

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCHES 4 AND 23, MANILA, AND METROPOLITAN TRIAL COURT, BRANCH 14, MANILA.

A.M. No. 97-3-85-RTC. June 18, 1998

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In view of the compulsory retirements of the respective presiding judges, judicial audits on all pending cases were conducted by the Office of the Court Administrator (OCA) at Branches 4 and 23 of the Regional Trial Court of Manila and Branch 14 of the Metropolitan Trial Court (MeTC) of Manila. The respective presiding judges and dates of retirement were as follows: Judge Betino Reyes of Branch 4, RTC, on 17 April 1997; Judge William Bayhon of Branch 23, RTC, on 12 July 1997; and Judge Bienvenido Salamanca of Branch 14, MeTC, on 4 February 1997.

As disclosed in the OCA Memorandum dated 4 September 1997, the audit uncovered the following material points:

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REGIONAL TRIAL COURT, BRANCH 23, MANILA

The Audit Team examined the records of 59 civil cases. Of the said cases, two (2) were filed in January 1997, one (1) archived in December 1996, one (1) decided also in December 1996 and another in January 1997. According to the team they found it difficult to reconcile the records of cases that were actually examined with the cases recorded/listed in the Court's Docket Books. Some of those cases the records of which were examined were not reflected in the Docket Book while there were pending cases listed in the court docket which records [were] deemed considered missing inasmuch as the records could not be presented to them. The Court does not have an effective system of monitoring the status of cases. It was observed that the Docket Book is a useless source of determining the true number of cases filed with the Court because of the inconclusive entries entered thereon. Likewise, a scan of the Docket Book disclosed that from the mid-eighties onwards, there was no conscientious recording of the status of quite a number of cases. The person in-charge of the civil cases was advised to update the Docket Book reflecting therein the outcome or current status of the said cases.

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The civil cases which were deemed Submitted For Decision/Resolution Beyond The 90 Day Reglementary Period Within Which To Decide A Case are as follows:

- 94-69553 entitled "Arubuche vs. Santiago and Furigay", case deemed submitted for decision as stated in the Minutes dated October 16, 1996.

- 91-59300 entitled "Hipolito vs. Santos, et. al.", March 18, 1996.

- 93-68026 entitled “Sps. Jaime and Luisa Chim vs. Anita Agad”, March 19, 1996.
- 87-41813 entitled “Phil. Commercial Credit Card, Inc. vs. Janet de Leon and Rogelio de Leon”, January 16, 1995.
- 90-52369 entitled “Sun Insurance Co. of New York vs. Eastern Shipping Lines”, Motion to Dismiss is submitted for resolution as stated in the Minutes dated September 29, 1993.
- 87-40034 entitled “Phil. Home Assurance Corp. vs. Phil. President Lines, Inc.”, July 15, 1996.
- 87-42092 entitled “Provident Insurance Corp. vs. Wallem Phil. Shipping”, August 21, 1995.
- 93-66693 entitled “Sps. John and Susan Diaresco Yu vs. Roderick ‘Rommel’ D. Ortega”, case is submitted as stated in the minutes dated November 13, 1995.
- 83-15232 entitled “Raymundo Armsuit, et al. vs. Government Service Insurance System”,

Order dated January 15, 1997

- parties given a non-extendible period of 30 days to file their respective memoranda.

- 94-69717 entitled “Pechaten Corp. vs. Amelia C. Generoso, et al.

This is a case of Unlawful Detainer. As informed by a staff of the court, the release of rental deposit was submitted for resolution on March 6, 1995.

- 91-57827 entitled “Jose B. Yu, et al. vs. Milagros R. Chico, et al.”

Order dated November 9, 1995

- Parties are given a period of 45 days from receipt of this Order to submit their respective memorand[a].

Motion for Extension of Time to file Memorandum submitted by plaintiff dated January 10, 1996.

The Civil Cases Where No Court Action Was Taken For A Considerable Length Of Time are as follows:

- 92-62329 entitled “Francisco Roxas vs. City of Manila, City Tenants Security Committee and Arcadio Rabuya”.

This case filed on August 20, 1992, no action taken.

- 92-63479 entitled “Shik Tsai Ah, a.k.a. Lao vs. Yu Siu Peng, a.k.a. Pablo Go”.

The latest court action in this case is an Order dated March 22, 1993 where trial was cancelled until further notice due to the non-resolution of the motion to dismiss and opposition thereto.

