

REPORT ON THE SPOT JUDICIAL AUDIT CONDUCTED IN METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY.

A.M. No. 98-3-34-MeTC. August 25, 1999

Ponente: VITUG, J.

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VITUG, J.:

Following the spot judicial audit and physical inventory of pending cases, conducted on 25 and 26 September 1997, in the Metropolitan Trial Court of Quezon City, an Audit Team, composed of Atty. Maria Gracia C. Casaclang, Florentina A. Najarro, Susana M. Luber and Florencemaye Agbulos, with Justice Pedro A. Ramirez as consultant, reported that Presiding Judge Francisco P. Villanueva had, as of 31 July 1997, a caseload of 3,015 criminal and 182 civil cases, or a total of 3,197 cases, 55 of which (45 criminal and 10 civil) were submitted for decision. Six of the submitted cases, still unresolved, were found to be beyond the reglementary period for their disposition; to wit:

- (1) Case No. 5469, People vs. Alex Nicol y Nipal, submitted for decision on 11 April 1997
- (2) Case No. 15282, People vs. Cuevas, submitted for decision on 05 May 1997
- (3) Case No. 55607-09, People vs. Amor De Leon, all submitted for decision on 19 May 1997
- (4) Case No. 1994, Country Bankers' Insurance vs. Ayala Integrated Steel, submitted for decision on 07 February 1997

The Audit Team likewise found that 30 civil cases had remained unacted upon since the respective dates of the filing thereof, thus:

"CASE FILED

TITLE

DATE FILED

1. 17929 Victorio, et al. v. Patnongon
6-20-97
2. 18085 Monterey Protective Gen. Services v. Gomez
7-2-97
3. 17972 Pascual v. Guianan
6-26-97
4. 17839 Quedan & Rural Credit Guarantee Corp. v. Landicho, et al.
6-5-97

5. 17749 Dilidili v. Aguidan, et al.

5-19-97

6. 17643 VCD Intermed v. David

4-28-97

7. 17506 Avon Cosmetics v. Macayan

4-8-97

8. 16565 Aguilar v. Elepano

11-5-96

9. 16500 My Realty, Inc. v. Butihin

10-28-96

10. 15916 Balagtas, et al. v. Ignacio, et al.

7-3-96

11. 15713 Dra. Jongio v. Lapid

7-1-96

12. 804-E U.P. v. Lometillo

9-18-96

13. 798-E U.P. v. Itao

8-23-96

14. 15858 Cash Management v. Sps. Espanol

7-17-96

15. 15624 Bandera Publishing v. Amboy

6-14-96

16. 15488 Avon Cosmetics v. Novida

6-4-96

17. 16360 RMB Security & Gen. Services Corp. v. South Rock Realty Dev't Corp.

10-10-96

8. 14409 Pamandanan v. Sps. Vecla

11-29-96

19. 17338 Quedan & Rural Credit Guarantee Corp. v. Sps. Dulatre

3-11-97

20. 17172 Capitol Appliance Center, Inc. v. Marquez

2-24-97

21. 16047 Lopez v. Dr. Miguel

8-26-96

22. 16730

Fil-American Hardware Co. Inc. v. LMV Construction Corp.

11-29-96

23. 16692 Maristela v. Tamorong, et al.

11-21-96

24. 15363 Metro Resources Ent. v. Magsino, et al.

5-21-96

25. 15329 Quedan & Rural Credit Guarantee Corp. v. Uy, et al.

5-17-96

26. 15084 Quedan & Rural Credit Guarantee Corp. v. Samarita, et al.

4-19-96

27. 14707 RS Recapping Plant v. Colonina

2-27-96

28. 14011 Halili v. Cruz

11-21-95

29. 13663 Capistrano v. Agustin

9-29-95

30. 13140 Sanchez v. Mitra

7-20-95"[1]

No further proceedings were reported to have been conducted for a considerable length of time on the following 8 cases:

"CASE NUMBER

TITLE

REMARKS

1. 17982 HHP Multipurpose Coop. Inc. v. Guasis

No setting since sheriff's return dtd. 7-28-97.

