

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT BRANCHES 61, 134 AND 147, MAKATI, METRO MANILA.

A.M. No. 93-2-1001-RTC. September 05, 1995

Ponente: REGALADO, J.

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REGALADO, J.:

These consolidated administrative matters originated from a spot Audit of Branches 61, 134 and 147 of the Regional Trial Court of Makati, conducted by a team from the office of the Court Administrator headed by Atty. Nicandro Cruz.

On February 3, 1993, the said audit team submitted a report with the following findings:

1. As of October 31, 1992, Branch 134, presided by Judge Ignacio M. Capulong, has 25 unresolved cases submitted for decision/resolution beyond the 90-day period; 17 of which are criminal cases. However, only 8 of these cases were totally tried by Judge Capulong, the rest having been partly heard by his predecessor or which he inherited. None of the criminal cases involve detention prisoners.
2. Branch 147 presided by Judge Teofilo Guadiz, Jr., on the other hand, only has one criminal case submitted for decision beyond the 90-day period; and this also involves no detention prisoners.
3. All the cases submitted for decision/resolution in Branch 61, presided by Judge Fernando V. Gorospe, Jr., are within the reglementary period.
4. It is worth mentioning that the monthly reports for October, 1992 submitted by Branches 134 and 147 to the (S)tatistics Division of the Court do not reflect the actual number of cases submitted for decision in their respective salas.
5. The team has also discovered several criminal cases where no action has been taken for a considerable length of time; which cases, fortunately, do not involve detention prisoners.[1]

Pursuant to said findings, this Court issued a resolution, dated March 9, 1993, requiring the following judges and their respective branch clerks of court to explain, within ten (10) days from notice, why no administrative sanctions should be imposed on them for the following reasons:

1. Judge Ignacio M. Capulong for his failure to resolve Criminal Cases Nos. 90-5620, 91-2373, 23275, 8473, 8753, 0772, 8336, 5496, 31474, 5702, 90-1029, 90-1032, 3100, 2298, 88-851 to 88-853 inclusive and Civil Cases Nos. 102, 1412, 3214, 5950, 6417, 5681, 10014 and 7693 beyond the 90-day reglementary period;
2. Judge Capulong and his Branch Clerk of Court for their failure to take further action on Criminal Cases Nos. 13251, 1245, 6681, 0395 and 88-4375 for unreasonable length of time;
3. Judge Teofilo Guadiz, Jr. for his failure to resolve Criminal Case No. 88-1193 beyond the 90-day reglementary

period; and

4. Judge Guadiz and his Branch Clerk of Court for their failure to take further action on Criminal Cases Nos. 91-2353 to 91-2357 inclusive, 91-3665 and 91-3987 for an unreasonable length of time.[2]

By way of compliance with the aforementioned resolution, Judge Capulong, Presiding Judge of Branch 134, Regional Trial Court of Makati submitted his written explanations on June 2, 1993[3] and additional explanations in his Compliance, dated April 19, 1994.[4] His Branch Clerk of Court, Atty. Inocencio E. Dumlao, submitted his explanations, dated May 10, 1993;[5] Supplemental Explanation, dated June 10, 1994;[6] and Comment on Judge Capulong's "Compliance," dated May 6, 1994.[7] Judge Teofilo Guadiz, Jr., Presiding Judge of Branch 147 of said court, filed his compliance-explanation on September 2, 1993,[8] while his Branch Clerk of Court, Atty. Joselito Homero J. Reyes, filed his compliance-explanation on July 6, 1993.[9]

As an offshoot of the Explanation and Supplemental Explanation of Atty. Dumlao, wherein it was stated that the reason for his failure to take further action on specified criminal cases for an unreasonable length of time was the alleged de facto takeover of the management and control of the controversial cases by the Court's stenographic reporter, Susan Quinto, and Deputy Sheriff Pioquinto Villapaña, and the "non-juicy cases" were left unacted upon, we resolved on August 3, 1993 to (1) recall the resolution of July 8, 1993 insofar as the resignation of Stenographer Susan Quinto is concerned and pending the outcome of this case, hold in abeyance whatever benefits may be due her on account of her resignation; (2) treat Atty. Dumlao's Supplemental Explanation as an administrative complaint against Stenographer Quinto and Sheriff Villapaña, to be docketed as A.M. No. P-93-944, and direct them to comment on the matter; and (3) consolidate A.M. No. P-93-944 with the instant case.[10]

In our resolution dated September 14, 1993, we referred both administrative cases to the office of the Court Administrator for evaluation, report and recommendation.[11] On December 27, 1993, said office submitted its report.[12] Thereafter, on January 25, 1994, we issued a resolution referring A.M. Nos. 93-2-1001-RTC and P-93-944 to Justice Ma. Alicia Austria-Martinez of the Court of Appeals for investigation, report and recommendation.[13] After due investigation, Justice Martinez submitted her report and recommendation.

1. In the determination of whether or not administrative sanctions shall be imposed in A.M. No. 93-2-1001-RTC on Judge Capulong, Judge Guadiz and their respective branch clerks, Justice Martinez arrived at the conclusions hereunder detailed.

I. The Charges against Judge Ignacio M. Capulong and Atty. Inocencio M. Dumlao.

A. ON THE ADMINISTRATIVE MATTER AGAINST JUDGE CAPULONG:

- Judge Capulong failed to justify his failure to decide four (4) cases, to wit: Criminal Cases Nos. 90-5620, 23275, 90-1029, and 90- 1032, within 90 days from date of submission. x x x:

x x x

(1) In Criminal Case No. 90-5620 - People vs. Carlos Macaraeg (page 5)

Judge Capulong merely depended on the clerk-in-charge to report to him if the transcripts are already completely submitted and to place the complete records on his desk.

Judge Capulong had no list of cases that should be decided within the 90-day period and did not conduct periodical inventories; otherwise, he would have known about the lapse of the 90-day period and he would have taken the proper course of action which is to request extension from the Supreme Court within which to decide

the case.

(2) In Criminal Case No. 23275 - People vs. Rodolfo Tirador (pages 5-6)

Judge Capulong's explanation that he was waiting for the presentation of rebuttal evidence of the prosecution is not borne by the records. As admitted by him during the investigation, there is no order found in the records stating that the prosecution will present rebuttal evidence.

