

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN REGIONAL TRIAL COURT, BRANCH 61, GUMACA, QUEZON; REGIONAL TRIAL COURT, BRANCH 63, CALAUAG, QUEZON; MUNICIPAL TRIAL COURT, CALAUAG, QUEZ...

A.M. No. 98-8-262-RTC. March 21, 2000

Ponente: VITUG, J.

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VITUG, J.:

Following a judicial audit and physical inventory of cases in various courts of Quezon province, the Office of the Court Administrator reported its following findings; to wit:

I. REGIONAL TRIAL COURT OF GUMACA, QUEZON, BRANCH 61

Branch 61, a special criminal court designated to try heinous crimes cases, was presided by Judge Proceso K. De Gala until his compulsory retirement on 02 July 1998. The judicial audit team reported that the court building, although old, was still adequate and that the Presiding Judge also used part of it as his dwelling place in violation of Administrative Circular No. 3-92 of 31 August 1992. While docket books were maintained, the entries thereon, however, were not properly updated. Most of the informations filed with the court lacked the required certification of preliminary investigation, the records forwarded by the Investigating Fiscal did not include the records on the preliminary investigation proceedings, as well as other documents (such as affidavits) pertinent thereto, and numerous criminal cases had no certificates of arraignment attached to the records.

The summary of the cases in Branch 61 indicated the following data:

CASE STATUS / STAGE OF PROCEEDINGS

CRIMINAL CASES

CIVIL CASES

TOTAL

Set for Hearing / Pre Trial / Trial

172

50

222

With Warrants of Arrest / Summons / Subpoena

12

3

15

Set For Arraignment

15

0

15

Unacted Upon for a Considerable Length of Time / No Further Setting / Proceedings

7

1

8

With Order for Compliance by Parties

2

1

3

Archived

0

1

1

Submitted For Decision

7

8

15

Set For Promulgation

13

0

13

Appealed to Court of Appeals

0

3

3

TOTAL

228

67

295

Of the pending 295 cases, 228 were criminal cases while 67 were civil litigations. Of the 228 criminal cases, 5 were submitted for decision. In 2 cases, there were matters submitted for resolution still within the 90-day period within which to resolve. Criminal Case No. 4849 (People vs. Yu) for Attempted Murder had yet to be decided despite the lapse of the prescribed period therefor. Hence:

Number

Accused

Nature

Date Submitted

Before whom submitted for Decision

1. 5453

Salivia

Murder

5-26-98

Judge de Gala

2. 5866

Chua

Grave Threats

6-2-98

-do-

3. 5867

Chua

-do-

6-2-98

-do-

4. 4741

Malolayon (Minor offender)

Rape

2-29-98

-do-

5. 5379

Fermin

Robbery

5-10-98 (Motion to Dismiss)

-do-

6. 4849

Yu

A. Murder

1-15-98

-do-

7. 4549

Requilo

Q. Theft

5-4-98 (Motion to suspend hearing)

-do-

The decisions in the following 13 cases were set for promulgation:

Number Accused Nature

Date Set for Promulgation

1. 4326 Sarmiento Murder

6-25-98

2. 4343 Azul A. Homicide

6-25-98

3. 4716 Montero F. Homicide

6-24-98

4. 4483 Revilla Rape

6-29-98

5. 4308 Luna Robbery

6-25-98

6. 4318 Azul Robbery

6-25-98

7. 4755 Cuya Vio. of R.A. 6425

6-11-98

8. 4754 Cuya -do-

-do-

9. 5548 Sabalan Rape

6-16-98

10. 5636 Guinoga -do-

6-17-98

11. 5637 -do- -do-

-do-

12. 5638 -do- -do-

-do-

13. 5639 -do- -do-

-do-

Of the 20 criminal cases, the following 11 cases involved detention prisoners, i.e., cases numbered 4326, 4343, 4483, 4308, 5548, 5636, 5637, 5638, 5639, 4754, and 4741.

