REPORT ON THE JUDICIAL AUDIT CONDUCTED IN RTC, BRANCHES 29, 56 & 57, LIBMANAN, CAMARINES SUR.

A.M. No. 98-1-11-RTC. October 07, 1999

Ponente: MENDOZA, J.

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MENDOZA, J.:

In view of the compulsory retirement of Judge Salvador G. Cajot, Presiding Judge of the Regional Trial Court, Branch 29, Libmanan, Camarines Sur, effective December 11, 1997, the Office of the Court Administrator conducted on September 16 to 18, 1997, an audit of cases filed in the three (3) branches (Branches 29, 56 and 57) of the Regional Trial Court of Libmanan, Camarines Sur. Based on the result of the audit, the Court required Judge Cajot to explain his failure to resolve Civil Case Nos. L-446 and L-795 within the reglementary period and ordered the withholding in the meantime of the amount of two thousand pesos (P2,000.00) from his retirement benefits. At the same time, Judge Lore V. Bagalacsa of Branch 56 of the same court was directed: (1) to inform the Court whether or not she had promulgated as scheduled the decision in Criminal Case Nos. L-1224, L-1624, and L-1811, and whether or not she had already resolved Civil Case Nos. L-609, L-718, L-813, L-473, L-061, L-514, L-787, and L-824; (2) to act on Criminal Case Nos. L-1589 and L-1932, and Civil Case Nos. L-740, L-806, L-816, L-833, SP L-96-02, and LRC L-96-02; and (3) to order the confiscation of bail bonds posted by the accused in Criminal Case Nos. L-1793, L-1900, and L-1904.

For this purpose, Branch Clerk of Court Jean A. Noble of Branch 29 was ordered: (1) to inform the Court whether Judge Cajot had already resolved Criminal Case Nos. L-275 and L-731, and Civil Case Nos. L-167, L-307, L-313, L-446, L-795, and L-809; (2) to cause the completion of the transcript of stenographic notes of all cases left unresolved by Judge Cajot and to submit the same together with the records to Acting Presiding Judge Thelma C. Villareal or Assisting Judge Lore V. Bagalacsa for appropriate action; and (3) to bring to the attention of Judges Villareal and Bagalacsa Criminal Case Nos. L-1362, L-1715, L-1878, L-1874, L-1873, L-1875, L-1884, and L-1898, and Civil Case Nos. L-029, L-091, L-218, L-578, L-645, L-672, L-797, LRC L-004, LRC L-010, LRC L-038, L-786, L-800, L-814, L-822, L-825, and L-826.

In his letter, dated March 14, 1998, Judge Cajot explains that Civil Case Nos. L-446 and L-795 had not yet been submitted for decision at the time of his retirement. Judge Cajot claims that while the defendants in Civil Case No. L-446 had made an offer of their exhibits, he did not act on the same to give the plaintiffs “the opportunity to submit their comment or interpose their objection to avoid admitting exhibits which are not admissible.” He states that it was the responsibility of the defendants to call his attention to the lack of ruling on their offer of exhibits, just as it was the duty of the plaintiffs to submit their comment or objection thereto. He adds that any delay in the resolution of the case would not prejudice any of the parties “because the defendants are in actual possession of the land they respectively claim, and the plaintiffs will be adequately compensated, if not yet actually compensated, by the government.” Anent Civil Case No. L-975, Judge Cajot states that he deferred action on defendants’ motion to dismiss pending service of summons on defendant Elizabeth Plantado.

In an undated letter received by the Court on April 28, 1998, Judge Bagalacsa submitted the following report on

the status of the cases:

1. Crim. Case No. L-1589 (Pp. v. CID, et al.) for Violation of PD 705(1994). Contrary to the report, this has not been unacted after a lapse of a considerable length of time. This case originally was filed with Br. 29, where the accused was only arraigned. This was re-raffled to this Court (Branch 56) in 1995. The trial in this case before this court was reset several times due to the failure of the witnesses to come, postponements of counsels, lack of notice of the seven accused and change of counsels. On January 16, 1998, the prosecution rested its case, when its witnesses again failed to come. The presentation of evidence for the defense will be on April 14 and 15, 1998.