Judge Capulong's further explanation that he was waiting for the completion of the transcripts and the submission thereof together with the records on his desk by the clerk-in-charge does not justify the delay in rendering the decision. Again, it shows disregard or lack of knowledge of the above-quoted circulars.

(3) In Criminal Case No. 90-1029 - People vs. Emiliano Brosas Mancilla (page 6)

The belated rendition of judgment does not justify the negligence of Judge Capulong in his failure to decide the case within the 90-day period.

(4) In Criminal Case No. 90-1032 - People vs. Renato Olalo (pages 6-7)

The explanation of Judge Capulong that the clerk must have failed to place the records of the case on his desk does not exonerate him from his duty to decide the case within the 90-day period from date of submission, or, to request the Supreme Court (for) an extension of time within which to decide the case.

The admission of Judge Capulong that he does not keep a list of cases submitted to him for decision indicates lack of knowledge of or a disregard of Administrative Circular No. 1 as quoted above.

- In fourteen (14) cases, to wit: Criminal Cases Nos. 0772, 8473, 8336, 31474, 5702, 3100, 2298; and Civil Cases Nos. 102, 3214, 5681, 1412, 5950, 7693 and 6417, compliance with the 90-day period within which to decide them cannot be imposed on Judge Capulong for the reason that they were all heard before and submitted to the previous presiding Judge of Branch 134.

HOWEVER, THE HEREIN INVESTIGATOR HAS OBSERVED CONSTANT/REPEATED/PATENT NEGLIGENCE IN THE PERFORMANCE OF JUDGE CAPULONG'S BASIC DUTIES CAUSING UNDUE DELAY IN THE DISPENSATION OF JUSTICE IN SAID 14 CASES WHICH COULD NOT BE OVERLOOKED AS THEY CONSTITUTE CLEAR VIOLATION OR DISREGARD OF RULE 3.08 AND RULE 3.09, CANON 3 OF THE CODE OF JUDICIAL CONDUCT, x x x:

x x x

1) In Criminal Case No. 8473 - People vs. Bien Perez (pages 7-9 hereof)

a) The failure of Judge Capulong to go over the records of the case before issuing the order declaring the case as an inherited case and forwarding the records to the JPDIO only to be returned because of lack of transcripts and the prosecution has not formally offered its exhibits, constitute negligence causing undue delay in the resolution of the case.

b) The failure of Judge Capulong to comply with Memorandum Circular No. 2-89 as herein above-quoted caused undue delay. It took the Judge more than 3 years to refer the case to the JPDIO.

c) The erroneous act of Judge Capulong in ordering the case to be archived upon receipt of the records returned by the JPDIO, instead of completing the transcript and directing the prosecution to formally offer its evidence with due notice to the accused likewise constitutes negligence or failure to exercise the diligence of a good father of a family; and a disregard of Memorandum Circular No. 2-89.

d) Judge Capulong's unwarranted (to the point of being irrational and irresponsible) reliance on his Branch Clerk of Court, Atty. Dumlao, who prepared both orders, forward-ing the incomplete records of the case to the JPDIO and later on unreasonably archiving the case, by signing said orders without ascer-taining whether their contents are in accordance with the records of the case. A simple examination of the records by Judge Capulong before signing the erroneous orders prepared by Atty. Dumlao could have prevented further unnecessary delay in the disposition of said case.

2) In Criminal Case No. 8336 - People vs. Elmina delos Reyes (page 9)

The same inaction on the part of Judge Capulong as in paragraph 1 b) above. The case was forwarded only to the JPDIO on March 5, 1993, or almost four (4) years after the issuance of Memorandum Circular No. 2-89.

3) In Criminal Case No. 0772 - People vs. Renato Ibabao (pages 10-11)

a) The same inaction on the part of Judge Capulong as in paragraphs 1b) and 2 above. The case was sub-mitted for decision in 1985 before Judge Capulong assumed office as presiding Judge of Branch 134. It was forwarded to JPDIO only on March 5, 1993 but the evidence was incomplete prompting the JPDIO to return the records to Branch 134.

b) The same erroneous order of archiv-ing the case instead of completing the evidence.

c) The same unjustified absolute re-liance of Judge Capulong on Atty. Dumlao in signing the inaccurate/erroneous orders pre-pared by Atty. Dumlao despite the fact that he (Judge Capulong) has been forewarned of the questionable activities of Atty. Dumlao (TSN, Hearing of April 20, 1994, pp. 31-32, 49-50; pages 34-35 hereof).

4) In Criminal Case No. 31474 - People vs. Felipe Matoza (pages 11-15)

a) Judge Capulong committed the same negligence as in the above Criminal Cases Nos. 8473, 8336 and 0772. The case was returned by the JPDIO to Branch 134 because four exhibits were missing and Atty. Dumlao failed to submit the same despite having been ordered to do so by Judge Fortun of the JPDIO.

b) The failure of Judge Capulong to examine the records before signing the order prepared by Atty. Dumlao archiving the case, instead of ordering the submission of the four (4) missing exhibits or to conduct proper investigation as to their whereabouts, to complete the records of the case, constitutes negligence.

5) In Criminal Case No. 5702 - People vs. David Gambez (page 15)

Judge Capulong committed the same negligence as in the above Criminal Cases Nos. 8473, 8336, 0792 and 31474.

6) In Criminal Case No. 3100 - People vs. Roger Ponio (pages 9-10)

The same failure of Judge Capulong to submit his inventory of inherited cases to JPDIO within the period required (or at least within a reason-able time) under Memorandum Circular No. 2-89 as quoted above. It was only on March 5, 1993 that Judge Capulong forwarded this case to the JPDIO or a lapse of more than three years.

7) In Criminal Case No. 2298 - People vs. Nestor Cortez (pages 15-17)

a) Judge Capulong was negligent when he failed to conduct physical inventory of the cases assigned to Branch 134 upon his assumption to office as presiding Judge thereof on January 10, 1986; otherwise, he would have noticed that the prose-cution has not filed its motion to dismiss;

b) The same failure of Judge Capulong to go over the records of the case before signing the order prepared by

Atty. Dumlao considering the case as an inherited case when the evidence for the prosecution has not been admitted by the court and there was no resolution on the motion to dismiss, constitutes negligence;

c) The erroneous act of Judge Capulong in archiving the case on the above-stated ground instead of dismissing the case for lack of interest to prosecute shows disregard of Memo-randum Circular No. 7-92.