2. 17988 HHP Multipurpose Coop. Inc. v. Gongora

No setting since sheriff's return dtd. 7-29-97.

3. 17413 Monte de Piedad & Savings Bank v. Caluscusan

no setting since order dtd. 4-17-97 Directing the Issuance of Writ of Replevin.

4. 16937 Fernando v. Carlos, et al.

No setting since the hearing set last 2-11-97

5. 14294 Pepsi-Cola Products Phil. v.

No setting since the Valerio issuance of order Granting MR & noting The notice of Appearance.

6. 15092 MWSS v. Dionisio

Case was forwarded to this branch per order dtd. 5-7-96 of Judge Apalit, MeTC, Br. 43 as Replacement for Civil Case No. 14938, however no further action since then.

7. 15074 Dayanghirang v. Castañeda

Forwarded to this branch per order dtd. 5-7-96 of Judge Apalit as replacement to Civil Case No. 14946, however no further action since then.

8. 15219 Colis v. Villanueva

Motion to Declare Def. In Default received by this branch on 10-29-96 thereafter no further action."[2]

For the period starting December 1996 up until March 1997, warrants of arrests, issued in 1,041 criminal cases, remained unserved. The cases were reflected to be pending in the court docket.

Finally, the Audit Team noted that the court had not been complying with Administrative Circular No. 90-94 (submission of Semestral Docket Inventory) since the second semester of 1994, and the Official Docket Book for criminal cases was not being used.

In its resolution of 24 March 1998, the Court resolved to:

"x x x (a) DIRECT: (1) Judge Francisco C. Villanueva to: (1-a) DECIDE within thirty (30) days from notice the following six (6) cases which he deemed submitted for decision and are already beyond the reglementary period, to wit: Criminal Cases Nos. 5469, 15282, 55607, 55608, 55609 and Civil Case No. 1994; (1-b) INFORM this Court within ten (10) days from notice whether or not the following cases submitted for his decision/resolution but still within the prescribed period during the time of audit have been decided/resolved by him, to wit: Criminal Case Nos. 49874, 49875, 32878, 32879, 32880, 32881, 51489, 65598, 30001, 33667, 33467, 34046, 40440, 40441, 40442, 40443, 40444, 40445, 48845, 18846, 48847, 48848, 48849, 48850, 48851, 48852, 48853, 48854, 48855, 48856, 48857, 48858, 48859, 48860, 48861, 48862, 40794, 63571, 63572, 63573, Civil Cases Nos. 15055, 17729, 15565, 17976, 17178, 10354, 10355, 10356 and 10357; (1-c) EXPLAIN in writing within ten (10) days from notice why no disciplinary action should be taken against him for his failure to decide/resolve the abovementioned cases; (2) Clerk of Court III Danilo R. Buenaventura, Branch Clerk of Court, Metropolitan Trial Court, Branch 36, Quezon City, to: (2-a) take appropriate action within ten (10) days from notice on (aa) the following 30 civil cases which have no initial action taken thereon since the date of filing, to wit: 17929, 18085, 17972, 17839, 17749, 17643, 17506, 16565, 16500, 15916, 15713, 804-E, 798-E, 15858, 15624, 15488, 16360, 14409, 17338, 17172, 16047, 16730, 16692, 15363, 15329, 15084, 14707, 14011, 13663, 13140 and (bb) the following 8 civil cases with no further proceedings for a considerable length of time, to wit: Civil Cases Nos. 17982, 17988, 17413, 16937, 14294, 15092, 15074 and 15219 and (2-b) EXPLAIN in writing also within ten (10) days from notice why no disciplinary action should be taken against him for the delay in the aforementioned cases and for failure to submit the Semestral Docket Inventory of cases since the second semester of 1994 and to submit the same within the same period."

