

OFFICE OF THE COURT ADMINISTRATOR VS. JUDGE OLIVER T. VILLANUEVA MCTC, MAGALANG-MABALACAT, PAMPANGA.

A.M. No. MTJ-96-1077 (Formerly A.M. No. 95-6-56-MCTC). September 18, 1997

Ponente: MELO, J.

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MELO, J.:

The Court En Banc under Item No. 90 of its agenda of September 9, 1997, referred this case to the Third Division for proper disposition.

The instant administrative case against respondent Judge Oliver T. Villanueva of the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga was initiated by a letter dated March, 1995 sent by an unnamed lawyer who nonetheless stated that “if an investigation has to be made Lawyers in Pampanga will cooperate.”

Upon receipt of the letter, Deputy Court Administrator Reynaldo L. Suarez issued a memorandum dated April 11, 1995 forming a Judicial Audit Team “to conduct a judicial audit and physical inventory of records of pending cases” of the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga “including those cases submitted for decision and/or resolution, as well as those previously archived and provisionally dismissed cases therein.”

After the audit was completed, the Court Administrator submitted his report dated May 19, 1995, and acting thereon, the Court in a resolution dated June 27, 1995, directed respondent Judge Oliver Villanueva to explain why –

(a) no administrative charge should be filed against him for his obstinate delay in deciding the following cases: Civil Cases Nos. 1108, 979, 1030, 1078, 997, 948, 1098, and Criminal Case No. 94-115, all submitted for decisions beyond the 90-day period and for having falsified and continuing to falsify his Certificates of Service, filed monthly with the Office of Administrative Services, this Court, by stating that “all proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for decision or determination for a period of ninety (90) days or more have been determined and decided x x x” when in truth and in fact, as found out by the Judicial Audit Team, cases submitted for decision for more than a year have remained undecided and several cases have remained unacted upon for a considerable length of time; (b) no administrative charge should be filed against him for his inaction in the following cases: Criminal Cases Nos. 94-511, 88-2104, 79-040, 79-170, 89-0246, 78-238, 94-489, 94-135 and Civil Cases Nos. 92-002, 834, 1065, 891 and 695, his inaction therein contributing greatly to the delay in the administration of justice; (c) he should not be charged administratively for ignorance of the law for his inconsistent application of the Summary Procedure; (d) why he should not be administratively dealt with for grave abuse of discretion and gross ignorance for dismissing cases involving capital offenses on mere affidavits of desistance; (e) in the monthly report of cases, the reported number of civil cases is 192 and yet the actual physical count conducted by the audit team revealed only 77 cases and to further explain the whereabouts of the rest, numbering 115 cases; (f) he does not report to the Court as an additional matter in his monthly report of cases, all the marriages which he performs, which, according to the findings of the audit team are unusually large in number, somehow lending credence to charges of an anonymous writer that he is a “wedding judge”; and (g) he orders the accused availing themselves of the right to bail to submit instead to the Court cash bond for their

provisional liberty, all these within ten (10) days from notice.

(pp. 46-47, Rollo.)

Respondent submitted his explanation dated July 31, 1995 which was then referred to the Office of the Court Administrator “for inclusion in its evaluation, report and recommendation in this matter.”

Deputy Court Administrator Suarez submitted his report memorandum dated January 5, 1996, recommending that “in view of the findings of the audit team which were not satisfactorily explained by respondent judge in his comment, it is respectfully recommended that he be found guilty and that a fine be imposed as the Honorable Court may find appropriate with warning that he will suffer a more severe penalty of any future violations thereof” (p. 56, Rollo).

On February 6, 1996, the Court directed the Office of the Court Administrator to file formal charges against respondent Judge Oliver Villanueva, which was accordingly done on March 7, 1996.

On March 26, 1996, the Court required respondent to file his comment on the complaint within 15 days from notice, which in due time was complied with.

In its administrative complaint, the Office of the Court Administrator charged respondent with violation of Section 15, Article VIII of the Constitution, falsification, gross ignorance of the law, grave abuse of discretion, delay in the administration of justice, and malfeasance in the performance of his judicial duties, committed as follows:

1. (Respondent) failed to decide Civil Cases No. 1108, 979, 1030, 1078, 997, 948, 1098, and Criminal Case No. 94-115 within the reglementary 90-day period although he continued to state in his Monthly Certificate of Service that all proceedings, application, petitions, motions and all civil and criminal cases which have been under submission for decision or determination for a period of ninety (90) days or more, have been terminated and decided (p. 59, Ibid.).

In his comment, respondent states that –

(a) Civil Case No. 1108 was decided on April 11, 1995 and was appealed to the Regional Trial Court. He is not aware of the date when it was submitted for decision since its records were already forwarded to the Regional Trial Court with which the appeal was filed (p. 48, Ibid.).