8) In all the seven (7) civil cases, to wit: Civil Case No. 102 - Polaris Mar-keting Corp. vs. Welhelm Javelona, et al. (pages 17-19); Civil Case No. 3214 - Hoover Comaldo Industries vs. Sarmiento Engineering (pages 19-20); Civil Case No. 5681 - Ramos vs. Crown Motors Sales (pages 20-21); Civil Case No. 1412 - Transworld Trading vs. Cuilao (pages 21-22); Civil Case No. 5950 - Corporate Asia Finance vs. Stuart (page 22); Civil Case No. 7693 - Enrique vs. Zalamera (page 22); and, Civil Case No. 6417 - Electrophil vs. RC Gonzales Co. (page 23) ?

Judge Capulong:

a) Failed to set up an effective system whereby all motions filed by litigants should be brought to his attention for proper action which constitutes a disregard of Rules 3.08 and 3.09, Canon 3 of the Code of Judicial Conduct.

b) Failed to comply with Memorandum Circular No. 2-89 by ordering the Branch Clerk of Court to forward the records of the case to the JPDIO more than 3 years after the issuance of said circular.

c) Failed to see to it that his instructions and orders have been followed by Branch Clerk of Court, Atty. Dumlao. Until the date of investigation on May 26, 1994, the records of the abovementioned civil cases with the exception of Civil Cases Nos. 1412, 5650 and 6417, have not been transmitted to the JPDIO.

3) Contrary to the report of the Judicial Audit, four (4) cases, to wit: Criminal Cases Nos. 88-851, 88-852, 88-853 and Civil Case No. 10014, are not yet actually ready for decision but their dispositions are unduly delayed and therefore both Judge Capulong and Atty. Dumlao should be held answerable therefor:

a. Criminal Cases Nos. 88-851, 88-852 and 88-853 which were jointly tried - People vs. Teresita Estrada

No sufficient explanation was given by Judge Capulong or by Atty. Dumlao why no action had been taken after Judge Capulong set the case for reception of defense evidence on October 4, 1991. Nothing else transpired until a notice of hearing was sent by Atty. Dumlao on June 1, 1993 without any court order.

Judge Capulong failed to conduct bi-annual inventory to ascertain the status of each case pending trial as required in Administrative Cir-cular No. 1. If he had done so, he would have been apprised of the status of the cases and they would not have suffered undue delay in the termination of the trial on the merits.

Judge Capulong failed to exercise the ordi-nary diligence of a good father of a family in supervising over the work of Atty. Dumlao who could not offer any explanation why a notice of hearing was sent by him when there is no order attached to the records of the case; and why the case did not move at all from October, 1991 to August, 1993, the date he (Atty. Dumlao) was detailed to RTC Valenzuela.

b. Civil Case No. 10014 - Crown Motor Sales Corp. vs. Luz P. Medel and her husband (pages 24-25)

This case should have been includ-ed with the five cases wherein Judge Capulong and Atty. Dumlao were required to explain.

Again, this involves the same omission of Judge Capulong and Atty. Dumlao to conduct an inventory regularly as required by the Supreme Court circular; otherwise, had they exercised due diligence in the performance of their duties, they would have discovered in due time that defendant's motion to lift order of default filed on November 5, 1985 had not been acted upon.

B. ADMINISTRATIVE MATTER AGAINST JUDGE CAPULONG AND ATTY. Dumlao INVOLVING 5 CASES, to wit: CRIMINAL CASES NOS. 13251; 1245; 6681; 0395; and 88-4375 FOR FAILURE TO TAKE FURTHER ACTION FOR UNREASONABLE LENGTH OF TIME.

Judge Capulong and Atty. Dumlao are guilty of negligence in the performance of their re-spective duties. They failed to justify the undue delay suffered by said cases.

Insofar as Judge Capulong is concerned, he depended/relied too much on Atty. Dumlao, the Branch Clerk of Court of Branch 134, RTC, Makati. Instead of verifying the records to find out if the contents of the orders are true, Judge Capulong blindly signed the orders prepared by Atty. Dumlao which were patently erroneous as what happened also in Civil Cases Nos. 8473 (page 7); 0772 (page 10); 31474 (page 11); 5702 (page 15); 2298 (page 15).

Insofar as Atty. Dumlao is concerned, he is guilty of gross negligence tantamount to bad faith in the preparation of the orders signed by Judge Capulong and in his failure to assist in the preparation of the inventories required under Administrative Circular No. 1, Circular No. 13 and Administrative Circular No. 28, herein above-quoted. As Branch Clerk of Court, he has the following duties towards the court and the presiding judge, to wit:

"Under the direction of the Pre-siding Judge, he exercises supervi-sion and control over the personnel of a particular branch of the court; performs the duties and functions of a Clerk of Court within the branch; keeps the records and seal of the Court; examines records of all cases filed and calendared; issues court processes; administers oaths; issues certificates of appearance and indorsement for signature of the Judge; acts as Administrative Officer of the branch; prepares judicial and administrative reports and signs and submits daily time records of employees; requisitions equipment, supplies and materials and assumes custody of the same; acts as the Clerk of Court or the Assistant Clerk of Court in their absence when so designated; and does related tasks."

Atty. Dumlao at first denied dictating to stenographers or preparing orders to be signed by Judge Capulong. Subsequently, after OIC Murao testified that he (Atty. Dumlao) dictates orders to stenographers and affixes his initials on each order dictated by him, Atty. Dumlao claimed that he did not make the orders without specific instructions from the judge. Judge Capulong vehemently denied giving specific instructions to Atty. Dumlao in the preparation of said orders and instead asserted that the erroneous orders described above were submitted to him already in final form.

Atty. Dumlao, in reply to the question of herein Investigator even refused to admit that he had any obligation or duty to examine the records of the case before he initiated the orders to be signed by Judge Capulong; and yet, he is fully aware of his duties as Branch Clerk of Court which are quoted in his "Reply to the Comment filed by Stenographic Reporter Susan B. Quinto" filed by him on April 11, 1994 (p. 122, Vol. II, Records).

a) In Criminal Case No. 13251 - People vs. Andrade (page 25)

Atty. Dumlao is negligent in preparing an Order dated March 5, 1993 declaring the case as an inherited case when in fact there is a motion to dismiss filed by the accused on February 14, 1986 which remain-ed unresolved.

b) In Criminal Case No. 1245 - People vs. Oba (page 27)

Had not the records been examined by the Judicial Audit Team of the Office of the Court Administrator in November, 1992 and the inaction brought to the attention of both Judge Capulong and Atty. Dumlao, the case would not have been sent to the JPDIO and the case decided. Judge Capulong and Atty. Dumlao are still responsible for the undue delay caused to the case considering that they referred the case to the JPDIO only in 1993 or more than 3 years after the Supreme Court has issued Memorandum Circular No. 2-89.

c) In Criminal Case No. 6681 - People vs. Ibañez (page 28); and 0395 - People vs. Bandil (page 28).