In his comment, Judge Villanueva informed the Court of the status of the cases; viz:

CASE

TITLE

DATE DEEMED

STATUS

NUMBER

SUBMITTED

1. 5469 PP v. Alex Nicol Y. Nipal

4-11-97

Decided - 4-24-98

2. 15282 PP v. Cuevas

5-5-97

Archived - 12-26-97

3. 55607 PP v. Amor de Leon

5-19-97

Promulgated - 11-7-97

4. 55608

-do-

-do-

-do-

5. 55609

-do-

-do-

-do-

6. 49874 PP v. Anres

8-4-97

Decided - 5-20-98

7. 49875

-do-

-do-

-do-

8. 32878 PP v. Tuan

8-20-97

Promulgated - 5-27-98

9. 32879

-do-

-do-

-do-

10. 32880

-do-

-do-

-do-

11. 32881

-do-

-do-

-do-

12. 51489 PP v. Atienza

9-18-97

Promulgated - 2-13-98

13. 65598 PP v. Apolonio

6-13-97

Promulgated - 4-29-98

14. 30001 PP v. Prado

7-7-97

Promulgated - 5-27-98

15. 33667 PP v. Cataina

7-14-97

Promulgated - 5-28-98

16. 33467 PP v. Laginon

9-15-97

Promulgated - 5-27-98

17. 34046 PP v. Mesa

9-5-97

Promulgated - 5-27-98

18. 40440 PP v. Manalo

7-21-97

Dismissed - 1-19-98

19. 40441

-do-

-do-

-do-

20. 40442

-do-

-do-

-do-

21. 40443

-do-

-do-

-do-

22. 40444

-do- -

do-

-do-

23. 40445

-do-

-do-

-do-

24. 48845 PP v. Ortiz

9-10-97

Pending Trial

25. 48846

-do-

-do-

-do-

26. 48847

-do-

-do-

-do-

27. 48848

-do-

-do-

-do-

28. 48849

-do-

-do-

-do-

29. 48850

-do-

-do-

-do-

30. 48851

-do-

-do-

-do-

31. 48852

-do-

-do-

-do-

32. 48853

-do-

-do-

-do-

33. 48854

-do-

-do-

-do-

34. 48855

-do-

-do-

-do-

35. 48856

-do- -

do-

-do-

36. 48857

-do-

-do-

-do-

37. 48858

-do-

-do-

-do-

38. 48859

-do-

-do-

-do-

39. 48860

-do-

-do-

-do-

40. 48861

-do-

-do-

-do-

41. 48862

-do-

-do-

-do-

42. 40794 PP v. Robel

9-12-97

-do-

43. 63571 PP v. Gabat

9-5-97

Dismissed - 8-26-97

44. 63572

-do-

-do-

-do-

45. 63573

-do-

-do-

-do-

46. 15055 Caparas v. Dr. Lustestica

6-24-97

Decided - 11-28-97

47. 17729 Cabodil v. Indelible

7-10-97

Pending Trial

48. 17178 Kadano, Jr. v. Disalongan

10-14-97

Decided - 1-30-98

49. 15565 Inigo v. Sps. Panlilio

10-2-97

Assigned to Branch 34

50. 17976 Payawal v. Pulidan

10-9-97

Decided - 1-30-98

51. 10354 Dela Cruz v. Moneda

7-31-97

Decided - 8-9-96 with

Writ of Execution

52. 10356

-do-

-do-

-do-

53. 10355 Moneda v. Lita

-do-

-do-

54. 10357

-do-

-do-

-do-

55. 1994 Country Bankers' Insurance v.

2-7-97

Assigned to Branch 42

Ayala Integrated Steel

He attributed the delay in the disposition of the cases to the expanded jurisdiction of the MeTC and claimed that all efforts were being exerted, nevertheless, to resolve all pending incidents in his sala.

Clerk of Court Danilo R. Buenaventura also submitted his own report; thus:

CASE

TITLE

DATE FILED

STATUS

NUMBER

1. 17929 Victorio, et al. v. Patnongon

6-20-97

Dismissed - 4-30-98

2. 18085 Monterey Protective Gen. Services v. Gomez

7-2-97

-do-

3. 17972 Pascual v. Guianan

6-26-97

-do-

4. 17839 Quedan & Rural Credit Guarantee Corp. v. Landicho, et al.