- 92-63263 entitled “Uricio V. Magno, Sr., etc. vs. Teofilo Jamarolin, etc.”

In an Order dated December 10, 1993, defendants were given 10 days to file a comment on the motion to admit amended complaint. No further action was taken on this case.

- 94-69120 entitled “Mercedita R. Esguerra vs. Magdiwang H. Recato, etc.”.

The latest court action is an Order dated September 23, 1994 resetting trial to October 31, 1994. No further action taken by the court.

- 93-68336 entitled “Felicidad Go vs. Eduardo M. Cua”.

In an Order dated March 4, 1994, defendant-intervenor was given an extension of time to file answer in intervention, no further action taken.

- 93-67888 entitled “Phil. Bank of Communication vs. Ernesto Gan”.

The latest court action is an Order dated December 2, 1994 reinstating this case and directing the plaintiff to follow-up so that defendant may be served with summons, no further court action.

- 93-68687 entitled “Metropolitan Dev’t. Cooperative Inc. vs. Edelgrace Merio”.
Summons duly served per Process Server’s Return dated March 8, 1994, no further action.
- 95-72743 entitled “Herminia Castro, et. [sic] al. vs. Herminia Pangan, et. [sic] al.”.
Process Server’s return dated April 12, 1995: summons duly served. No further action.
- 92-60715 entitled “Singer Sewing Machine Co. vs. Elvira N. Tajanlangit”.
Plaintiff filed a motion for the appointment of a special sheriff on August 31, 1992. No further action.
- 95-72867 entitled “Philippine Commercial International Bank vs. Roderick Agoncillo, Nenita Agoncillo & John Doe”.
No return of service on the Order for the seizure of personal property dated march 17, 1995.
- 93-66933 entitled “Joseph Seng Beng vs. Solid Bank Corporation and Jose N. Chua”.
Latest court action is an Order dated February 3, 1994 dismissing the case against Solid Bank. Case against Jose N. Chua still pending as of February 3, 1994.
- 93-67721 entitled “Heracio R. Revilla vs. Manuel G. Gargantill”.
The latest court action was an Order dated October 26, 1994 granting plaintiff[’]s motion for reconsideration of the order of dismissal. In the same order, counsel, presumably of the plaintiff, was directed to see the Clerk of Court so that the necessary action can be taken to prosecute the case.
- 91-58374 entitled “Maria Minda Buenaflor, et. [sic] al. vs. Far East Bank and Trust Co.”.
The latest court action is an order dated June 21, 1995 setting the case for conference on June 27, 1995.
- 95-73057 entitled “Pacific Star, Inc. vs. Carmelino Nazareno & Emilia Nazareno”.
A revival of judgment [was] filed on February 24, 1995. No action taken by the court was reflected.
- 94-70101 entitled “Marissa Del Mundo-Rimando & James Rimando vs. Sps. Liwanang, et. [sic] al.”.
Latest court action is an Order dated September 18, 1995 which among others granted defendant’s counsel[’s] motion for extension of time to file responsive pleadings.
- 92-61530 entitled “Malayan Insurance Company, Inc. vs. Tritran Inc.”.
In an order dated July 28, 1993 the court manifested that it is duty bound to determine which is at fault and could do so after receiving the evidence. No further action.
- 94-72035 entitled “Phil. Bank of Communications vs. Creative Self-Reliance Enterprises, Inc.”.
Latest court action is an order dated October 17, 1995 where Mr. Edwin Adora of Jaguar Agency is ordered to appear on October 20, 1995.

CRIMINAL CASES

The Audit Team was able to physically examine the records of 52 criminal cases. Of these, two (2) were filed in January 1997, one (1) decided and another dismissed also in January 1992. The person in-charged [sic] of the Criminal Cases provided the team with a list of the 50 pending criminal cases as of November 30, 1996, however, the records of some of those included in the list were neither seen nor examined by any member of the team and there were records of pending cases examined by the team which are not among those listed. The state of the Court’s Docket Book on criminal case[s] is the same as that of the civil cases.