Relative to the 67 pending civil cases, 8 cases were submitted for decision before Judge de Gala, 4 of which were still unresolved despite the lapse of the 90-day reglementary period. Thus:

Number

Title

Nature

Date submitted

Before whom Submitted

1. 1923 Rafazo et al. vs. Lines Ltd.

Damages

11-10-97

J. de Gala

2. 1980 Fuerte vs. Peñaojas

-do-

6-24-97

-do-

3. 2204 Curaming vs. de Luna

Judicial Partition

11-3-97

-do-

4. 2088 Lamon Bay Ice Plant vs. DBP

Annulment of Mortgage Contract

6-24-97

-do-

There were matters submitted for decision/resolution, still within the 90-day period, in the following cases:

Number

Title

Nature

Date submitted

Before whom Submitted

1. 1923 Rafazo et al. vs. Lines Ltd.

Damages

11-10-97

J. de Gala

2. 1980 Fuerte vs. Peñaojas

-do-

6-24-97

-do-

3. 2204 Curaming vs. de Luna

Judicial Partition

11-3-97

-do-

4. 2088 Lamon Bay Ice Plant vs. DBP

Annulment of Mortgage Contract

6-24-97

-do-

A physical inventory of the records would reveal that there were 5 criminal cases and 1 civil case without any setting for a considerable length of time, to wit: Criminal Cases No. 4305, 4379, 4378, 4548 and 5133 and Election Case No. 128. In Criminal Case No. 4548 (People vs. Ramos) for Rape, the court in its 10th December 1997 order required the accused, through counsel, to rest his case; thereafter, no further proceedings were had. In Criminal Case No. 5133 (People vs. PO3 Vallesteros) for Malversation, hearing was reset from 17 November 1997 to 09 February 1998; therefore, no further hearing was held. In Election Case No. 128, the court in its order,

dated 16 March 1998, scheduled the revision of ballots; no further proceedings were thereafter conducted.

There were 12 criminal cases with pending warrants of arrest, 5 of which could be archived pursuant to Administrative Circular No. 7-A-92, dated 21 June 1993 (Re: Guidelines on the Archiving of Cases), viz:

1. 5654

Warrant of Arrest issued

8-22-97

2. 5655

-do-

-do-

3. 5602

Warrant of Arrest issued

10-3-97

4. 5695

-do-

10-28-97

5. 5730

-do-

11-14-97

Civil Case No. 2372 was archived on 13 April 1998.

The audit team observed that in both criminal and civil cases, i.e., Criminal Cases No. 5591, 5592, 5669, 5695, 5286, 5287, 3953, 4087, 4037, 3997, 4063, 5746, 5747, 5812, 5798, 5308, 5338, 5361, 5362, 5250, 5248, 4803, 4804, 4786, 4194, 5079, 5080, 5036, 5016, 5012, 5353, 5315, 4109, 4110, 5556, 5144, 5127, 5101, 5309, 4766, 4380, 5246, 5230, 5215, 5136, 4344, 3689, 5271, 5311, 2830, 5554, 4977, 4861, 3981, 5197, 5193, 5174, 5148, 4873 and 4902 and Civil Cases No. 2477, 2474, 2407, 2342, 2208, 2189, 2157, 2403, 1798, 1971, 1812, 2421, 2419, 2337, 2251, 2255, and LRC 88, the next setting of cases would usually take 3 to 4 months from the last date of hearing, in violation of Section 2, Rule 30, of the 1997 Rules of Civil Procedure.

There were orders of the court in some cases requiring compliance by the parties but compliance had yet to be received by the court, to wit:

- Criminal Case No. 1436: The order, dated 23 March 1998, required the production of the medical records of the accused;

- Criminal Case No. 4993: In the order, dated 30 April 1998, the counsel for the accused was given an extension of 15 days to file comment on the plaintiff's formal offer of evidence; and

- LRC No. 327: The petitioner was ordered to submit a report on the status of the land applied for.

