

RE: REPORT ON AUDIT AND PHYSICAL INVENTORY OF THE RECORDS OF CASES IN THE REGIONAL TRIAL COURT, BRANCH 120, KALOOCAN CITY

A.M. No. 94-3-115-RTC. November 21, 1994

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PER CURIAM:

In a Memorandum, dated 8 March 1994, addressed to Chief Justice Andres R. Narvasa, and approved by Court Administrator Ernani Cruz-Pano, Deputy Court Administrator Reynaldo L. Suarez reported on the audit and physical inventory of pending cases, including cases submitted for decision or resolution, in the Regional Trial Court, Branch 120, Kalookan City. The audit was conducted by a team composed of personnel from the Office of the Court Administrator pursuant to the guidelines on the functions of the Office of the Court Administrator, approved by the Court en banc on 26 February 1992, relative to the periodic investigation and audit of the conditions of lower courts and their dockets.

The report of the audit team gave the following information:

"Criminal Cases Civil Cases

Submitted for decision/resolution 69 22

On trial/Set for hearing/pending 386 68

Total - 455 90

Generally, it was observed that the case records are mismanaged. While there is an official docket book given by the Supreme Court, the same however, is not being used as (the court staff) finds it inconvenient to use the same because of its size. A Record Book is instead used as their Docket Book. There are proper entries of incoming and duly received cases but no proper notations are made on the actual status of the cases. In fact, in some instances only the case title is written on their Docket Books.

The Team likewise observed that there was no definite system of filing. Thus, decided, archived and pending cases are all mixed up. The staff could hardly recognize which is active and which is not. In short, there is no actual up date on the status of all the cases pending thereat.

The Audit Team (was) further informed that the criminal and civil (list of copy attached) cases submitted for decision are already all beyond the ninety day reglementary period. Some were even submitted for decision as early as 1987, 1988 and the rest in the early 1990's. Per records in our office no request(s) for extension of time to decide cases were ever filed by Judge Arturo Romero."

To support the above information, Deputy Administrator Reynaldo L. Suarez requested from the Statistics Office, this Court, a list of all cases submitted for decision/resolution before the sala of Judge Romero. It was disclosed that the cases submitted for decision/resolution were not listed in the quarterly report of the Regional Trial Court,

Branch 120, Kalookan City, thus, making it appear that there were no cases submitted to Judge Romero for decision or resolution.

Acting on the aforesaid memorandum, the Court en banc on 2 May 1994 resolved to direct: 1. (a) Judge Arturo Romero, Regional Trial Court, Branch 120, Kalookan City, to explain the unreasonable delay in disposing of the ninety-one (91) cases that remain undecided beyond the 90-day reglementary period; and (b) the Branch Clerk of Court to explain why no systematic filing is made in the office and why the official Docket Book is not being used; 2. SUSPEND the payment of the salaries of Judge Romero until all his pending cases are decided within a period of six (6) months; and 3. DESIGNATE an assisting Judge at the Regional Trial Court, Branch 120, Kalookan City, pending resolution by Judge Romero of all cases submitted and undecided beyond the ninety (90) day period.

In compliance with the Court's resolution, Atty. Arlyn C. Soresca, Branch Clerk of Court, Regional Trial Court, Branch 120, Kalookan City, submitted her explanation dated 13 May 1994, stating among other things, that she was not in a position to explain why no systematic filing had been followed in the past as she assumed the office of Branch Clerk of Court only on 15 January 1994 while the audit of cases in the Regional Trial Court, Branch 120, Kalookan City, was conducted in the last week of January 1994. As to the matter of the prescribed docket book not being used by the staff assistants, she was informed by the staff that they found it more convenient to use the regular sized record books than the bulky and heavy official docket book. Atty. Soresca assured the Court that all efforts were being exerted to systematize and update the docket books in the branch.

On 30 May 1994, the Court en banc resolved to refer this administrative matter to the Office of the Court Administrator for evaluation, report and recommendation thereon within thirty (30) days from receipt of the records thereof.

