

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN MUNICIPAL TRIAL COURT, SIBULAN, NEGROS ORIENTAL

A.M. No. 97-1-08-MTC. December 05, 1997

Ponente: VITUG, J.

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VITUG, J.:

With the then impending compulsory retirement [1] of Presiding Judge Antonio E. Arnaiz of the Municipal Trial Court ("MTC") of Sibulan, Negros Oriental, a judicial audit, inclusive of an inventory of cases pending before his sala, was conducted by a Judicial Audit Team [2] of the Office of the Court Administrator.

The audit team reported that as of 10 December 1996, the Sibulan MTC had a total caseload of 83 cases, categorized into –

"CASES TOTAL CRIMINAL CIVIL

Submitted

for decision 3 1 2

With Matters

for resolution 4 2 2

On trial/Set

for hearing 54 42 12

Set for

arraignment

of accused 5 5 -

Set for pre-trial

Conference 2 0 2

With Court Orders for compliance

by parties, etc. 5 3 2

Subject of Inhibition

by Judge Arnaiz 1 1 0

Not further acted

after lapse of

considerable time 6 3 3

With Warrants

of Arrest/Summons 2 2 0

Newly filed 1 1 0

TOTAL 83 60 23"[3]

In its resolution of 28 January 1997, the Court resolved to:

"x x x (a) GIVE DUE COURSE to the application for compulsory retirement of Honorable Antonio E. Arnaiz, Presiding Judge of the Municipal Trial Court, Sibulan, Negros Oriental, but the amount of Six Thousand Pesos (P6,000.00) be withheld to answer for any contingency that may be imposed on him for failure to decide or resolve the following three (3) cases within the reglementary period, to wit: Criminal Case No. 2491 (People vs. Ladora) and Civil Cases Nos. 336 (Calingacion, et al. vs. Alesna, et al.) and 371 (Garcia vs. Dequito); (b) DESIGNATE Honorable Ananson E. Jayme, Presiding Judge of the Municipal Circuit Trial Court of Pamplona-Amlan-San Jose, Negros Oriental (with 56 total pending cases as of September 30, 1996) as Acting Presiding Judge of the Municipal Trial Court of Sibulan (with 86 total pending cases as of December 10, 1996), same province, effective upon notice hereof, in addition to his regular duties in his own court and to continue until the appointment of a permanent judge thereat or until further orders from this Court and (c) DIRECT: (1) Judge Ananson E. Jayme to take cognizance and facilitate the disposition of all pending cases in said court including those cases left undecided, unresolved or unacted by Judge Arnaiz; (2) Mrs. Elfrina T. Dipaling, Clerk of Court of the Municipal Trial Court, Sibulan, Negros Oriental, to: (2-a) inform this Court, through the Office of the Court Administrator, whether or not Presiding Judge Antonio E. Arnaiz rendered his decisions or resolutions in the following cases on or before his compulsory retirement on January 17, 1997, to wit: Criminal Cases Nos. 0881, 2276, 2491 and 2648 and Civil Cases Nos. 336, 337, 368, 371, 373, 374 and 375, if not, cause the completion of the transcripts of stenographic notes in any of the aforesaid cases which may be left by Judge Arnaiz, within one (1) month from notice hereof, thereafter, submit the records of cases, including the transcripts, to would-be Acting Presiding Judge Ananson E. Jayme for his immediate and appropriate action; (2-b) apprise Judge Jayme of all cases pending thereat including the following cases not further acted after the lapse of considerable length of time, to wit: Criminal Cases Nos. 2428, 2526, 2644 and 2655 and Civil Cases Nos. 329, 352 and 377 and (2-c) find out and ascertain the status of Civil Case No. 282 which was not presented to the Judicial Audit Team, then, submit a written report in this regard within five (5) days from notice hereof and (3) the Chief, Fiscal Management and Budget Office, this Court, to WITHHOLD the amount of Six Thousand Pesos (P6,000.00) from the retirement benefits of Judge Antonio E. Arnaiz, Municipal Trial Court, Sibulan, Negros Oriental, to be released only upon orders from this Court."

In her compliance, dated 03 March 1997, Clerk of Court Elfrina T. Dipaling reported the status of each of the reported cases; to wit:

Crim. Case Nos. 0881 - Archived per order of 31 January 1996;

Crim. Case No. 2,276

(Transcript is complete) - No decision was rendered by Presiding

Judge Antonio E. Arnaiz because the defense counsel failed to submit the Memorandum of Exhibits as ordered by the court;

Crim. Case No. 2,491 - No resolution on the Motion for a Writ

of Attachment because there was no proper return of service from the vehicle owner.

Crim. Case No. 2,648 - Scheduled for arraignment on 12 March 1997 at 2:00 p.m.

Civil Case No. 336 - Motion to Dismiss to be resolved by Presiding Judge Antonio E. Arnaiz. No resolution was issued yet;

Civil Case No. 337 - Decided on 23 December 1996;

Civil Case No. 368 - Decided on 10 January 1997;

Civil Case No. 371 - Already heard on 18 February 1997 by Judge Designate Fe Lualhati D. Bustamante;

Civil Case No. 373 - Decided on 16 December 1996;

Civil Case No. 374 - Decided on 16 December 1996;

Civil Case No. 375 - Decided on 12 December 1996;

(2-b) Status of said Criminal/Civil cases:

Crim. Case No. 2,428 - Forwarded to the Provincial

Prosecutor's Office, Dumaguete City per order of 29 September 1993 by Presiding Judge Antonio E. Arnaiz;

Crim. Case No. 2,526 - Forwarded to the Provincial

Prosecutor's Office, Dumaguete City per resolution of 28 August 1995 by Presiding Judge Antonio E. Arnaiz, for lack of jurisdiction.