II. REGIONAL TRIAL COURT OF CALAUAG, QUEZON, BRANCH 63

Branch 63 was presided by Judge Rodolfo V. Garduque until his compulsory retirement on 28 October 1998. The judicial audit team noted that the court sessions in Branch 63 were irregularly held; thus:

January

February

March

April

5, 6, 7, 8 and 9 2, 3, 4, 5 and 6, 10, 12 and 13 2, 9, 16, 23, 25 16 and 13

12, 13, 14, 15 and 16 16, 17 and 20, 23 30 and 31

19, 20 and 21

25, 27, 28 and 29

The status of the cases in Branch 63 were summarized to be, as follows:

CASE STATUS / STAGE OF PROCEEDINGS

CRIMINAL CASES

CIVIL CASES

TOTAL

Submitted for Decision

6

5

11

On Pre-trial / trial / Pending

188

50

238

With Warrants / Summons

5

4

9

Set for Arraignment

26

0

26

Unacted for a considerable length of time / No further setting / Proceeding

16

33

49

With Matters Pending Resolution by the Court

2

5

7

Held in Abeyance with Order of Inhibition

4

9

13

With Court Order for Compliance

3

7

10

Newly filed

0

2

2

TOTAL

250

115

365

The branch had a total caseload of 365 pending cases, of which there were 250 criminal cases (with 116 detention prisoners) and 115 civil cases.

Of the 250 criminal cases, 6 cases were submitted for decision before Judge Garduque with 4 of said cases already beyond the 90-day period for resolution; viz:

Number

Accused

Nature

Date Submitted

Before whom submitted for Decision

1. 1956

R. Ingles

Illegal Pos. of Firearm

6-30-97

J. Garduque

2. 1638

R. Ingles

Multiple Attempted Murder

6-30-97

-do-

3. 2802

R. Calaparan

Robbery with Homicide

12-8-97

-do-

4. 2207

Lagbo et al.

Murder

9-30-87

-do-

The following cases were still within the 90-day period for the rendition of decision:

1. 2147

R. Paular

Homicide

3-23-98

J. Garduque

2. 2580

R. Mirasol

F. Murder

3-16-98

-do-

Two cases had pending matters or incidents for resolution by the court beyond the 90-day period allowed therefor:

1. 2234

Canlas

Vio. of BP. 22

11-7-97

2. 2609

Solleza

Rape

3-1-97

Of the 115 civil cases, the following cases were submitted for decision before Judge Garduque and, except for SP. No. 2798, were all beyond the 90-day period; to wit:

Number

Title

Nature

Date submitted

Before whom Submitted

1. 901

Paratinh vs. Sps. Villa

Reconveyance

1-2-98

J. Garduque

2. 1034

Arambulo vs. Sps. Saturay

Accion Publiciana

2-9-98

-do-

3. Sp. 2798

Abinto, Petitioner

Expropriation

3-6-98

J. Garduque

4. 1068

Veronica vs. Sadia

Nullity of Marriage

2-10-98

J. Garduque

5. 906

Mendoza vs. Abasado

Forcible Entry (Appealed)

1-28-98

-do-

There are 5 civil cases with matters or incidents pending resolution by the Court, 2 of which are still within the 90-day period and 3 well past that prescribed period; hence:

1. 1012

Ortiz vs. Pulay

Damages

1-16-98

J. Garduque

2. 1019 Surbara vs. Pareyra Transfer Cert. of Title

3-2-98

-do-

3. SP962 Ambas vs. Parodila Recovery of Possession

1-15-98

-do-

4. 1086 Zuniga vs. Santos Damages (Motion to Discharge Attachment)

4-13-98

-do-

5. SP 150 Sps. Salazar vs. Sadia Nullity of Marriage

2-10-98

-do-

The following cases remained unacted upon for a considerable length of time:

CRIMINAL

1. 2279
5. 2992
9. 1526
13. 1526
2. 1783
6. 2993
10. 2896
14. 2563
3. 1983
7. 2969
11. 2309
15. 2709
4. 2324
8. 2661
12. 2365
16. 2745

CIVIL

1. 1094
9. 2838
17. 853

25. F-2694

2. 1095
10. 2800
18. 932

26. F-2680

3. 1034
11. 2755
19. 1057

27. F-2875

4. 1045
12. 11064
20. 1098

28. F-2676

5. 1047
13. 991
21. 1100

29. F-2477**6. SP 164**

14. 1120
22. 1029
30. 1066
7. 2879

15. SP 146

23. 1035

31. 144-C

8. 2837
16. 1074
24. 2778

32. 129-C

In 4 of the above-numbered cases, the court could have continued hearings "in absentia" because the accused were already arraigned and deemed to have waived their attendance and presentation of evidence. These cases included:

1. 1783 PP vs. Mojar

Robbery

Arraignment

8-8-95

2. 1983 PP vs. Aliosa

F. Murder

Arraignment

8-2-93

3. 2780 PP vs. Sangkap et al.

F. Homicide

Arraignment

2-6-97

4. 2365 PP vs. Liwanag

Q. Theft

Arraignment 7-22-96

7-22-96

In the following 5 criminal cases, the accused is at large and more than 6 months has elapsed from date of the issuance of warrants of arrests without the accused being arrested:

1. 2606

Warrant of Arrest issued

7-18-97

2. 2914

-do-

5-2-97

3. 1783

-do-

11-7-97

4. 2780

-do-

11-8-97

5. 2816

-do-

3-11-97

There were cases, both criminal and civil, wherein trial was held in abeyance for one reason or another; to wit:

CRIMINAL CASES

2437

-

Pending order of inhibition with the Court Administrator.

2760

-

Pending motion for amnesty before the National Amnesty Commission

2324

-

Held in abeyance until further notice.

1699

-

Pending order of inhibition.

CIVIL CASES

1052

-

With pending petition before the Court of Appeals.

1014

-

Held in abeyance pending Civil Case No. 1102

Orders of the court had been issued for compliance by the parties in the following cases but still awaiting compliance, namely, Criminal Cases No. 2896, 2731, 2963 and Civil Cases No. 1122, 1036, 1041, 1108, 1050, 2806 and 2810.

In most of the 188 cases where hearing had been postponed, the next setting was usually made 3 to 4 months after each postponement.

III. MUNICIPAL TRIAL COURTS OF CALAUAG AND TAGKAWAYAN, QUEZON

The Municipal Trial Court ("MTC") of Calauag, Quezon, was presided by Judge Bienvenido P. Go who also was the Acting Judge of MTC, Tagkawayan, until he was compulsorily retired on 03 May 1998. Court sessions were regularly held until just before the retirement of Judge Go. In Calauag, orders and minutes of the proceedings were not promptly typewritten by the stenographer, making it difficult for the team to assess the status of the cases. The required certificates of arraignment were not attached to the records, there was no systematic filing and recording of cases, and the dockets were not updated.

Hereunder is a summary of the cases before the MTC of Calauag, Quezon; thus:

CASE STATUS / STAGE OF PROCEEDINGS

CRIMINAL

CIVIL

TOTAL

On Trial / Set for Hearing / Pre- Trial

13

4

17

Set for Arraignment

13

0

13

With Warrants of Arrest / Subpoena / Summons

19

0

19

For Preliminary Investigation / Examination

19

0

19

Unacted upon For a Considerable Length of Time / No Further Setting / Proceeding

38

5

43

Hearings Suspended due to retirement of Judge as

13

3

16

With Court Order for Compliance by parties

1

1

2

With matters for resolution

2

6

8

Dismissed / Withdrawn / Archived

3

0

3

Inhibited Case

1

0

1

TOTAL

122

19

141

As of audit date, the court had a total caseload of 141 pending cases (122 criminal cases and 19 civil cases), with no cases theretofore submitted for decision. According to Clerk of Court Teresita C. Agravante, all cases pending decisions were acted upon by Judge Go prior to his retirement. There were 2 criminal cases with pending incidents for resolution by the Court, i.e., Criminal Cases No. 8079 and 8080 (both entitled *People vs. Jurado*), for violation of B.P. 22, with a pending Motion to Dismiss and 6 consolidated Civil Cases No. 924, 925, 926, 927, 928 and 930 filed by the Rural Bank of Calauag, Inc., against several defendants, for collection of money, with a pending Motion for Default.

Criminal cases unacted upon for a considerable length of time included Criminal Cases No. 8003, 8002, 8101, 8000, 7992, 7991, 7987, 7945, 7516, 7362, 7361, 7649, 8080, 8079, 8078, 7777, 7745, 7808, 7813, 7728, 7729, 7763, 7761, 7741, 7784, 7786 and Civil Cases No. 863, 920, 921, 922 and 923.

The following 18 criminal cases were still at the preliminary investigation/examination stage: Criminal Cases No. 7969, 8087, 8086, 8073, 8054, 8039, 8074, 7942, 8060, 8070, 8069, 8068, 7581, 7582, 7580, 8081, 8053, 8071.

Below is a tabulation of cases in MTC, Tagkawayan, Quezon:

CASE STATUS / STAGE OF PROCEEDINGS

CRIMINAL

CIVIL

TOTAL

Set for Hearing / Pre Trial / Trial

4

2

6

Set for Arraignment

7

0

7

With Warrants of Arrest / Summons

8

0

8

For Preliminary Investigation / Examination

21

0

21

Dismissed / Withdrawn

2

0

2

Forwarded to Provincial Prosecutor

1

0

1

Consolidated with another Branch

1

0

1

Submitted for Decision

1

0

1

Decided

1

0

1

Unacted Upon For a Considerable Length of Time / No Further Setting

5

6

11

With Pending Matters For Resolution

3

0

3

TOTAL

54

8

62

MTC, Tagkawayan, as of the audit date had a total caseload of 62 pending cases (54 criminal cases with 3 detention prisoners and 8 civil cases). Of the 62 pending cases, there was one civil case submitted for decision, i.e., Civil Case No. 055 (H. Dela Costa, et. al. vs. R. Sulit) for Forcible Entry. An undated draft decision (attached to the records) was already prepared by Judge Go.

The following 3 criminal cases had pending incidents or matters for resolution by the Court; to wit:

1. 5841 PP vs. Tolentino, Slight Illegal Detention
2. 5842 PP vs. Tolentino, Arbitrary Detention
3. 5843 PP vs. Tolentino, Malicious Mischief

There were cases which were unacted upon for a considerable length of time, namely, Criminal Cases No. 5813, 5620, 5633, 5821, 5740 and Civil Cases No. 047, 048, 049, 050, 051 and 056.

Finally, 21 criminal cases, i.e., Criminal Cases No. 5860, 5859, 5858, 5855, 5848, 5849, 5846, 5844, 5861, 5857, 5850, 5846, 5847, 5821, 5822, 5823, 5814, 5815, 5816, 5817 and 5818, were still in the preliminary investigation/examination stage where summons/subpoenas had been issued and where the accused had been required to file within 10 days answers/counter-affidavits to the charge. No compliance had yet been submitted.