6-5-97

-do-

5. 17749 Dilidili v. Aguidan, et al.

5-19-97

-do-

6. 17643 VCD Intermed v. David

4-28-97

-do-

7. 17506 Avon Cosmetics v. Macayan

4-8-97

-do-

8. 16565 Aguilar v. Elepano

11-5-96

Dismissed - 9-30-97

9. 16500 My Realty, Inc. v. Butihin

10-28-96

-do-

10. 15916 Balagtas, et al. v. Ignacio, et al.

7-3-96

-do-

11. 15713 Dra. Jongio v. Lapid

7-1-96

-do-

12. 804-E U.P. v. Lometillo

9-18-96

-do-

13. 798-E U.P. v. Itao

8-23-96

Summons issued-1-27-98

14. 15858 Cash Management v. Sps. Espanol

7-17-96

Dismissed - 9-30-97

15. 15624 Bandera Publishing v. Amboy

6-14-96

-do-

16. 15488 Avon Cosmetics v. Novida

6-4-96

-do-

17. 16360 RMB Security & Gen. Services Corp. v. South Rock Realty Dev't Corp.

10-10-96

Dismissed - 10-31-97

18. 14409 Pamandanan v. Sps. Vecia

1-29-96

-do-

19. 17338 Quedan & Rural Credit Guarantee Corp. v. Sps. Dulatre

3-11-97

Dismissed - 4-30-98

20. 17172 Capitol Appliance Center, Inc. v. Marquez

2-24-97

Dismissed - 9-30-97

21. 16047 Lopez v. Dr. Miguel

8-26-96

Decided - 4-30-98

22. 16730 Fil-American Hardware Co. Inc. v. LMV Construction Corp.

11-29-96

For Trial - 6-9-98

23. 16692 Maristela v. Tamorong, et al.

11-21-96

Dismissed - 9-30-97

24. 15363 Metro Resources Ent. v. Magsino, et al.

5-21-96

-do-

25. 15329 Quedan & Rural Credit Guarantee Corp. v. Uy, et al.

5-17-96

Dismissed - 4-30-97

26. 15084 Quedan & Rural Guarantee Corp. v. Samarita, et al.

4-19-96

For Continuance of Trial

27. 14707 RS Recapping Plant v. Colonina

2-27-96

Dismissed - 9-30-97

28. 14011 Halili v. Cruz

11-21-95

-do-

29. 13663 Capistrano v. Agustin

9-29-95

-do-

30. 13140 Sanchez v. Mitra

7-20-95

-do-

With regard to the cases "unacted on for a considerable length of time," Buenaventura reported the status thereof, as follows:

CASE

TITLE

REMARKS AS OF

STATUS

NUMBER

AUDIT DATE

1. 17982 HHP Multipurpose Coop. Inc. v. Guasis No setting since sheriff's

Assigned to Branch 43

return dtd. 7-28-97.

2. 17988 HHP Multipurpose Coop. No setting since sheriff's

Assigned to

Inc. v. Gongora return dtd. 7-29-97.

Branch 40

3. 17413 Monte de Piedad & Savings Bank v. Caluscusan No setting since order

Dismissed-11-28-97

dtd. 4-17-97 directing

the issuance of Writ of

Replevin.

4. 16937 Fernando v. Carlos, et al. No setting since the

Dismissed -9-30-97

hearing set last 2-11-97

5. 14294 Pepsi-Cola Products Phil No setting since the

Dismissed -

v. Valerio issuance of order

4-30-94

granting MR & noting

the notice of appearance.

6. 15092 MWSS v. Dionisio Case was forwarded to

Dismissed -9-30-97

this branch per order

dtd. 5-7-96 of Judge

Apalit, MeTC, Br. 43 as

Replacement for Civil

Case No. 14938, however

No further action since then.