Crim. Case No. 2,644 - Dismissed on 11 December 1996.

Crim. Case No., 2,655 - Set for arraignment on 12 March 1997;

Civil Case No. 329 - For Pre-Trial conference on Amended

Complaint on 14 April 1997;

Civil Case No. 352 - Motion to Dismiss was already

resolved, denying motion to set for pre-trial conference, on 16 April 1997;

Civil Case No. 377 - Set for pre-trial conference on 16 April 1997.

(2-c) Status of Civil

Case No. 282 - Archived on 17 June 1996.

In a letter, dated 03 March 1997, Judge Ananson E. Jayme sought a reconsideration of the Court's resolution of 28 January 1997, detailing him as Acting Presiding Judge of the Sibulan MTC, in view of the designation, on 22 January 1997, by Executive Judge Eleuterio E. Chiu of Judge Fe Lualhati D. Bustamante [4] Judge Bustamante is presently serving in such capacity.⁴ as Acting Presiding Judge of MTC, Sibulan, per Administrative Order No. 2-97.

In its resolution, dated 01 July 1997, the Court resolved to refer the matter to the Office of the Court

Administrator ("OCA") for evaluation, report and recommendation.

In a memorandum addressed to Chief Justice Andres R. Narvasa, the OCA, through DCA Bernardo P. Abesamis, reported that three cases were left undecided by Judge Arnaiz, i.e., Criminal Case No. 2276, Criminal Case No. 2491 and Civil Case No. 336. It recommended that -

"x x x (a) a fine of One Thousand Pesos (P1,000.00) be imposed on Judge Antonio Arnaiz for his failure to decide and/or resolve Crim. Case Nos. 2,276, 2,491 and Civil Case No. 336 and to order the release of the balance of Five Thousand Pesos (P5,000.00) withheld from his retirement benefits per Resolution dated January 28, 1977; [and] (b) The Resolution of January 28, 1997 designating Judge Ananson Jayme as Acting Presiding Judge of MTC, Sibulan, Negros Oriental, be set aside and Judge Fe P. Bustamante, MTC of Siaton, be designated instead as Acting Presiding Judge of MTC, Sibulan, Negros Oriental."

The Court agrees with, and adopts the recommendation of, the OCA.

A judge should be conscious of his duty to resolve cases before him with good dispatch. Any delay and inaction in the disposition of cases can easily cause great injustice. Procrastination can also invite suspicion of ulterior motives on the part of the judge. When circumstances arise that would render him incapable to decide within the prescribed time a pending litigation submitted for decision or resolution, all that a judge has to do is to request from the Court and justify an extension of time within which to resolve the case. The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.

In this instance, not only was Judge Arnaiz evidently indifferent about the exigency of coming out timely with his decisions but he also even failed to submit a simple request for extension of time from the Court within which to resolve the cases before him. His compulsory retirement compounded the problem.

In its resolution, promulgated on 28 July 1997, in A.M. No. 95-6-55-MTC and A.M. P-96-1173 (Re: Report on Audit and Physical Inventory of the Records of Cases in the Municipal Trial Court of Peñaranda, Nueva Ecija) the Court has said:

"The Court has consistently impressed upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied (Re: Judge Luis B. Bello, Jr., 247 SCRA 519 [1995]). Every judge should decide cases with dispatch (Castro vs. Malazo, 99 SCRA 164 [1980]) and should be careful, punctual, and observant in the performance of his functions (Secretary of Justice vs. Bidin, 41 SCRA 742 [1971]; Escabillas vs. Martinez, 78 SCRA 367 [1977]). Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge (Celino vs. Abrogar, 245 SCRA 304 [1995]; Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134 and 147, Makati, Metro Manila, 248 SCRA [1995])."

The Court reiterates the foregoing exhortation to judges in the proper disposition of cases before them.

WHEREFORE, for his failure to act seasonably in Criminal Case No. 2276, Criminal Case No. 2491 and Civil Case No. 336, Judge Antonio Arnaiz is imposed a FINE of One Thousand pesos (P1,000.00), the same to be taken from the amount the Court has withheld from his retirement benefits. Concomitantly, the Court now orders the release of the balance of Five Thousand pesos (P5,000.00) withheld in the Court's resolution of 28 January 1997.

The resolution of 28 January 1997 designating Judge Ananson E. Jayme as Acting Presiding Judge of MTC, Sibulan, Negros Oriental, is SET ASIDE and Judge Fe D. Bustamante is DESIGNATED Acting Presiding Judge of MTC, Sibulan, Negros Oriental.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Kapunan, Francisco, Panganiban, and Martinez, JJ., concur.

Mendoza, J., on leave.

[1] On 17 January 1997.

[2] Composed of Atty. Maria Rosario A. Labuguen, as team leader, and Exequiel C. Rojas, German C. Averia, Leonila F. Jorolan and Charito C. Cruz, as members.

[3] Rollo, p. 4.

[4] Judge Bustamante is presently serving in such capacity.

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