METROPOLITAN TRIAL COURT, BRANCH 14, MANILA

The number of Pending Cases Including Those Submitted For Decision as of December, 1996 as provided by Atty. Igama, Branch Clerk of Court thereat are as follows:

Civil Cases - 92

Criminal Cases - 948

CIVIL CASES

The Audit Team was able to physically examine the records of only 80 of the pending civil cases. They were informed by the court employees that there are records inside the chambers of Judge Salamanca. Thus, they requested repeatedly the Branch Clerk of Court to get the records inside the Judge's chambers, especially those submitted for decision, so that the same may be examined. Much as the Branch Clerk of Court wanted to accommodate their request, she reluctantly told them that she is unable to bring out the records. Hence, the Team concluded that it was Judge Salamanca who did not want to have the records inside his chambers to be checked or examined by the team.

The Civil Cases Whose Records Were Not Physically Examined By the Audit Team are as follows:

- 142626 entitled "C & R de Guzman Realty Inc. vs. Eduardo Bernabe, Jr.", filed on September 24, 1993;
- 147959 entitled "U.P. vs. Erlinda Mangnon", filed on April 17, 1995;
- 150146 entitled "Co-Workers Baptist Lot Owners Asso., Inc., and/or its members namely: "Antonio I. Señora, et. [sic] al. vs. Dionisio dela Serna, et. [sic] al.", filed on February 22, 1996;
- 150494 entitled "Manotoil Services Inc., vs. Cipriano Garcia" filed on February 5, 1996;
- 150605 entitled "Antonette Tan, et. [sic] al. vs. Sps. Ruben Buragay, et. [sic] al." Filed on February 13, 1996;
- 150968 entitled "Phil. Commercial, Int'l. Bank vs. Dolores M. Yu, et. [sic] al.", filed on March 13, 1996;
- 151475 entitled "BPI Family Savings Bank Inc. vs. Remedios V. Coronongan, et. [sic] al.", filed on May 13, 1996;
- 154088 entitled "Sps. Antonio Factor, et. al. vs. Remedios V. Coronongan, et. [sic] al.", filed on December 20, 1996;
- 040701 entitled "Agus Dev't. Corp. vs. Cristina Mendoza" filed on January 17, 1979;
- 045022 entitled "Josefina A. Apostol vs. Feliciano Elbino", filed on May 30, 1979;
- 051855 entitled "20th Century Hardware Co., Inc. vs. Natividad T. Genato", filed on February 2, 1980;
- 073082 entitled "BA Finance Corp. vs. Lonita Kuizon, et. [sic] al.", filed on April 22, 1982;
- 120634 entitled "Josefa Peralta Subrino vs. Esmeralda Urrutia", filed on April 8, 1987;
- 128363 entitled "DPG and Management Corp. vs. Mermont Packaging, Inc.", filed on April 18, 1989;
- 142053 entitled "Ernesto A. Rivala vs. Florencio Guevarra", filed on July 7, 1993.

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Civil Cases Deemed Submitted For Decision Beyond The 90-day Reglementary Period Within Which To Decide A Case:

- 148973 CV entitled "Mecario Adriatico Good Neighborhood Association, Inc. vs. Magdalena dela Cruz", April 2, 1996.
- 151000 CV entitled "Arturo Reyes vs. Patrocinia Residuo", May 7, 1996.
- 149961 CV entitled "Sps. Albert G. King and Elizabeth Sy King vs. Jaime Vargas", June 14, 1996.
- 151771 CV entitled "Chenor, Inc. vs. Pablo Tarog and other persons claiming possession under him as 'John Doe'", September 20, 1996.

- 151007 CV entitled “Leopoldo Raymundo vs. Regina Castillo and husband”, October 10, 1996.
 - 150494 CV entitled “Manotok Services, Inc. vs. Cipriana Garcia”, April 2, 1996.
(NOTE: This case is with a draft decision dated January 17, 1997).
 - 151573 CV entitled “Universum Sales, Inc. vs. Rufina Levy Lim”, October 8, 1996.
(NOTE: On October 10, 1996, a Petition for Prohibition and Mandamus was filed by the defendant before RTC, Branch 15, Manila, which dismissed the same in an order dated December 11, 1996).
- There were 8 decided/dismissed civil cases in January, 1997.

CRIMINAL CASES

No. of Criminal Cases examined

958

No. of Cases Decided/Dismissed December, 1996

1

No. of Cases filed in January, 1997

11

Total number of Criminal Cases as Audited (December 1996)

946

No. of Criminal Cases Decided/Dismissed in January, 1997

23

No. of Criminal Cases Archived in January, 1997

106

Criminal Cases Deemed Submitted For Decision/Resolution Within The 90 day Reglementary Period Within Which To Decide A Case:

- 185172 CR entitled “People of the Philippines vs. J. Caballero”, November 11, 1996.
- 154112 to 154113 entitled “People of the Philippines vs. Gomez”, January 4, 1994.
- 229490 CR to 229500 CR entitled “People of the Philippines vs. Z. Rojas and V. Elumba”, December 11, 1996.