In both cases, Atty. Dumlao prepared the orders, both dated March 5, 1993, sign-ed by Judge Capulong declaring the cases as inherited when in fact Judge Capulong still had to resolve the formal offer of evidence submitted by the prosecution together with the counsel's opposition thereto; and accused had not been given the opportunity to present evidence. No sufficient expla-nation was given for their negligence.

Their negligence is compounded by the issuance of the orders dated May 3, 1993 sending the records to the archives. This act is a total disregard of Administrative Circular No. 7-92 dated October 12, 1992 which prohibits indiscriminate archiving of cases without any justifiable reason therefor.

d) In Criminal Case No. 88-4375 - People vs. Cruz (page 30)

Judge Capulong and Atty. Dumlao are both guilty of negligence and in disregard-ing the Circular No. 7-92 when Atty. Dumlao prepared and Judge Capulong signed the Order dated March 10, 1993 archiving the case upon failure of the public prosecutor to file a motion to dismiss within 10 days from June 5, 1991.

C. A.M. No. P-93-944.

This administrative case came into being only because of Atty. Dumlao's defense in his written explanations that he was stripped of his duties as Branch Clerk of Court of Branch 134 and reduced to a mere clerk because of the alleged powerful tandem of ex-deputy sheriff Villapaña and stenographer Quinto who purportedly ipso facto acted in all the cases in Branch 134. Consequently, herein Investi-gator limited herself to the question (of) whether or not Atty. Dumlao was really stripp-ed of all his duties as Branch Clerk of Court; and if in the affirmative, he should be excul-pated from failing to take further action on the five cases earlier discussed under para-graph B above.

The herein Investigator sees no reason to discard the testimony of Judge Capulong on this matter, as quoted in pages 34-35 hereof. There is no real "administrative aberration" insofar as the performance of the regular duties of Atty. Dumlao is concerned. All the records still go through him (Atty. Dumlao) and they follow the normal procedure/flow of cases from the beginning to the end except on matters involving the issuance of ancillary writs, receivership and decisions wherein Quinto assisted Judge Capulong and for which Judge Capulong assumed full responsibility. The undersigned finds no justifiable excuse for the failure of Atty. Dumlao to perform his duties in assisting the trial judge in the examination of the pending records to see to it that appropriate actions may be taken thereon in due time.

All the records examined by the Investi-gator and hereinbefore discussed, readily show that the cases still pass through Atty. Dumlao who prepared the questioned orders for the signature of Judge Capulong.

The mistake of Judge Capulong, tantamount to negligence or failure to exercise/observe diligence of a good father of a family, is in giving too much trust on Atty. Dumlao in sign-ing the aforesaid orders despite the fact that the errors are so glaring and contained in the orders themselves; and despite the fact that he was previously warned about Atty. Dumlao's performance as Branch Clerk of Court which prompted him (Judge Capulong) to institute a dramatic change in the flow of the cases raffled to Branch 134.

Herein Investigator did not deal anymore with the other charges and counter-charges of Dumlao and Quinto (pls. see pages 33 and 34) as they will unnecessarily becloud and over-bloat the real questions that sprung from the report of the judicial audit; and protracted hearings thereon will unduly delay the termi-nation of the cases against Judge Capulong and Judge Guadiz.

However, due to the gravity of the charges and counter-charges of Dumlao and Quinto against each other; and, in

the interest of cleansing the judiciary of anomalous activities, there is a need for a separate administrative case where all the witnesses cited by Dumlao and Quinto may be called and heard in a full blown investigation, to determine whether Atty. Dumlao and Steno-grapher Quinto are still fit to remain as employees of the Judiciary.[14]

II. The Charges against Judge Teofilo Guadiz, Jr. and Atty. Joselito Homero J. Reyes

A. ON THE FAILURE OF JUDGE GUADIZ, JR. TO DECIDE CRIMINAL CASE NO. 88-1193 - People vs. Arnelio Castro WITHIN NINETY DAYS -

- Stenographer Rebecca Trinidad should not have been allowed to go abroad or given any clearance unless and until she shall have submitted all the transcripts of stenographic notes of hearings in cases where she assisted as stenographic reporter.
- There is no reason to disbelieve Judge Guadiz' assertion that his notes on the trial were lost rendering him dependent on the TSN and, therefore, he was unable to decide the case within the 90-day period.
- Judge Guadiz should have decided the case immediately after he received the transcripts in November, 1992.
- The delay is an isolated case.[15]

B. ON THE FAILURE OF JUDGE GUADIZ AND ATTY. REYES TO TAKE FURTHER ACTION ON CRIMINAL CASES NOS. 91-2353 to 91-2357 inclusive, 91-3665 and 91-3987.

- Criminal Cases Nos. 91-2353 to 91-2357 inclusive
- The delay was caused by the fact that Judge Guadiz, Atty. Reyes and the clerk-in-charge have not adopted a system whereby all cases awaiting compliance within a given period are retrieved within a reasonable time so that the same may be reported to the presiding judge for appropriate action.
- The negligence is an isolated case and there is no showing that it is habi-tual on the part of the respondents or the clerk-in- charge.[16]
- Criminal Case No. 91-3665 - People vs. Ignacio Ampig consolidated with 91-3666- People vs. Mercedes Arroyo

The delay is caused not by negligence but by error of judgment in adopting the wrong course of action under the circum-stance. Instead of waiting for the prosecution to act on the motion, Judge Guadiz should have issued an order directing the parties to report to the court within a specified period the action taken by the DOJ; or, issue an order denying the peti-tion for reinvestigation notwithstanding the manifestation of accused that she had already filed the letter-petition for reinvestigation with the DOJ even before Judge Guadiz could resolve her motion for reinvestigation.