2. Crim. Case No. L-1932 (Pp. v. Cañeza) for Violation of Section 261, par. (dd)(1) of the Omnibus Election Code (1997). Contrary to the report, this case was not unacted for a considerable length of time. This was only filed in July 1997, arraignment/pre-trial was re-set several times to enable the parties to agree to the suggestion of the defense that the accused be allowed to plead guilty to a lesser offense in the other case for Frustrated Homicide where the offended party and other prosecution witnesses are also the witnesses in the instant case. Due to the refusal of the private complainant after several meetings to the request, as he wanted a certain amount from the accused which the latter admitted he cannot give as he does not have work, the arraignment and pre-trial pushed through only this February 1998, but accused no longer wanted to plead guilty to this offense. Trial is ongoing.

3. Civil Case No. L-740 (Cabanos v. Buenconsejo) (1993). A commissioner was appointed to conduct a relocation survey in this case and the said commissioner submitted his report only on February 16, 1998. Hearing on the commissioner's report was set on March 23, 1998 but reset upon motion to June 15, 1998. The pre-trial in this case was reset several times and there were changes in the commissioner due to the refusal of the first who was appointed to accept the commission.

4. Civil Case No. L-806 (Zamora v. Heirs of Royales) (1996). Defendants of . . .) were not yet duly served with summons at the time of the judicial audit, and even until the present, considering their number and different addresses. The plaintiff was directed to submit the complete addresses of the defendants, otherwise the case will be dismissed for lack of interest. The report of inaction for a considerable length of time is not correct.

5. Civil Case No. L-816 (Duma v. Duma) (1996). This was dismissed already. At the time of the audit, the summons was already sent to the Clerk of Court of RTC Iloilo where defendant allegedly resided. The summons was not served. Plaintiff showed lack of interest to have the summons served by publication to the defendant who allegedly went to the United States.

6. Civil Case No. L-833 (SME v. RAMATEK) (1997). This is not unacted upon, as mistakenly claimed in the audit. The matter was referred to sheriff for the service of summons but it was unserved for failure of the plaintiff to remit the kilometrage fee despite repeated requests. This is slated for dismissal.

7. Civil Case No. L-9602 (Baccay v. Ong) (1996). Defendant was declared in default, but order was reconsidered. Pre-trial set on September 1, 1997 but, due to the withdrawal of plaintiff's counsel, the hearing was postponed several times. Trial is now in progress and the next setting will be on (sic) 19, 1998, due to the candidacy of plaintiff's counsel.

8. Spec. Procs. No. L-9602-02 (Maximo Alvarez) (1996). The hearing in this case was reset several times due to the inability of the Official Gazette to publish the same and its failure to send the certificate of publication immediately. Nonetheless, the case was called on the date of the initial hearing, and when the certificate of publication was received by the Court, the petitioner was allowed to present evidence. The case is already decided.

9. Crim. Case No. L-1793 (Pp. v. Buenaseda) (1995). This was archived in December 1997, revived in

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February 1998, when accused was arrested. Hearing set on March 30, 1998 and on April 30, May 22, and June 19, 1998.

10. Crim. Case No. L-1900 (Pp. v. Alvino) (1997). Accused didn't fail to appear, he was never arrested. The case was archived in September 1997 and an alias warrant of arrest was issued.

11. Crim. Case No. L-1904 (Pp. v. Verdeflor) (1997). Accused didn't fail to appear, he was never arrested. The case was archive in December 1997 and an alias warrant of arrest was issued.

12. Crim. Case No. L-1224 (Pp. v. Dolleson) (1990). Decision promulgated on September 23, 1997. Defense counsel manifested that accused, before he filed his bond, had already served his sentence as he was in fact detained for more than the period imposed.

13. Crim. Case No. L-1624 (Pp. v. Beraquit, et al.) (1994). Decision promulgated on November 3, 1997 after being reset twice as the accused and bondsmen were not duly served with the subpoena. The case is now on appeal to the Court of Appeals.

14. Crim. Case No. L-1811 (Pp. v. Tipay) (1996). Decision was finally promulgated on October 30, 1997, was reset once, as the prisoner could not be brought to Court due to the flood. The case is now on automatic review with the Supreme Court.

15. Civil Case No. L-813 (Valenzuela v. Valenzuela) (1996). Decided on October 7, 1997. No appeal was made.

16. Civil Case No. L-609 (Aga v. Luntak) (1990). Defendants will present evidence with respect to the injunction. This case was originally raffled to Branch 29 but counsels moved for the inhibition of the former Judge in that Court, hence, the same was transferred to this Court.

17. Civil Case No. L-718 (Alegre v. RB Cabusao). Defense counsel was directed to submit his offer of exhibits.

18. Civil Case No. L-061 (Recto v. Tayag) This case was raffled from Branch 29 in 1994 to this Court. Deposition was not considered. Plaintiff was directed to present evidence on March 30, 1998, which was reset to May 19, 1998, by agreement of counsels, as Atty. Claro is a candidate in this year's election.