7. 15074 Dayanghirang v. Castañeda Forwarded to this branch

Dismissed -9-30-97

per order dtd. 5-7-96 of

Judge Apalit as replacement

To Civil Case No. 14946,

however no further action since then.

8. 15219 Colis v. Villanueva Motion to Declare Def.

Dismissed -4-30-97

In Default received by

This branch on 10-29-96

Thereafter no further action.

Buenaventura stated that he was not able to attend to, and submit, the required semestral docket and inventory of cases since 1994 because of the tremendous increase in caseload, the court receiving an average of 100 cases monthly.

The Office of the Court Administrator, through Senior Deputy Court Administrator Reynaldo L. Suarez, following its evaluation of the matter, took to task respondents for failing to live up to their respective responsibilities and recommended that:

"1. Judge Francisco Villanueva, MeTC, Branch 36, Quezon City, be FINED of P5,000.00:

"a) for his failure to decide the following cases within the required period of ninety days:

"CRIMINAL CASE NO.

1. 5469

2. 15282

3. 55607-55609

"b) for his failure to act with dispatch on the following cases pending in his sala:

"CIVIL CASE NO.

1. 17929 13. 798-E 24. 15363

2. 18085 14. 15858 25. 15329

3. 17972 15. 15624 26. 14707

4. 17839 16. 15488 27. 14011

5. 17749 17. 16360 28. 13663

6. 17643 18. 14409 29. 13140

7. 17506 19. 17338 30. 17413

8. 16565 20. 17172 31. 16937

9. 16500 21. 16047 32. 15092

10. 15916 22. 16730 33. 15074

11. 15713 23. 16692 34. 15219

12. 804-E

"2. Mr. Danilo R. Buenaventura, Branch Clerk of Court, MeTC, Branch 30, Quezon City, be FINED P1,000.00 for his failure to submit the required Semestral Docket and Inventory of Cases with a warning that a repetition of the same act in the future will be dealt with more severely."

The Court accepts the findings of the OCA and concurs with it in its recommendation.

Indeed unacceptable is the explanation of Judge Villanueva. The Court is not unmindful of and does realize the heavy caseload that confronts most courts; it is for this reason precisely that it has been most sympathetic in acting on requests for extension of time submitted by judges. The period prescribed for the resolution of cases, however, is a legal mandate that cannot just be ignored even on account of pressure of work. The Court must still be informed by the judge of his difficulty in meeting with the prescribed deadlines and of the necessity of having the periods thereof correspondingly extended. Almost invariably, the Court responds favorably and grants a reasonable time for compliance with the rules but it would be wrong for a judge, on his own, to pass by a duty incumbent upon him.

It would additionally appear that Judge Villanueva has disregarded Administrative Circular No. 3-90[3] requiring all trial courts to adopt the mandatory continuous trial system in accordance with (1) Administrative Circular No. 4[4] to the effect that trial courts should, after arraignment, fix the specific dates needed to complete the presentation of evidence by the parties and conduct the trial without unnecessary postponements, and (2) Circular No. 1-89,[5] which has established the guidelines to be observed by the trial courts in the conduct of such trials.

In his case, Danilo R. Buenaventura did not heed Administrative Circular No. 10-94[6] directing Clerks of Court and Branch Clerks of Court to submit a docket Inventory Report every semester. The Court agrees with OCA that his similar excuse of a heavy caseload in their branch is not a valid justification for the infraction.

WHEREFORE, for failing to so act seasonably as aforementioned on the cases pending before him, Judge Francisco Villanueva is imposed a FINE of Five Thousand (P5,000.00) Pesos. For failing to submit the Semestral Docket and Inventory of Cases, Clerk of Court Danilo R. Buenaventura is imposed a FINE of One Thousand (P1,000.00) Pesos. Any further infraction by either respondent will be dealt with severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

[1] Rollo, pp. 2-3.

[2] Rollo, p. 3.

[3] Dated 31 January 1990.

[4] Dated 22 September 1998.

[5] Dated 19 January 1989.

[6] Dated 29 June 1994.

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