- Criminal Case No. 91-3987 - People vs. Hipolito Archea

The same as in Criminal Cases Nos. 91-2353 to 91-2357.[17]

x x x x x x x x

A careful evaluation of the records of this administrative matter shows that herein judges have indeed been remiss in the performance of their duties.

A judge is mandated to render a decision not more than ninety (90) days from the time a case is submitted for decision. Canon 3, Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, three (3) months from the filing

of the last pleading, brief or memorandum. This requirement of the fundamental law is designed to prevent delay in the administration of justice, for obviously justice delayed is justice denied, and delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.[18]

We have consistently held that failure to decide a case within the required period is not excusable and constitutes gross inefficiency.[19] The Supreme Court cannot countenance such undue delay of a judge especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. Thus, judges are called upon to exercise the utmost diligence and dedication in the performance of their duties.[20]

A delay in the transcription of stenographic notes cannot be considered a valid reason for the delay in rendering judgment in a case. Precisely, judges are directed to take down notes of salient portions of the hearing and proceed in the preparation of decisions without waiting for the transcript of stenographic notes. Furthermore, we have already ruled that with or without the transcribed stenographic notes, the 90-day period for deciding cases should be adhered to.[21]

Even the failure of a subordinate court employee like the branch clerk of court to call the attention of the judge to the cases pending decision for ninety days is not an excuse for delay in the disposition of cases. A judge need not be reminded of his deadlines by a subordinate court employee like the clerk of court.[22] Judges must bear in mind the standing instructions in Administrative Circular No. 1 that judges must not rely on their clerks but must themselves keep track of pending cases submitted for their decision and cannot invoke the negligence or failure of their clerks to call their attention.[23]

A judge ought to know the cases submitted to him for decision, particularly those pending for more than ninety days, considering the Certificate of Service that he is mandated to render every month. He is expected to keep his own record of cases submitted for decision so that he could act on them promptly and without delay. 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, particularly those submitted for decision. A judge cannot take refuge behind the inefficiency or mismanagement by court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. Court personnel are not the guardians of a judge's responsibilities.[24]

Herein judges also failed to take further action on cases pending in their sala for an unreasonable length of time. They seem to have been oblivious of the rule that a judge should act with dispatch in resolving pending incidents, which are part and parcel of a scheme to frustrate and delay satisfaction of judgment. The judge's inaction or procrastination to act one way or another gives room to suspicion that he was biased. As a dispenser of justice, he should act in such a manner as to avoid suspicion to preserve faith in the administration of justice.[25]

It is incumbent upon a judge 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.[26] To achieve a close personal supervision over the records of the court, it is necessary that a physical inventory thereof be regularly made for it is only by this procedure that the judge can keep himself abreast of the status of the pending cases and be informed that everything is in order in his court.[27] There should be a continuous and physical inventory of cases on a monthly basis so that the trial judge is kept aware of the status of each case. With the assistance of the branch clerk of court, a checklist should be prepared indicating the steps to be taken to keep cases moving.[28]

With regard to Attys. Dumlao and Reyes, we find them negligent as well in the performance of their duties as branch clerks of court. They could not have failed to realize, but they opted to ignore the fact, that their

administrative functions are just as vital to the prompt and proper administration of justice. They are charged with the efficient recording, filing and management of court records, besides having administrative supervision over court personnel. They play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another.[29]

The branch clerk of court is the administrative assistant of the presiding judge whose duty is to assist in the management of the calendar of the court and in all other matters not involving the exercise of discretion or judgment of the judge.[30] He should be the model for his co-employees to act speedily and with dispatch on their assigned tasks to avoid the clogging of cases in court and thereby assist in the administration of justice without undue delay.[31] Clerks of Court must be assiduous in performing their official duties and in supervising and managing court dockets and records. Their repeated negligence in the performance of these functions must be dealt with severely.[32]

The conclusions and recommendations of the investigating magistrate in this administrative matter, together with the supervening facts affecting the same, will hereafter be discussed.

2. With regard to A.M. No. P-93-944, we will first deal with the charges against Deputy Sheriff Pioquinto Villapaña who, according to the report of Justice Martinez, did not file any comment. The fact is that on February 7, 1994, this respondent was found guilty in A.M. No. P-93-824,[33] of grave misconduct and dismissed from the service, with forfeiture of all benefits and with prejudice to reemployment in any part of the government service, including government-owned or controlled corporations.

On the charges and counter-charges of respondents Dumlao and Quinto, the investigating Justice observed that dealing with the same would "unnecessarily becloud and over-bloat the real questions that sprung from the report of the (j)udicial audit; and protracted hearings (t)hereon will unduly delay the termination of the cases against Judge Capulong and Judge Guadiz." She accordingly recommended that A.M. No. P-93-944 be dismissed without prejudice to the institution of a formal full-blown investigation of said charges and counter-charges of the two respondents.

Acting thereon, the Court resolved on November 29, 1994 to instead refer the said administrative matter to Executive Judge Salvador S. Abad Santos of the Regional Trial Court of Makati for investigation, report and recommendation.[34] On March 8, 1995, the investigating judge submitted his report and comment regarding respondent Quinto, which was thereafter evaluated by the Office of the Court Administrator in a memorandum received by the Court on April 25, 1995. On the bases of the aforestated report and evaluation, the Court resolved to accept the resignation on June 16, 1993 of respondent Susan B. Quinto and to direct that the same be forthwith implemented with all the consequent effects thereof.[35]

With respect to respondent Dumlao, his involvement and potential liability in the instant administrative matter appear to have been overtaken by the supervention of a decision of this Court in the administrative charges against him. On January 11, 1993, an organization known as the RTC Makati Movement Against Graft and Corruption filed a letter-complaint against him for allegedly engaging in usurious activities, immorality and violation of Republic Act No. 3019, as amended. He was likewise charged in another letter-complaint of Susan B. Quinto with virtually the same offenses and criminal negligence.

In a decision of this Court on these administrative matters as consolidated,[36] respondent Inocencio E. Dumlao was dismissed from the service with forfeiture of all benefits, if any, and with prejudice to his reinstatement in the government service, including government-owned or controlled corporations.

3. Coming back to A.M. No. 93-2-1001-RTC, with respect to respondent Judge Ignacio M. Capulong, another

supervening fact was brought to the attention of this Court during the deliberations on the aforementioned report submitted by the investigating magistrate. It appears that in a case involving, among others, Judge Arturo Romero of the Regional Trial Court, Branch 120, Kalookan City, facts and issues similar to the present administrative matter were likewise involved, with the further allegation that respondent judge therein had falsified his monthly certificates of service consequent to his failure to decide the cases involved within the required period.