Criminal Cases Deemed Submitted For Decision/Resolution Beyond The 90-day Reglementary Period Within Which To Decide A Case:

- 292000 entitled “People of the Philippines vs. H. Sipin”, June 25, 1996.
- 172363 to 172365 entitled “People of the Philippines vs. F. Galang”, September 13, 1996.

On June 10, 1997 the Court took the following measures:

- DIRECTED the Branch Clerk of Court, MeTC Manila, Br. 14., Atty. Bernarda S. Unera-Igama to report whether or not Judge Bienvenido S. Salamanca (Retired) had rendered his decisions in Criminal Cases Nos.

292000 and 172363 to 172365 and Civil Cases Nos. 148973, 151000, 149961, 151771, 151007, 150494 and 151573 which were already beyond the 90-day reglementary period within which to decide a case; and REQUIRED her to report on the status of Civil Cases Nos. 142626, 147959, 150146, 150494, 150605, 150968, 151475, 154088, 040701, 045022, 051855, 073080, 120634, 128363 and 142053 whose records were not physically examined by the Audit Team.

- DIRECTED Judge William Bayhon, RTC Manila, Br. 23, to:

1. RENDER his decision in Civil Cases Nos. 94-69553, 91-59300, 93-68026, 87-41813, 90-52369, 87-40034, 87-42092, 93-66633, 83-15232, 94-69717 and 91-57827, which were already beyond the 90-day reglementary period within which to decide a case and to SUBMIT PROOF of such disposal; and

2. EXPLAIN (a) why no disciplinary action should be taken against him for his failure to decide the abovementioned cases within the prescribed period; (b) why, despite the lapse of a considerable length of time, no action was taken by his court in Civil Cases Nos. 92-62329, 92-63479, 92-63263, 94-69120, 93-68336, 93-67888, 93-68687, 95-72743, 92-60715, 95-72867, 93-66933, 93-677721, 91-58374, 95-73057, 94-70101, 92-61530 and 94-72035, as well as the discrepancies in the recording of cases in the court's Docket Books; and

3. CONDUCT a physical inventory of all the cases assigned to his court, making sure that the records of cases reconcile with the cases listed in the Docket Book and vice versa, and thereafter to SUBMIT a corrected report of cases pending in his sala.

In his compliance addressed to the Clerk of Court, en banc, dated 18 July 1997, Judge Bayhon informed the Court, thus:

[P]lease be informed that decisions have already been rendered in Civil Cases Nos. 94-69553, 91-59300, 93-68026, 87-41813, 87-40034, 83-15232, 94-69717 and 91-57827, proofs of which are hereto attached for ready reference.

It may be noted that the above cases were submitted for decision during my incumbency as Executive Judge and considering the volume of work as such, I was hardly able to render decisions thereon; hence, the lapse [of] the 90-day reglementary period.

Civil Cases Nos. 90-52369 and 93-66633 are still on trial and are scheduled on August 1, 1997 and July 21, 1997, respectively.

Case No. 87-42092 was raffled to RTC Branch 38, not 23 as verified from the OCC Civil Docket Section.

Please be informed further that action has been taken in the following civil cases, to wit:

Case No.

Action Taken

Date

1. 93-68336 Dismissed without prejudice for failure to prosecute and/or lack of interest

02-11-97

2. 92-61530

- do -

02-07-97

3. 93-67888

- do -

02-11-97

4. 93-67721

- do -

02-11-97

5. 94-69120

- do -

03-03-97

6. 92-63263

- do -

02-07-97

7. 92-62329 Dismissed without prejudice since no action has since been taken by the plaintiff to prosecute his case

02-07-97

8. 92-60715

- do -

02-07-97

9. 95-72867

- do -

03-07-97

10. 95-73057

- do -

03-03-97

11. 94-72035

- do -

03-07-97

12. 95-72743

- do -

03-10-97

13. 93-68687

- do -

02-11-97

14. 93-66933

Dismissed

02-03-97

15. 92-63479

02-13-97

16. 94-70101 Dismissed 03-03-97 but reinstated in an order dated 04-08-97 and is scheduled for trial on 08-11-97

17. 91-58374 Archived [sic] 02-04-97 for failure to prosecute and/or lack of interest

The corrected record of pending cases as of June 30, 1997 is likewise enclosed.

