, ** conducting his trial and sessions and receiving pleadings therein, although he has retained his former court-house as the office and conference venue of the Quezon City Youth Development Foundation, Inc., ** of which he is the president since 1991, with the permission of the Quezon City Government; **

b) that there were various valid reasons for the non-inclusion of certain civil and criminal cases in his monthly report for May to July, 1992, all of which have since been decided.

Thereafter, By Resolution of March 30, 1993, the Court considered the matter closed with the admonition to Judge Villanueva "to extend full cooperation to the Executive Judge (Loja)," and properly reflect the status of all cases in his monthly reports.

All this notwithstanding, and contrary to this Court's admonition that he "extend full cooperation to ** (his) Executive Judge," Judge Villanueva continued to occupy the premises at the MMA Compound and to hold office there as head of the QC Youth Development Foundation of Quezon City. And he continued to do so even after he had been verbally required by Deputy Court Administrator Bernardo P. Abesamis to vacate the MMA Compound. This prompted the latter to write him an official memorandum, dated July 4, 1995 reading as follows:

"You are hereby directed to explain within 72 hours from receipt your continued occupancy of office space at the MMA Compound, and your refusal to vacate the same in spite of representations made ** (by) the undersigned, and your demand for reimbursement for expenses of 'renovation' which appear to have been actually made by the City Government.

It does not appear from records of the Office that the Court has authorized you to engage in any civic or non-judicial work requiring your occupancy of space in the MMA Compound; hence, occupancy of said office appears contrary to Canons 2 and 5 of the Code of Judicial Conduct.

Unless the matter is clarified, we shall initiate administrative charge against yourself for violation of the Code ** and existing Circulars relating to a judge's conduct."

Judge Villanueva's explanation, dated July 17, 1995, declared that:

a) "the office space concerned ** (was) assigned to ** (him) by the Quezon City Government as his sala and court-room ** after the Quezon City Hall was razed by fire in June 1988 and it was also the office and venue of the Quezon City Youth Development Foundation of Quezon City ** ;

b) he "did not refuse to vacate the office space **; he accompanied and showed the office space to (RTC) Judge Eudalio Valencia and offered the latter the use of the ** (same);" and

c) he "did not demand ** any reimbursement for any expenses of renovation ** (but) it was Mr. Rommel Abesamis and the representative of the Supreme Court who ** asked for the vouchers of the expenses ** (he) spent for the office."

Evidently, considering the explanation evasive and unsatisfactory, DCA Abesamis once again referred the matter to the Court which, as recommended, issued the second Resolution referred to in the opening paragraph of this opinion, dated October 17, 1995, directing Judge Villanueva, within 10 days from notice: "(a) ** to sever all connection with the Quezon City Youth Foundation, Inc.; and (b) ** explain why no disciplinary sanction should

be imposed upon him for gross insubordination and for violation of Canons 2 and 5 of the Code of Judicial Conduct."

After asking for an extension (of 30 days from November 20, 1995), Judge Villanueva submitted his explanation dated January 5, on January 8, 1996. This explanation is a substantial reiteration of that filed with DCA Abesamis, dated July 17, 1995, asserting the following inter alia:

- a) the office in question (a building of the MMA) was assigned to him by Mayor Brigido Simon, Jr. after the 1988 fire, for use as his sala and "a space for the Board meetings of the Quezon City Youth Development Foundation, Inc.;"
- b) he did not refuse to vacate that office, but offered it to Judge Valencia, but the latter did not accept the offer;
- c) in September, 1995, he turned over the office to Congressman Michael T. Defensor;
- d) the MMC Building had been renovated by him and the City Government, his expenses amounting to P170,000.00 more or less;
- e) he had shown the corresponding vouchers to Supreme Court representatives but he had never sought reimbursement therefor;
- f) the Quezon City Youth Development Foundation, Inc. is "a non-profit, non-stock service organization, ** (and) the Trustee of the Molave Youth Home, of the Juvenile Detainees of seventeen and below years of age of Quezon City;" he was President thereof since 1992; he was directed by the Supreme Court to sever all connections therewith and he has done so; and
- g) he seeks permission "in a non-officio (sic) capacity to render charitable and rehabilitations services to the juvenile detainees ** in said organization."

It appears, however, that Judge Villanueva's vacation of the MMA Building was not due to his desire to comply, albeit tardily, with the orders of his Executive Judge, DCA Abesamis and this Court, but was occasioned by circumstances beyond his volition and control. This is evident from the facts set out in the very annexes appended to his explanation, namely:

- (1) the fact that Mayor Ismael A. Mathay had granted Congressman Defensor's "request to use the subject building as his District Office," and had directed that the same be made "available to Congressman ** Defensor as soon as possible" (memorandum of Mayor Mathay dated July 27, 1995 addressed to the Chief, General Services Office); and
- (2) the prompt implementation of Mayor Mathay's directive, i.e., the turnover of the MMA building to Congressman Defensor (letter dated September 19, 1995 of the Chief, General Services Office to Congressman Defensor).