In its decision[37] in that case, the Court took note of the memorandum of the office of the Court Administrator which incorporated "the added information that Judge Romero failed to decide even beyond the reglementary period ninety-one (91) cases submitted for decision, as of January 1994, and that for so many years, he had falsified his monthly certificates of service by making it appear 'that all cases and motions submitted to him had been decided/resolved by him within the period of ninety (90) days from submission, thus, he was able to collect his salaries.'"

The Court held that, on top of the gross inefficiency of therein respondent judge, it considered as fraudulent his practice of submitting false certificates of service, and accordingly dismissed Judge Romero from the service, with forfeiture of all retirement benefits and leave credits, and with prejudice to reemployment in any branch or agency of the government, including government-owned or controlled corporations.

In view of the fact that the possibility of irregularities in the certificates of service submitted by herein respondent Judge Capulong had not been considered by the Office of the Court Administrator and was not specified in the resolution referring these administrative matters to Justice Martinez, that aspect was consequently not included in her report and recommendation, hence the Court preliminarily sought a verification of the matter by the Office of the Court Administrator.

What transpired thereafter is recorded in this pertinent excerpt from the resolution of the Court En Banc, dated November 29, 1994:[38]

In connection with A.M. No. 93-2-1001-RTC and pursuant to the memorandum of the Court dated November 11, 1994, the office of the Court Administrator duly submitted the Certificates of Service (1991-1993), as well as the Monthly Reports of Cases (1990-1993), executed and filed with this Court by Judge Ignacio Capulong, Branch 134, Regional Trial Court, Makati, Metro Manila, with the information that "(s)ince Judge Capulong submitted his Certificates of Service for these periods, he had received his salaries for said periods."

In view of the relevance of the foregoing official documents to the report on the aforesaid judicial audit and the Court's consideration of and prospective action in the aforesaid administrative matter, the Court RESOLVED to require Judge Ignacio Capulong to comment on the circumstances under which he prepared and submitted his aforesaid certificates of service and monthly reports of cases, and the justification or explanation for the propriety and correctness thereof, within ten (10) days from receipt of a copy of this resolution.

In his Formal Comment and Explanation[39] received by the Court on February 6, 1995, respondent judge made the following remarks relevant to the Court's inquiry:

It has been the common practice, ever since the undersigned was appointed as a member of the bench on July 1966 up to the time that he served as Presiding Judge of the Court of First Instance of Pampanga x x x and his transfer to (the) Makati Regional Trial Court on January 10, 1986, for the Branch Clerk of Court to prepare and submit the Monthly Report as well as the Certificate of Service. In the past, the submission of Monthly Reports and Certificates of Service was not given too much attention and strictly followed for the same was considered as (a) mere formality for the collection of salaries of Judges. There are many cases wherein Judges were not able to comply strictly with the mandatory period of time within which to resolve and decide submitted cases but,

nevertheless, some of these Judges were even promoted to the Office of the Deputy Administrator or to the Court of Appeals. The undersigned as Presiding Judge of Branch 134 of the Makati Regional Trial Court has presumed that official functions had been regularly performed by the Clerk of Court considering the fact that x x x Branch 134 has a case load of 500 cases more or less so much so that the undersigned has to conduct trials during morning and afternoon. In view of the large case load of the undersigned, he has no more time to verify and check the Monthly Reports as well as the Certificates of Service.

The undersigned did not prepare the Monthly Reports as well as the Certificate of Service and has never prepared any Monthly Reports and Certificate of Service ever since he was appointed as member of the bench sometime in July 1966. The monthly reports of Branch 134 wherein the undersigned is the Presiding Judge were prepared by Atty. I(n)ocencio Dumlao the Branch Clerk of Court. The Certificate(s) of Service were likewise prepared by the Branch Clerk of Court, Atty. I(n)ocencio Dumlao, based on the monthly reports. x x x

The undersigned has been a member of the judiciary since 1966 up to the present time and during all this period of time the Monthly Reports and the Certificate(s) of Service were prepared by the Branch Clerk of Court of the branch to which he is assigned. The undersigned in the discharge of his official duty as Presiding Judge of Branch 134 merely signed the monthly reports and certificate(s) of service prepared and submitted to him by his Branch Clerk of Court. As Presiding Judge of Branch 134 he relied on the correctness of the Monthly Report as well as Certificate of Service submitted to him by Atty. I(n)ocencio Dumlao the Branch Clerk of Court. (Emphases and corrections in parentheses supplied)

The Court takes this opportunity to emphasize that in the imposition of sanctions against erring members of the Judiciary, with much more reason does it strive to deal with equal and consistent measure in all cases where the operative and environmental facts are identical or substantially the same. But, as in any scheme of penalties and considering the rarity of two cases being on all fours, the differences in the objective and subjective aspects of both the offenses and the offenders must be taken into account in determining the degree of the penalty. It is the variant or special features of the case, which the Court always takes pains to narrate, that necessarily dictate the severity of the punishment, with previous cases providing the decisional guideposts. On these premises, we now take the pending issue in light of the dictum in *Romero*.

In the case of Judge *Romero*, 91 cases had been submitted for decision and the same remained undecided by him much beyond the 90-day period prescribed by the Constitution. For a number of years, he had adopted the fraudulent practice of submitting false certificates of service. Further, he had been previously reprimanded and ordered to pay a fine for gross inefficiency in A.M. No. 93-7-1158-RTC decided by the Court on March 24, 1994. No plausible explanation was advanced for this dereliction of duty, compounded by falsified certificates of service.