Plainly, however, Judge Bayhon failed to provide an explanation as regards the cases where, as stated in the resolution of 10 June 1997, "no court action was taken for a considerable length of time."

As to MeTC Branch 14, Manila, the OCA detailed the report of Branch Clerk of Court Bernarda S. Umera-Igama as regards the status of cases thereat, as follows:

CIVIL CASES NO.

- 142626 entitled "C & R de Guzman Realty Inc. vs. Eduardo Bernabe, Jr.", with a Pending Motion for Execution.

- 147959 entitled "U.P. vs. Erlinda Mangnon", a decision was rendered on January 24, 1997.

- 150146 entitled "Co-workers Baptist Lot Owners Asso., Inc., and/or its members namely: "Antonio I. Señora, et. [sic] al. vs. Dionisio dela Serna, et. [sic] al.", a decision was rendered on December 30, 1996.

- 150494 entitled "Manotoil Services Inc. vs. Cipriano Garcia", a decision was rendered on January 17, 1997.

- 150605 entitled "Antonette Tan, et al. vs. Sps. Ruben Buragay, et. [sic] al.", decision was rendered on January 31, 1997.

- 150968 entitled "Phil. Commercial Int'l. Bank vs. Dolores M. Yu, et. [sic] al.". On January 6, 1997 upon motion of the plaintiff the defendant was declared in default. On April 4, 1997 the pairing Judge issued an order denying the motion to set aside order in default.

- 151475 entitled "BPI Family Savings Bank vs. Eduardo Espiritu, et. [sic] al.", transferred to the Office of the Clerk of Court on January 23, 1997.

- 154088 entitled "Sps. Antonio Factor, et al. vs. Remedios V. Caronongan, et. [sic] al.", transferred to the Office of the Clerk of Court on January 20, 1997.

- 040701 entitled "Agus Dev't. Corp. vs. Cristina Mendoza" with motion for reconsideration.

* Records still with Judge Salamanca

- 045022 entitled "Josefina A. Apostol vs. Feliciano Elbino".

* Records still with Judge Salamanca

- 051855 entitled "20th Century Hardware Co., Inc. vs. Natividad T. Genato".

* Records still with Judge Salamanca

- 073082 entitled “BA Finance Corp. vs. Lonita Kuizon, et. [sic] al.”.
- * Records still with Judge Salamanca
- 120634 entitled “Josefa Peralta Subrino vs. Esmeralda Urrutia”.
- * Records still with Judge Salamanca
- 128363 entitled “DPG and Management Corp. vs. Mermont Packaging, Inc.”.
- * Records still with Judge Salamanca
- 142053 entitled “Ernesta A. Rival vs. Florencio Guevarra”.
- * Records still with Judge Salamanca

On the other hand, the status of Civil Cases which were Deemed Submitted For Decision Beyond The 90-day Reglementary Period Within Which To Decide A Case are as follows:

- 148973 CV entitled “Mecario Adriatico Good Neighborhood Association, Inc. vs. Magdalena dela Cruz”, a decision was rendered on January 9, 1997.
- 151000 CV entitled “Arturo Reyes vs. Patrocinia Residuo”, no decision was rendered.
- 149961 CV entitled “Sps. Albert G. King and Elizabeth Sy King vs. Jaime Vargas”, no decision was rendered yet.
- 151771 CV entitled “Chenor Inc. vs. Pablo Tarog and other persons claiming possession under him as ‘John Doe’”, was re-raffled to another branch.
- 151007 CV entitled “Leopoldo Raymundo vs. Regina Castillo and husband”, no decision was rendered yet.
- 150494 CV entitled “Manotok Services, Inc. vs. Cipriana Garcia”, a decision was rendered on January 17, 1997.
- 151573 CV entitled “Universum Sales, Inc. vs. Rufina Levy Lim”
- On October 10, 1996, a Petition for Prohibition and Mandamus was filed by the defendant before RTC, Branch 15, Manila, which dismissed the same in an order dated December 11, 1996.

The resolution of the said case by the RTC, Branch 15, Manila was received only on July 14, 1997.