On June 4, 1996, the Court "Resolved to GRANT Judge Villanueva a period of fifteen (15) days from notice ** within which to present such other evidence or arguments as he may deem proper to address the charges set forth in ** (the) Resolution of October 17, 1995, (and on) ** submission thereof, or the expiration of the period therefor, (to consider) the case ** submitted for decision."

Under date of July 1, 1996, Judge Villanueva presented a letter entitled "Proof of Compliance," submitting two documents described by him as follows:

- "1. Certification dated June 26, 1996 issued by Ms. May Caballero Dumlao, President of the Quezon City Youth Development Foundation, Inc., that Judge Francisco D. Villanueva, former President has tendered his resignation effective as of January 1, 1996 from the Foundation; and

2. Certification, dated 24 June 1996, issued by Congressman Michael T. Defensor of Quezon City, that Judge ** Villanueva has turned over to him his sala-courtroom at the Metro Manila Commission Compound and was utilized as his District Office, since September 28, 1995."

The facts and circumstances above detailed, culled chiefly from the documents submitted by Judge Villanueva in attempted exculpation, more than preponderantly establish his wilful disobedience to the lawful orders of his superior officers, and his intransigent insistence on performing non-judicial functions to the prejudice of his judicial duties.

He completely disregarded and refused to comply with the instructions of his Executive Judge (Hon. Guillermo Loja) to immediately transfer his court to the Hall of Justice -- as every other Judge of Quezon City, of the RTC of MetroTC, had already done by that time -- which instructions had avowedly been given on July 10, 1992 in the interest of public service, and in response to "(c)omplaints from Lawyers, Party Litigants, and personnel from the Office of the Clerk of Court, this Court, ** that they are encountering difficulties in going to and returning from your Court housed in one of the small buildings formerly occupied by the Metro Manila Commission." He had likewise completely disregarded and refused to comply with similar instructions given to him on July 23, 1992 by Deputy Court Administrator Reynaldo Suarez. According to the report of the audit team of the Office of the Court Administrator dated September 16, 1992, Judge Villanueva was holding "court sessions in two (2) salas" -- in the MMA Compound and in the new Hall of Justice, with the result that "the records of civil cases have to be brought out on the streets," unnecessarily exposing them to risk of loss.

In fact, for more than three (3) years, he never completely complied with these directives, refusing to give up his offices at the MMA Compound on the proffered reason that he needed more space than was assigned to him "for holding conferences and meetings ** (as) concurrent president of the Quezon City Youth Development Foundation, Inc.," although some court personnel speculated that the real reason was that there was no space in the latter to accommodate his bathtub (jacuzzi) (supra). He had adamantly retained his "more spacious" office at the MMA Compound even after this Court had required him to "extend full cooperation" to his Executive Judge," and Deputy Court Abesamis had, in July, 1995, verbally and in writing directed him to give up said office.

In truth, it would appear that he would have continued to use the area in question indefinitely had not Quezon City Mayor Ismael Mathay, acceding to the request of Congressman Defensor "to use the subject building as his District Office," directed that the same be made "available to Congressman ** Defensor as soon as possible," which directive had been promptly implemented in September, 1995 by the Chief, General Services Office, Quezon City.

Apart from such disobedience and defiance of lawful orders of his superiors, the record also discloses that Judge Villanueva never sought permission to engage in activities and perform functions other than judicial, and only did so in January, 1996 after administrative proceedings had been initiated against him, when he asked the Court Administrator to permit him "in a non-officio (sic) capacity to render charitable and rehabilitations services to the juvenile detainees ** " (supra). His engagement in extraneous, non-judicial activities have interfered with the performance of his judicial duties, caused undue inconvenience and anxiety to "Lawyers, Party Litigants, and personnel from the Office of the Clerk of Court (of Quezon city)" an placed records of civil cases at unnecessary risk of loss, and have motivated his defiance of lawful orders of his superiors.

IN VIEW THEREOF, for wilful disobedience and defiance of lawful orders, and culpable infringement of Canon 5 of the Code of Judicial Conduct, the Court hereby imposes on Judge Francisco D. Villanueva a FINE of FIFTEEN THOUSAND PESOS (P 15,000.00), payable within ten (10) days from finality of this Decision, and WARNS him that any future misconduct will be dealt with more severely.

SO ORDERED.

Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., Panganiban, and Torres, Jr., JJ., concur.

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