Judge *Capulong*, on his part, had not decided 25 cases within the required period as of the date of the judicial audit, 8 of which cases were completely tried by him and 17 having been "inherited" from his predecessor. According to the investigating Justice, he failed to justify his failure to decide 4 of the said cases. He sought to explain his submission of false or inaccurate certificates of service, as earlier related, by shifting the blame and responsibility therefor to respondent *Dumlao*. It also appears that in A.M. No. 93-7-1170-RTC, he had been admonished to personally attend to the business of his court and not to place inordinate reliance on his personnel, with a warning that a similar nonfeasance in the future would be severely dealt with.[40]

The Court is nonetheless baffled and repelled by the cavalier position adopted by respondent Judge *Capulong* in his comment on the nature of and the role of certificates of service in judicial administration, especially for monitoring and evaluation purposes. This requirement is intended to ascertain that the trial judge duly complies

with the period for deciding cases as mandated by the Constitution and the Judiciary Act. Hence, it decidedly does not speak well of a judge to treat that official or public document with such sarcastic disdain, which by his own supercilious admission he considered as a mere formality and was signed by him without even bothering to verify the truth of the facts he certified as correct. When he submitted the same to this Court, that enabled him to receive his salary but he definitely will not receive its benediction. For, a judge who falsifies his certificate of service is administratively liable for serious misconduct and inefficiency under the Rules of Court and likewise criminally liable under the Revised Penal Code.[41]

His total reliance on respondent Dumlao may possibly be true but that does not constitute a possible ground for his complete exoneration. He cannot be unaware that falsification of an official or public document can be committed by reckless imprudence and even if no damage was caused thereby.[42] It is the impairment of public confidence in these documents which the law seeks to repress and, indeed, it would be a highly dangerous doctrine and precedent if public officers were to espouse the same attitudinal view of respondent Judge Capulong.

At all events, we are inclined to grant Judge Capulong the conventional benefit of the doubt since, after all, good faith may be presumed. Respondent judge pleads pressure of work by way of exculpation, citing the existing case load and continuing infusion of additional cases into the branch he presided over. It does not appear that he was privy to the questionable actuations of respondent Dumlao and it is an accepted legal principle that one's culpability or responsibility should not be judged in the light of subsequent events. Withal, while his negligent conduct may be considered as only simple imprudence, hence not within the pale of our jurisprudence on falsification, it nevertheless amounts to gross misconduct in our catalogue of administrative offenses.

4. In her aforesaid report on these administrative matters, and consequent to her conclusions quoted in the earlier portion of this decision, Justice Martinez submits the following recommendations:

- In view of the repeated negligence and disregard of or non-compliance with the circulars of the Supreme Court causing undue delay in the disposition of twenty-seven (27) cases (pls. see pages 5, 7, 23 and 25) but having in mind that the negligence was not due to any other consideration, monetary or otherwise, it is respectfully recommended that Judge Ignacio M. Capulong be:

- Fined in the amount of FIFTY THOUSAND PESOS (P50,000.00) with a stern warning that a repetition of the same negligence will be dealt with more severely; and

- Ordered to decide, within 90 days from notice, Criminal Cases Nos. 90-5620 (People vs. Macaraeg), 23275 (People vs. Tirador) and 90-1032 (People vs. Olalo) for having been tried by and submitted to him for decision.

- In view of Atty. Inocencio E. Dumlao's negligence which is tantamount to bad faith, in the performance of his duty to assist the presiding Judge in 23 cases (pls. see pages 7, 23 and 25) it is respectfully recommended that Atty. Dumlao be likewise fined the amount of P50,000.00 with a stern warning that a repetition of the same negligence will be dealt with more severely.

- It is respectfully submitted that A.M. No. P-93-944 be dismissed without prejudice to the institution of a formal full-blown investigation against Branch Clerk of Court, Atty. Inocencio Dumlao and stenographic reporter Susan B. Quinto involving the serious charges and counter-charges filed by one against the other as contained in their respective comments and explanations.

- Considering that the delay in the disposition of four (4) cases was the result of lack of system in the retrieval of records by the clerk in charge so that the records may be immediately reported to the presiding judge; and, in one case, a matter of poor judgment in disposing of the case; and considering that they are isolated cases with no apparent habitual failure to observe diligence in the performance of their duties, it is respectfully recommended

that Judge Teofilo Guadiz, Jr. and Atty. Joselito Homero J. Reyes be CENSURED and warned that a repetition of similar delays in cases pending before Branch 146 will be dealt with more severely. (*Italics in the original text.*)

As already explained, respondents Pioquinto Villapaña, Susan B. Quinto and Atty. Inocencio E. Dumlao are no longer with the Government, their services having been terminated under the circumstances in A.M. Nos. P-93-824, P-93-944 and P-93-800-A, respectively, hence this decision will no longer deal with their cases. With respect to respondent Judge Guadiz, our review of the pertinent records appended to the investigation report convinces us that the findings, conclusions and recommendation therein are correct and justified.

The Court has the same comment and approbation of the portion of the report regarding respondent Judge Capulong. Indeed, the charges against him call to mind what this Court stated in an early case, which observation rings true now as it did then: "x x x We do find, however, that he has not displayed that interest in his office which stops not at the minimum of the day's labors fixed by law, and which ceases not at the expiration of official seasons, but which proceeds diligently on holidays and by artificial light and even into vacation periods. Only thus can he do his part in the great work of speeding up the administration of justice and of rehabilitating the judiciary in the estimation of the people. x x x." [43]

Now, it will be recalled that in arriving at her conclusions and recommendation in the case of Judge Capulong, the investigating Justice did not take into consideration the matter of his demonstrably inaccurate certificates of service. Taking all these findings against this respondent judge, we can use as a yardstick the Court's action in Raval vs. Hon. Guillermo Romero, [44] which involved only one undecided civil case but wherein it observed that:

x x x We are satisfied that the evidence on record is insufficient to sustain the charges therein prof(ered) against respondent except the specification referring to his failure to decide Civil Case No. VI-46, entitled Cera vs. Cera, within the 90-day period prescribed by the Judiciary Act and his having continued to collect his salaries in the meantime, upon his certification that he had no pending matters to resolve. We agree with the investigation that the explanation and excuse offered by respondent cannot justify respondent's being freed from any responsibility of the failure of his subordinates to properly take care of the records of said case and to call his attention to the fact that the draft of the decision he had prepared had not yet been finalized, so much so that the same was later on misplaced and forgotten. In other words, it may be true that respondent did not act in bad faith in making his reports to the Department of Justice which did not reflect the pendency of the Cera case, but nonetheless there can be no doubt that he has shown lack of due diligence in the performance of his judicial functions, resulting in the undue delay of the administration of Justice. In the public interest, such official dereliction, even if not malicious, deserves proper sanction.