By way of a resolution dated 7 October 1997, we required Judge Salamanca to comment as to why the records of seven (7) cases could no longer be found. In the OCA memorandum of 23 February 1998, Judge Salamanca’s letter-compliance to the above resolution was summarized, to wit:

- 040701 entitled “Agus Dev’t. Corp. vs. Cristina Mendoza” with motion for reconsideration.
- 045022 entitled “Josefina A. Apostol vs. Feliciano Elbino”.
- 051855 entitled “20th Century Hardware Co., Inc. vs. Natividad T. Genato”.
- 073082 entitled “BA Finance Corp. vs. Lonita Kuizon, et. [sic] al.”.
- 120634 entitled “Josefa Peralta Subrino vs. Esmeralda Urrutia”.
- 128363 entitled “DPG and Management Corp. vs. Mermont Packaging, Inc.”.
- 142053 entitled “Ernesto A. Rival vs. Florencio Guevarra”.

He admits however that at the time of audit the same were in his possession but it was already impossible to retrieve the same. He claims that the records were possibly eaten by termites since their building was then

leaking, soaking the records with rain water. In fact, he added, then Mayor Mel Lopez ordered that their building be condemned and was finally bulldozed by the present city authorities.

Judge Salamanca likewise added that he recently went to the new office of MeTC, Branch 14, at Sta. Cruz, Manila to locate the said records. He was however surprised to see the very sordid state of affairs of the said court. The records were allegedly scattered and mixed-up. Thus, the improbability of retrieving the records of subject cases.

In his Manifestation dated 19 January 1998, Judge Bayhon informed the Court that he was submitting this case for resolution on the basis of the audit report and his explanation thus filed praying for “leniency,” considering that he “acted on the matter prior to his retirement.”

In the resolution of 14 April 1998, the Court considered the case against Judge Salamanca submitted for resolution on the basis of the audit report and his letter of 14 November 1997.

In its Memorandum, the Office of the Court Administrator noted:

A careful perusal of the records show that Judge William Bayhon, RTC, Branch 23, Manila and Judge Salamanca were remiss in the performance of their duties when they failed to resolve 11 and 7 cases, respectively, within the 90 day reglementary period. This is aside from the fact that numerous cases were unacted upon in their salas for a considerable length of time without any justifiable explanations.

The excuse given by Judge Bayhon that he failed to decide the said cases within the prescribed period because of his duties as Executive Judge may not be given credence.

Administrative Circular No. 6, V, (1-C) dated June 30, 1995, provides that xxx “In case of multiple branches (sala) of more than five (5) the distribution of cases shall be in the proportion of one (1) case for the Executive Judge and two (2) for each of the other judges”. Thus, in the raffling alone of cases he shares the least of numbers assigned cases. His claim therefore that he has a lot of responsibilities as an Executive Judge cannot be countenanced.

Moreover, as Judges, they should know the cases submitted to them for decision or resolution, and are expected to keep their own record of cases so that they could act on them promptly without delay. It was incumbent upon them to have devised an efficient recording and filing system in their court so that no disorderliness have [sic] affected the flow of cases and the speedy disposition. Proper and efficient court management is their primary responsibility. (Administrative Matter No. R-465-MTJ, Nidua vs. Lazaro, June 29, 1989).

What aggravated the negligence of these Judges was the fact that the decisions/resolutions were subsequently issued only in those undecided/unacted cases after an audit ha[d] been conducted. It is probable that if there was no judicial inspection the delay would have been more considerable or it may even have resulted in the denial of justice.

The unjustified failure of Judges Bayhon and Salamanca to act on a great number of cases is an act of negligence or even dereliction of duty. As Judges they should have known that they must always be imbued with a sense of duty and responsibility in the discharge of their obligation to promptly and properly administer justice.

As to Judge Salamanca’s explanation in his letter of 14 November 1997, the Office of the Court Administrator in its Memorandum of 23 February 1998 observed:

A perusal of the letter of Judge Salamanca shows that he has been remiss in the performance of his duties. The excuse he proffered, particularly on the sorry state of his sala and the vulnerability of the court records to be destroyed and/or misplaced do not inspire compassion. On the contrary, it revealed his inefficiency in securing

the records of the cases assigned to him. In fact, by his own admission, the records of the cases might have been in his possession on audit date, yet he has [sic] not done anything to inspect its [sic] status. Moreover, if indeed it was [sic] irretrievable, why were there no efforts exerted on his part to reconstruct the same, since he knew there were probable pending incidents for his resolution/s. This were [sic] however totally ignored by Judge Salamanca till he was directed to return the said case records.