In compliance with the Court's resolution, Deputy Court Administrator Reynaldo L. Suarez submitted a memorandum approved by Court Administrator Ernani Cruz-Pano and dated 21 July 1994, wherein he reiterated the findings of the OCA audit team contained in his Memorandum dated 8 March 1994, with 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."

Deputy Administrator Suarez also called attention to the decision of the Court on 24 March 1994 in A.M. No. 93-7-1158-RTC (Re: Letter of Mr. Octavio Kalalo) wherein Judge Arturo Romero was found guilty by the Court of gross inefficiency and was reprimanded as well as ordered to pay a fine of Five Thousand Pesos (P5,000.00) for his failure to decide within the reglementary period Civil Case No. C-13094 entitled "Leonie A. Mable vs. Asia Soil Test, Inc. and Octavio A. Kalalo."

With respect to Atty. Arlyn Soresca, Deputy Administrator Suarez recommended that she be advised to require her staff to devise an effective system of docketing and filing cases and to enforce the use of the official Docket Book.

On 11 August 1994, or almost four (4) months after the resolution requiring him to explain, Judge Arturo Romero submitted his Compliance dated 8 August 1994, wherein he in effect denied that there were ninety-one (91) cases that remained pending with him beyond the 90-day reglementary period, attaching a certification signed by Atty. Arlyn C. Soresca, Branch Clerk of Court, certifying that there were seventy-three (73) cases pending (not ninety-one [91]) which he has already decided. He attributed his failure to decide the cases within the reglementary 90-day period to his failing health brought about by various ailments that he suffered since the

middle part of 1990 up to the present, but he averred that despite such ailments, a mild stroke and a high blood pressure condition, he has managed to preside over court sessions which were physically draining to him. He also blamed the long brown-outs prevalent during the relevant dates as affecting his efficiency as well as that of his staff.

The Court en banc thereupon directed the Office of the Court Administrator to verify the correctness of the statements made by Judge Arturo Romero in his Compliance. (Resolution of Court En Banc dated 23 August 1994).

In his report submitted in compliance with the aforesaid resolution, Deputy Administrator Suarez, with the approval of Court Administrator Ernani Cruz Pano, informed the Court that of the cases previously reported as undecided by Judge Romero beyond the reglementary ninety (90) day period, seventy-six (76) appear to have now been decided, while fifteen (15) cases still remain undecided. The report also states that fifteen (15) criminal cases which were not included in the previous inventory were decided by Judge Romero.

We view the conduct of Judge Romero as untenable and unjustified. Judge Romero is presumed to be aware of his duties and responsibilities under the Code of Judicial Conduct. As a judge, he should be the embodiment of competence, integrity, and independence (Canon 1, Rule 1.01). Rule 3.01 of Canon 3, calls for a judge to be faithful to the law and maintain professional competence. Rule 3.05 of Canon 3 admonishes all judges to dispose of the court's business promptly and decide cases within the periods fixed by law. Rule 3.09 requires a judge to organize and supervise the court personnel to insure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. Judge Romero unfortunately failed to meet these standards.

On top of his gross inefficiency, for which he had been previously reprimanded and fined in A.M. No. 93-7-1158-RTC, we find as fraudulent his practice of submitting false certificates of service, in itself a blot on one's honesty and integrity as an officer of the Court.

WHEREFORE, respondent Judge ARTURO ROMERO is hereby DISMISSED from the service effective upon receipt hereof, with forfeiture of all retirement benefits and leave credits to which he may be entitled, with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations. However, the Court takes notice of the work he accomplished in deciding the seventy-six (76) cases during the period of suspension of his salaries, and allows him to collect his salary corresponding to the said period.

Atty. Arlyn C. Soresca, Branch Clerk of Court, same court, is hereby exonerated of administrative liability with respect to the unsystematic docketing and filing of cases and their records. She is, however, enjoined to promptly devise a more effective and efficient system in the docketing of cases, the update of records and the orderly upkeep thereof, and advised to direct her staff to use the official docket book.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.

Feliciano, J., on leave.

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