Consequently, it was therein "ordered that of the amount which would be payable to respondent upon approval of his retirement, a sum equivalent to his salary for three (3) months be forfeited in favor of the government." [45] We see no reason why, in the administrative matter against respondent Judge Capulong, which is of more serious proportions, a lesser sanction should be exacted. In fact, it is from a sense of leniency that a higher penalty is not being imposed.

The Court, therefore approves the recommendations of the investigating magistrate in A.M. No. 93-2-1001-RTC, in toto with respect to respondents Judge Guadiz and Atty. Reyes, and with a modification as regards respondent Judge Capulong. The Court also takes this opportunity to express its appreciation of the highly commendable industry, perspicacity and competence of Justice Ma. Alicia Austria-Martinez which are evident in her 59-page report and reflected by the voluminous records of the investigation she conducted in these administrative matters.

WHEREFORE, Judge Teofilo Guadiz, Jr. and Atty. Joselito Homero J. Reyes are hereby CENSURED, and Judge

Ignacio M. Capulong is FINED in the amount of SIXTY THOUSAND PESOS (P60,000.00). All the aforementioned respondents are further sternly warned that a repetition of the same or similar offenses will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Padilla, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, and Hermosisima, JJ., concur.

Bellosillo, J., no part.

Feliciano, J., on official leave.

[1] Record, Vol. I, 1-2.

[2] Ibid., id., 13.

[3] Ibid., id., 33.

[4] Ibid., Vol. II, 136.

[5] Ibid., Vol. I, 17.

[6] Ibid., id., 77.

[7] Ibid., Vol. II, 152.

[8] Ibid., Vol. I, 106.

[9] Ibid., id., 88.

[10] Ibid., id., 104.

[11] Ibid., id., 131.

[12] Ibid., id., 150-155.

[13] Ibid., id., 152.

[14] Report, 36-51.

[15] Ibid., 52.

[16] Ibid., 53-54.

[17] Ibid., 56-57.

[18] Report on the Audit and Inventory of Cases in the RTC, Branch 11, Balayan, Batangas, A.M. No. 93-11-1311-RTC, July 26, 1994, citing Sec. 15(1) (2), Article VIII of the Constitution; Bendesula vs. Laya, etc., A.M. No. 144-CFI, July 18, 1974, 58 SCRA 16; In re Impeachment of Hon. Tomas Flordeliza, 44 Phil. 608 (1923).

[19] In re Judge Jose F. Madara, A.M. No. 2351-CFI, April 27, 1981, 104 SCRA 245; Longboan vs. Polig, A.M. No. R-704-RTJ, June 14, 1990, 186 SCRA 557.

[20] Cipriano vs. Judge Villamor, A.M. No. RTJ-88-207, June 22, 1989, Resolution En Banc.

[21] Lawan vs. Moleta, A.M. 196-MJ, June 19, 1979, 90 SCRA 579; Balagot vs. Opinion, etc., A.M. No.

MTJ-90-439, March 20, 1991, 195 SCRA 429.

[22] Sy vs. Academia, A.M. No. P-87-72 and Pardo vs. Academia, etc., A.M. No. P-90-481, July 3, 1991, 198 SCRA 705; Ignacio vs. Judge Melanio-Arcega, A.M. No. MTJ-93-762, July 25, 1994.

[23] Stasa, Inc. vs. Maceren, A.M. No. RTJ-86-15, April 14, 1988, Resolution En Banc.

[24] Secretary of Justice vs. Legaspi, A.C. No. 269-J, and companion cases, September 10, 1981, 107 SCRA 233; Nidua vs. Lazaro, etc., A.M. No. R-465-MTJ, June 29, 1989, 174 SCRA 581.

[25] Luna vs. Balonso, A.M. No. R-268-MTJ, May 5, 1987, Resolution En Banc.

[26] Nidua vs. Lazaro, supra; Sabitsana, Jr. vs. Villamor, RTJ No. 90-474, October 4, 1991, 202 SCRA 435.

[27] Juan vs. Arias, etc., et al., A.M. No. P-310, August 23, 1976, 72 SCRA 404.

[28] Circular No. 13, July 1, 1987.

[29] Nidua vs. Lazaro, supra; Callejo, Jr. vs. Garcia, etc., A.C. No. P-88-198, February 25, 1992, 206 SCRA 491.

[30] Mejia vs. Pamaran, et al., G.R. Nos. 56741-42, April 15, 1988, 160 SCRA 457.

[31] Paa vs. Remigio, etc., A.M. No. P-1641, February 28, 1979, 88 SCRA 593.

[32] Court Administrator, etc., vs. Galang, OIC, etc., et al., A.M. No. R-459-P, September 15, 1986, 144 SCRA 102.

[33] 229 SCRA 718.

[34] Record, Vol. I, 162.

[35] Resolution of June 6, 1995.

[36] RTC Makati Movement Against Graft and Corruption vs. Atty. Inocencio E. Dumlao, A.M. No. P-93-800 and Susan Quinto vs. Atty. Inocencio E. Dumlao, A.M. No. P-93-800-A, August 9, 1995.

[37] Re: Report on Audit and Physical Inventory of the Records of Cases in the Regional Trial Court, Branch 120, Kalookan City, A.M. No. 94-3-115-RTC, November 21, 1994, 238 SCRA 248.

[38] Record, Vol. I, 162.

[39] Ibid., id., 170.

[40] Resolution of the First Division of this Court, dated October 5, 1994. In a footnote to her Report, the investigating Justice states that in said A.M. No. RTJ-93-7-1170, entitled Atty. Jacinto D. Jimenez, etc. vs. Judge Ignacio M. Capulong, etc., she had recommended censure with stern warning in her Report and Recommendation, dated May 11, 1994.

[41] Maceda, etc. vs. Vasquez, et al., G.R. No. 102781, April 22, 1993, 221 SCRA 464. See Rule 140, Rules of Court and Arts. 174 and 175, Revised Penal Code.

[42] Lontoc vs. People, 74 Phil. 513 (1943); Samson vs. Court of Appeals, 103 Phil. 277 (1958); People vs. Rodis, et al., 105 Phil. 1294 (1959).

[43] In re Impeachment of Hon. Tomas Flordeliza, etc., 44 Phil. 608, 617 (1923).

[44] Judge of the Court of First Instance of Isabela, Branch IV, Roxas, Isabela; Adm. Case No. 129-J, July 30,

1976, 72 SCRA 172.

[45] The respondent judge was no longer rendering service and had applied for retirement under R.A. 910.

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