(b) Civil Case No. 979 was dismissed for lack of jurisdiction on April 17, 1995. As of the writing of respondent’s comment, the plaintiff in said cases has not filed a motion for reconsideration despite receipt of the order of dismissal (p. 48, Ibid.).

(c) Civil Cases No. 1030, 1078, 997, 948 and 1098 are similarly situated since they involved the same plaintiff and the same cause of action. In all these cases, respondent issued on August 4, 1994 orders similarly worded as follows: “For failure of the defendant to file his answer within the period provided in the summons which was duly served to him, this case is now submitted for decision unless plaintiff want to present more evidence to prove his cause of action against defendant.” According to respondent judge, the latter part of the order giving the plaintiff a chance to present more evidence has misled the filing clerk who consequently waited for any action to be taken by the plaintiff. Resultantly, she did not return to respondent the records of the cases immediately after mailing copies of the order to the litigants. Respondent explains that unless the records are placed on his table, he could not act on them right away (p. 49, Ibid.).

(d) Criminal Case No. 94-115 (Violation of B.P. Blg. 22) was submitted for resolution after termination of its preliminary investigation on May 5, 1994 and a warrant of arrest was issued on the same date but was not served. Subsequently, the case was dismissed at the instance of the private complainant (p. 49, Ibid.).

With the exception of Civil Case No. 979, we find respondent guilty of negligence in the disposition of the above-stated civil cases. He should have devised ways and means to enable himself to know the status of all cases in his court and act accordingly. Thus --

A judge ought to know the cases submitted to him for decision or resolution, and is expected to keep his own record of cases so that he may act on them promptly without undue 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. 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. (*Agcaoili vs. Ramos*, 229 SCRA 705, 710 [1994]).

His failure to dispose of these cases promptly is entirely his fault and cannot be imputed to his subordinates.

Anent Civil Cases No. 979, we find that this case was timely decided. It will be noted that the administrative complaint is dated February 29, 1996, and said case was decided even before the administrative complaint was prepared. Hence, it should not have been included in said administrative complaint which charged respondent with undue delay in the disposition of said case.

As regards to Criminal Case No. 94-115, we find no fault on the part of the respondent. As mentioned above, the case was submitted for resolution after termination of its preliminary investigation on May 5, 1994 and a warrant of arrest was issued accordingly on the same date but was not served. It was only on July 27, 1995 that the accused posted a cash bond before the trial court. The case was later dismissed at the instance of the private complainant.

Respondent failed to take court action on Criminal Cases No. 94-511, 88-2104, 79-040, 79-170, 89-0246, 78-238, 94-489, and 94-135, and Civil Cases No. 92-002, 834, 1065, 891, and 695 for a considerable length of time which contributed greatly to the delay in the administration of justice.

In his comment, respondent explains that –

(a) As to Criminal Case No. 94-511, he issued an Order dated December 26, 1994, requiring the accused to submit her counter-affidavit within ten (10) days from receipt thereof. The return card was not received by the court. The filing clerk kept the records and presented the same to respondent judge only on April 24, 1995 (pp. 49-50, Rollo). The case was dismissed on July 3, 1996.

We find no fault on the part of respondent judge. The return card is essential to a determination of whether or not the accused received the order of December 26, 1994. To decide the case without knowing if the accused received said order would not be in keeping with due process of law.

(b) Criminal Case No. 88-2104, 79-040, 79-170, 89-0246, and 78-238 had long been terminated before respondent assumed office. Except for Criminal Case No. 79-040 which was dismissed on July 10, 1979, the aforestated criminal cases had been archived, although they did not contain any orders indicating such and thus were included in the files of pending cases. Respondent has ordered that the records of these cases be marked as archived (p. 50, *Ibid.*).

No fault can be attached to respondent, obviously.

(c) As to Criminal Case No. 94-489, he issued an order on December 5, 1994, requiring the accuse to file his counter-affidavit within 10 days from the notice. There is no proof of service of the said order. The records were supposed to be returned to respondent immediately after the lapse of the ten (10) – day period. However, said records were returned to him only on July 7, 1995. Thereafter, he set the case for arraignment on August 1, 1995. The case was dismissed on March 20, 1996 (p. 50, *Ibid.*).

For the same reason cited under Criminal Case No. 94-511, no fault may be imputed to respondent.

(d) Criminal Case No. 95-135 was submitted for resolution on May 5, 1994 and the records were sent to the Office of the Republic Prosecutor. The records were returned to respondent due to the effectivity of Republic Act No. 7691 which expanded the jurisdiction of the Municipal Trial Court. The accused in said case were notified to file their counter-affidavits. No proof of service was received by the court. An unsigned mimeographed order attached to the record shows that it was submitted for resolution on July 27, 1994. The records were submitted to respondent on May 10, 1995, and he issued the warrant of arrest. One of the accused was arrested. The case was dismissed on September 2, 1996 (p. 50, *Ibid.*).