Time and again the Honorable Court stressed that: The Court will not tolerate the serious misconduct of a Judge nor will absolve him on account of the excuses he advanced. In accepting his Office, he took in the responsibilities necessarily attached to such exalted position. He is mandate to abide by the rules without condition and must, at all times exercise extreme caution so as not to commit an injustice to those who seek refuge under the very law he has sworn to uphold. (*Serafin Castillo vs. Judge Liberato C. Cortes*, 234 SCRA 398).

The Office of the Court Administrator thus recommended that the Court IMPOSE: (a) a Fine of P50,000.00 on Judge Bayhon for his failure to decide seven (7) cases within the reglementary period of 90 days, likewise considering his failure to act on seventeen (17) cases for a considerable length of time; and (b) a Fine of P50,000.00 on Judge Salamanca for his failure to decide fifteen (15) cases within the reglementary period of 90 days and for keeping the records of seven (7) cases even after his retirement.

We are in full accord with the findings of facts and the conclusions as to the administrative liabilities of Judges William Bayhon and Bienvenido Salamanca. However, as hereafter discussed, we opt to impose reduced penalties.

Canons 2, 6 and 31 of the Canons of Judicial Ethics, provide, respectively, that the “administration of justice should be speedy and careful;” that judges “should be prompt in disposing of all matters submitted to [them], remembering that justice delayed is often justice denied;” and that in the discharge of his judicial duties, a judge “should be conscientious ... [and] thorough” While Rule 3.05 of Canon 3 of the Code of Judicial Conduct expressly directs that a judge should dispose of the court’s business “promptly and decide cases within the required period.” In this regard, Section 15(1) of Article VIII of the Constitution mandates:

(1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within ... three months for all other lower courts.

Needless to say, any delay in the determination or resolution of a case, no matter how insignificant the case may seem to a judge, is, at bottom, delay in the administration of justice in general. The suffering endured by just one person – whether plaintiff, defendant or accused -- while awaiting a judgment that may affect his life, honor, liberty or property, taints the entire judiciary’s performance in its solemn task of administering justice. Inefficient, indolent or neglectful judges are as equally impermissible in the judiciary as the incompetent and dishonest ones. Any of them tarnishes the image of the judiciary or brings it to public contempt, dishonor or disrespect and must then be administratively dealt with or criminally prosecuted, if warranted, and punished accordingly.

In this case, both Judges Bayhon and Salamanca committed gross inefficiency and neglect of duty in failing to decide seven (7) and fifteen (15) cases, respectively, within the reglementary period of ninety days (*Bentulan v. Dumatol*, 233 SCRA 168 [1994]); additionally, the former failed to act on seventeen (17) cases for a considerable length of time. The failure of Judge Bayhon to decide the seven (7) cases within the reglementary period was, according to him, due to the fact that he was then the Executive Judge. By his proffered excuse, however, what escapes him is the fact that said designation was a privilege and a form of recognition of his leadership qualities, and did not excuse him from complying with his constitutional duty to decide cases within ninety (90) days from the time they were deemed submitted for decision. On the contrary, much was demanded from him for, as Executive Judge, he was expected to be a role model for his peers.

As to Judge Salamanca, his gross inefficiency and neglect of duty was compounded by another act of graver malfeasance, viz., removal of the records of seven (7) cases and keeping them even after his retirement. Section 14 of Rule 136 expressly provides that “(n)o record shall be taken from the clerk’s office without an order of the court except as otherwise provided by these rules.” Further, it must be stressed that Article 226 of the Revised Penal Code punishes any public officer who removes, conceals or destroys documents or papers officially entrusted to him.

Considering, however, that Judges Bayhon and Salamanca have no prior record of adverse disciplinary actions taken against them, coupled with the fact of their retirements, a reduction of the penalties recommended by the OCA is in order. Thus, for their gross inefficiency and neglect of duty, Judges Bayhon and Salamanca are each fined Ten Thousand (P10,000.00) Pesos. Then, as an additional penalty for having kept the records of seven (7) cases even after his retirement, Judge Salamanca is further fined the amount of Ten Thousand (P10,000.00) Pesos.