19. Civil Case No. L-787 (Lomaniog v. Philam) (1995). [The] motion was resolved in December 1997.

20. Civil Case No. L-824 (Galisim v. Palo, et al.) (1997). Defendants were given time to secure a new counsel, but they no longer got one. The injunction was granted after defendants failed to present evidence in their favor.

21. Civil Case No. L-514 (Bernarte v. Rubis, et al.) (1989). The case was dismissed but was reconsidered. Case was set for pre-trial in February but, for lack of notice to parties, the hearing was reset to April 7, 1998.

On the other hand, in a letter, dated March 10, 1998, Branch Clerk of Court Noble informed this Court that Judge Cajot had not decided Civil Case Nos. L-167, L-307, L-313, L-446, and L-795. She states that in Criminal Case No. L-275, the promulgation of Judge Cajot's decision, dated November 4, 1997, was reset for the fourth time to April 7, 1998 which was, however, after Judge Cajot's retirement on December 11, 1997. She also stated that as directed, she had forwarded the records of the cases left by Judge Cajot to Judges Villareal and Bagalacsa and informed them of the cases which had been pending in court without action.

This matter was referred to the Office of the Court Administrator which, in its memorandum, dated February 12, 1999, made the following findings and recommendations:

After a careful review of the records of this case, we find that retired Judge Cajot would like to impress upon the

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Honorable Court that if ever he did not immediately act on defendant's formal offer of exhibits in Civil Case No. 446, it was only because he wanted to give the plaintiff opportunity to comment or oppose the same. This, we understand, was a requirement of due process. On the other hand, while a judge is mandated to administer justice without delay, it is likewise the duty of the counsel of the defendants as officer of the Court, to assist the administration of justice by calling the attention of the court for a ruling on the admissibility or non-admissibility of the offered exhibits which the said counsel failed to do. These circumstances plus the fact that this is respondent's first offense can be appreciated as a mitigating circumstance in his favor.

With respect to Civil Case No. L-975, the records show that the case is not yet submitted for resolution. In the order dated October 10, 1997 (Annex "B"), it appears that the hearing of the motion to dismiss as well as the pre-trial hearing was held in abeyance until summons has been issued to Eugenia [should be Elizabeth] Plantado, one of the defendants.

With regard to the compliance of Judge Bagalacsa to the resolution of February 10, 1998, we find the same to be satisfactory except insofar as Civil Case No. L-473 which she failed to account in her letter.

We likewise find the compliance of Clerk of Court Jean A. Noble satisfactory. However, since the decision of retired Judge Cajot in Criminal Case No. L-275 was not promulgated during his incumbency, the decision cannot now be validly promulgated. If the promulgation scheduled on April 1, 1998, pushed through, the same is null and void in line with the ruling of this court in People vs. Bonifacio So, G.R. No. L-8732, July 30, 1957 to wit:

> "It is well settled that to be binding a judgment must be duly signed, and promulgated during the incumbency of the judge who signed it."

All the foregoing considered, it is respectfully recommended that:

> (1) Retired Judge Salvador G. Cajot be fined One Thousand Pesos (P1,000.00) for his failure to decide Civil Case No. L-446 within the reglementary period;
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> (2) Judge Lore V. Bagalacsa be directed: (2-1) as Regular Presiding Judge of Regional Trial Court, Branch 56, Libmanan, Camarines Sur, to explain her failure to decide Civil Case No. L-437 which she inherited with complete transcript of stenographic notes and remained undecided beyond the reglementary period; (2-2) as Acting Presiding Judge of Regional Trail Court, Branch 29, Libmanan, Camarines Sur, to:
>
> (a) make a re-examination of the evidence presented during the trial of Criminal Case No. L-275 and render the decision thereon within ninety (90) days from notice; and
>
> (b) submit a report in this regard after the end of the mentioned period;

(3) Clerk of Court Jean A. Noble, RTC, Branch 26, Libmanan, Camarines Sur, be: (a) cleared from any liability attributed to in the Judicial Audit Team report; and (b) directed to inform this Court through the Office of the Court Administrator within ten (10) days from notice whether the following cases submitted for decision before Judge Cajot had already been decided/resolved pursuant to the resolution of February 10, 1998 in this administrative matter, to wit: Civil Case Nos. L-167, L-307, L-313, and L-446.