We find no fault on the part of respondent as no proof of service of the order requiring the accused to file their counter-affidavit was received by the court.

(e) Civil Case No. 92-002 is non-existent as there is no civil case in the docket of the court by that number (p. 50, *Ibid.*).

This case should not have been included in the administrative complaint.

(f) Civil Case No. 834 was archived on November 22, 1995. It was mistakenly counted as pending as no copy of the order was attached to the record (p. 51, *Ibid.*).

Again respondent cannot be faulted.

(g) Civil Case No. 1065 was archived on November 11, 1993 and revived on June 7, 1995 (p. 51, *Ibid.*)

Respondent does not give any explanation why this case has not yet been resolved, its status is not known.

(h) As to Civil Case No. 891, respondent inhibited himself from this case because he was the former counsel of defendant (p. 51, *Ibid.*).

Obviously, no fault is imputable to respondent.

(i) Civil Case No. 695 was archived on January 17, 1992 but was not so marked. When the attention of respondent was called on the matter he immediately caused the marking of the records with the word "Archived" (p. 51, *Ibid.*).

No fault on the part of the respondent.

Aside from the charges discussed above, the Court Administrator accused respondent with inconsistent application of the Rules on Summary Procedure.

In his comment, respondent states:

I was not inconsistent in the application of the Rule on Summary Procedure. In my preliminary determination of cases, I declare the applicable rule based on the facts found on the face of the complaint and supporting documents. If later on, in the preliminary investigation of the case, after the respondent has filed his counter-affidavit and other supporting documents, I found out that a lesser crime was committed, then I change the applicable rule, if necessary.

(p. 74, *rollo.*).

There is nothing illegal or reprehensible in the action of respondent on this matter.

The Revised Rules on Summary Procedure specifically enumerates the cases, both civil and criminal, where said Rule shall apply. If during the preliminary investigation and after the respondent in a case has filed his counter-affidavit and other documents, it is thus discovered that the case does not fall under the cases specified

under the Rule, it is but proper for the judge to apply the proper rules of procedure. If the evidence presented during the preliminary investigation shows that the crime committed is not one among those covered by the Rules on Summary Procedure, it would be clear error on the part of the judge to persist in using the same.

The Court Administrator further charged respondent judge with dismissing cases involving capital offenses on mere affidavits of desistance of the complainant.

Respondent asserts that before he dismissed a case on the basis of an affidavit of desistance, he confronts the affidavit to determine if he understands the allegations of his affidavit whether or not he was forced or threatened into signing the same (pp. 52-53, *Ibid.*). We find nothing improper in this procedure. If the complainant refuses to prosecute, how can the prosecutor proceed with the case? Nonetheless, resolutions on capital offenses are reviewable by the Public Prosecutor who may affirm or overrule the resolutions.

Respondent was also charged with ordering the accused in a criminal case to post a cash bail bond.

Respondent explains that before an accused file his bond, he is informed that there are no Supreme Court-accredited surety companies in his district for he has not received any communication yet on this matter. He also informs the accused or his representative about property bonds and if the accused or his relatives have no titled property, they prefer to post a cash bond (p. 54, *Ibid.*).

We find the explanation satisfactory.

The Court Administrator finally charged respondent with submitting monthly reports of pending cases that do not reflect the correct number of pending civil cases (p. 53, *Ibid.*).

Respondent admits the correctness of the report of the audit team that there are only 77 pending cases in his sala. His report that there are 192 pending cases is the result of adding new cases to the pending civil cases in the previous month and deducting terminated cases.

Obviously, respondent committed simple arithmetical error in computing his pending cases for which he does not deserve to be punished. Furthermore, the fact that he reported more pending cases than those actually pending shows absence of interest to deceive or mislead the Court. Obviously, if he intended to deceive the Court, he would have reported a smaller number of pending cases.

As regards the marriages performed, respondent reports only the marriages he actually performed and does not include the marriages solemnized by other officials authorized by law (pp.53-54, *Ibid.*).

No fault can be ascribed to this matter.

Respondent may thus be most guilty of negligence in his failure to dispose Civil Cases No. 1030, 1078, 997, 948 and 1098 within the reglementary period because of failure to devise a method to enable himself to keep tab of pending cases, and his failure to dispose of Civil Case No. 1065 for his failure to explain the delay in resolution.

WHEREFORE, respondent is hereby found guilty of simple negligence, for which he is hereby REPRIMANDED, with a warning that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Romero, Francisco and Panganiban, JJ., concur.

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