Finally, the Court noted from the findings of the audit team that insofar as civil cases were concerned, Branch 23 of the RTC of Manila “does not have an effective system of monitoring the status of cases ... [t]he Docket Book is a useless source of determining the true number of cases filed ... because of the inconclusive entries thereon. Likewise, a scan of the Docket Book disclosed that from the mid-eighties onwards, there was no conscientious recording of the status of quite a number of cases” While as to criminal cases, the team found that “[t]he state of the court’s Docket Book on criminal case[s] is the same as that of the civil cases.”

As regards Branch 14 of the MeTC of Manila, the audit team reported:

The Audit Team was able to physically examine the records of only 80 of the pending civil cases. They were informed by the Court employees that there are records inside the chambers of Judge Salamanca. Thus, they requested repeatedly the Branch Clerk of Court to get the records inside the Judge’s chambers, especially those submitted for decision, so that the same may be examined. Much as the Branch Clerk of Court wanted to accommodate their request, she reluctantly told them that she is unable to bring out the records. Hence, the Team concluded that it was Judge Salamanca who did not want to have the records inside his chambers to be checked or examined.

Two things are immediately clear from these findings, viz., (a) a prima facie showing of neglect or inefficiency on the part of the clerks of court concerned; and (b) helplessness on the part of the audit team when faced with an uncooperative branch clerk of court.

Clerks of Courts are, among other things, required to: (1) safely keep all records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office (Sec. 7, Rule 136, Rules of Court); and (2) keep a general docket, each page of which shall be numbered and prepared for receiving all the entries in a single case, and shall enter therein all cases, numbered consecutively in the order in which they were received, and, under the heading of each case and a complete title thereof, the date of each paper filed or issued, of each order or judgment entered, and of each other step taken in the case, so that by reference to a single page the history of the case may be seen (Sec. 8, id.).

In not keeping the records of the cases the audit team wanted to examine in her office or allowing the records to be kept in the chambers of the Judge without any written proof, such as a receipt, showing that these were properly taken from the former’s custody, the Branch Clerk of Court of Branch 14 of the MeTC of Manila, Atty. Bernarda S. Unera-Igama, may have violated Section 7 of Rule 136. In like manner, on the basis of the report, the Branch Clerk of Court of Branch 23 of the RTC of Manila failed to comply with Section 8 of Rule 136.

Both Branch Clerks of Court must then be required to show cause why no disciplinary action should be taken against them for the aforementioned misfeasance or malfeasance.

Anent the helplessness of the audit team, it is an opportune time to remind clerks of courts and other personnel of lower courts that a judicial audit is not an idle ceremony. It is conducted by the Office of the Court Administrator as the principal arm of this Court in the performance of its constitutional duty to exercise administrative supervision over all lower courts. Accordingly, clerks of courts and other personnel must fully cooperate with and support the audit teams. On the other hand, the audit teams must not simply back down or concede when faced by a hostile environment and desist from conducting or completing the audit. They must forthwith report the matter to the Court through the Office of the Court Administrator so that appropriate action may be taken against uncooperative clerks of courts or other personnel.

WHEREFORE, for gross inefficiency and neglect of duty, Judges William Bayhon, former presiding judge of Branch 23, Regional Trial Court of Manila, and Judge Bienvenido Salamanca, former presiding judge of Branch 14, Metropolitan Trial Court of Manila, are each sentenced to pay a fine of TEN THOUSAND PESOS (P10,000.00), payable to this Court within ten (10) days from notice of this resolution and for keeping the records of seven (7) cases even after his retirement, an additional fine of TEN THOUSAND PESOS (P10,000.00) is hereby imposed on Judge Salamanca to be paid within the same period.

The fines may be deducted from the retirement benefits due to Judges William Bayhon and Bienvenido Salamanca.

Atty. Bernarda S. Unera-Igama, Branch Clerk of Court of Branch 14 of the Metropolitan Trial Court of Manila, and the Branch Clerk of Court of Branch 23 of the Regional Trial Court of Manila are hereby ORDERED to show cause, within ten (10) days from receipt of a copy of this Resolution, why no disciplinary action should be taken against them for violation of Section 7 and Section 8, respectively, of Rule 136 of the Rules of Court.

Let copies of this Resolution be served personally on Judge William Bayhon, Judge Bienvenido Salamanca and the Branch Clerks of Court of Branch 23 of the Regional Trial Court of Manila and Branch 14 of the Metropolitan Trial Court of Manila.

SO ORDERED.

Regalado, Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and Purisima JJ., concur.

Narvasa C.J., No part; close relation to a party.

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