Under Art. VIII, §15(1) of the Constitution, lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Canon 3, Rule 3.05 of the Code of Judicial Conduct, on the other hand, enjoins judges to dispose of their business promptly and decide cases within the required period. Indeed, this Court has constantly impressed upon judges ¾ may it not be said without success the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of

administrative sanction on them.[1]

Judge Cajot's explanation for his failure to decide Civil Case Nos. L-446 and L-975 is unsatisfactory. According to him, he did not act on the offer of exhibits by the defendants in Civil Case No. L-446 in order to give the plaintiffs the opportunity to interpose their objections thereto, and lays the blames on the defendants because they did not file a motion for a ruling on their offer of evidence. This contention has no merit. Rule 132, §36 of the Rules on Evidence specifically provides that "an offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the court," while §38 provides that "the ruling of the court must be given immediately after the objection is made, unless the court desires to take reasonable time to inform itself on the question presented." It does not appear that Judge Cajot allowed the plaintiffs a longer period within which to object to the defendants' offer of evidence. Hence, he should have made his ruling after three (3) days following the presentation of the evidence in view of the absence of objection by the plaintiffs.

On the other hand, the claim of Judge Cajot that he deferred action on the motion to dismiss in Civil Case No. L-975 pending the service of summons on one of the defendants is likewise unacceptable. He should have inquired into the cause of delay in the service of summons considering that the other defendants had already been summoned and the trial court had acquired jurisdiction over them and only one defendant, Elizabeth Plantado, had not been served.

The Court finds Judge Cajot's failure to resolve Civil Case Nos. L-446 and L-975 within the reglementary period to be inexcusable warranting the imposition of administrative sanction on him. Trial court judges are required to decide cases or resolve matters within three (3) months from the date of their submission for resolution. In at least two (2) cases,[2] it was held that the failure of a judge to decide even a single case within the 90-day period is gross inefficiency warranting the imposition of a fine ranging from P5,000.00 to the equivalent of his one month's salary. Considering, however, that this appears to be respondent's first case of this nature, the P2,000.00 withheld from his retirement benefits should be forfeited as sufficient penalty for his administrative offense.

As regards the compliance of Judge Bagalacsa to the Court's resolution, dated February 10, 1998, the Office of the Court Administrator found the same to be satisfactory. However, no report on Civil Case No. L-473 has been made. Accordingly, she should be required to report on its status and explain her failure to decide the same within the reglementary period, it appearing that she received the case with complete transcript of stenographic notes but it has remained undecided for more than the reglementary period for resolving cases. She should also re-examine the evidence in Criminal Case No. L-275 and decide the same in view of the retirement of Judge Cajot before the promulgation of his decision in the case.

The Office of the Court Administrator likewise finds the compliance of Branch Clerk of Court Noble to be satisfactory, and thus, recommends that she be cleared from any administrative liability. The OCA, however, recommends that she be required to inform the Court whether Civil Case Nos. L-167, L-307, L-313, and L-446 have been decided by either Judges Villareal or Bagalacsa pursuant to the Court's resolution of February 10, 1998.

WHEREFORE, the Court finds retired Judge Salvador G. Cajot to have been guilty of gross inefficiency and, accordingly, orders the forfeiture of the P2,000.00 withheld from his retirement benefits.

The Court likewise resolved to require Judge Lore V. Bagalacsa of the RTC, Branch 56, Libmanan, Camarines Sur, (1) to explain within ten (10) days from notice her failure to decide Civil Case No. L-473 within the reglementary period; and (2) to decide Criminal Case No. L-275, within ninety (90) days from notice, and thereafter submit a report to the Court within ten (10) days. Branch Clerk of Court Jean Noble of the RTC, Branch 29, Libmanan, Camarines Sur, is likewise required to inform the Court within five (5) days from notice whether

Civil Case Nos. L-167, L-307, L-313, and L-446 have been decided by either Judges Villareal or Bagalacsa pursuant to the Court's resolution of February 10, 1998.

SO ORDERED.

Melo, Puno, Vitug, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., Bellosillo, and Kapunan, JJ., on leave.

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[1] Office of the Court Administrator v. Judge Walerico B. Butalid, A.M. No. RTJ-96-1337 and A.M. No. 97-8-242-RTC, August 5, 1998.

[2] Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol, for Extension of Time to Decide Crim. Case No. 96-185, A.M. No. 99-1-16-RTC, June 21, 1999; Re: Judge Danilo M. Tenerife, 255 SCRA 184 (1996).

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