In the Court's resolution of 15 September 1998, the Court resolved to:

"x x x (a) DIRECT: (a-1) Judge Proceso K. De Gala, Regional Trial Court, Branch 61, Gumaca Quezon (compulsorily retired on July 2, 1998), to explain within a NON-EXTENDIBLE period of 10 days from notice why he should not be held administratively liable for his failure to decide Criminal Case No. 4849 and Civil Cases Nos. 1923, 1980, 2204 and 2088 despite the lapse of the 90-day reglementary period; for using the court premises as his dwelling place in violation of Administrative Circular No. 3-92 dated August 31, 1992; and for resetting the cases for a longer period than that required under Section 2, Rule 30, 1997, Rules of Civil

Procedure; (a-2) the Fiscal Management and Budget Officer, Office of the Court Administrator, to WITHHOLD the amount of P50,000.00 from the retirement benefits of Judge De Gala pending the resolution of this administrative matter; (a-3) Clerk of Court Amel Caparas of the Regional Trial Court, Branch 61, Gumaca, Quezon, to: (1) inform this Court through the Office of the Court Administrator within ten (10) days from notice whether or not Criminal Case No. 4849 and Civil Cases Nos. 1923, 1980 and 2204 and 2088 were decided by Judge De Gala before his retirement and whether or not the decision in the following criminal cases were promulgated on the scheduled dates, to wit: Criminal Cases Nos. 4326, 4343, 4716, 4483, 4308, 4318, 4755, 4754, 5548, 5636, 5637, 5638 and 5639; (2) attach the Certificates of Arraignment to the records of cases; (3) explain within ten (10) days from notice why some cases found to be submitted for decision for a considerable length of time were not reflected in the last monthly report of April 1998; and (4) notify within ten (10) days from notice, the parties in the following cases to comply with the orders of the court, to wit: Criminal Cases Nos. 1436 and 4993 and LRC No. 327; and (b) ADMONISH Clerk of Court Arnel Caparas for his failure to update the docket books and require him to update the same.

"The Court further Resolved to: (a) DIRECT: (1) the designated Acting Presiding Judge of the Regional Trial Court, Branch 61, Gumaca, Quezon, to (aa) decide Criminal Case No. 4849, Civil Cases Nos. 1923, 1980, 2204 and 2088, if still undecided, as well as Criminal Cases Nos. 5443 (PP vs. Salivia), 5866 (PP vs. Chua), 5867 (PP vs. Chua), 4741 (PP vs. Malolayon) and Civil Cases Nos. 2137 (Suarez Agro Ind. vs. DBP), 1807 (Abella vs. Baraban), 2260 (Marguar vs. Marguar) and 2448 (Sps. Marasigan vs. Caltex Phils.), which were submitted for decision before Judge De Gala but still within the 90-day period; (bb) resolve the motion to dismiss in Criminal Case No. 5359 (PP vs. Fermin) and the motion to suspend hearing in Criminal Case No. 4549 (PP vs. Requillo), all still within the 90-day period; (cc) take action on the following cases which have no further settings or proceedings for a considerable length of time to wit: Criminal Cases Nos. 4305, 4379, 4378, 4548 and 5133 and Election Case No. 128; and (dd) archive Criminal Cases Nos. 5654, 5655, 5602, 5695 and 5730, considering that more than six (6) months had elapsed from the issuance of the warrants of arrest without the accused having been arrested pursuant to Adm. Circular No. 7-A-92 dated June 21, 1993; (2) Judge Rodolfo V. Garduque, Regional Trial Court, Branch 63, Calauag, Quezon (for compulsorily retirement on October 28, 1998), to: (2-a) explain within ten (10) days from notice why no administrative sanction should be imposed on him for: (aa) failure to decide the following cases within the reglementary period, to wit: Criminal Cases Nos. 1956, 1638, 2802 and 2207 and to resolve within the period the matters pending in Criminal Cases Nos. 2234 and 2609 and Civil Cases Nos. 1012, Sp. 962 and Sp. 150; and immediately decide the same prior to his retirement on October 28, 1998, as well as Criminal Cases Nos. 2147 and 2580 and Sp. 2798 which are still within the reglementary period; and (bb) the irregular schedule of hearings and the long resetting of cases; (2-b) immediately resolve the pending matters or incidents in Criminal Cases Nos. 2234 (PP vs. Canlas) and 2609 (PP vs. Solleza) and in Civil Cases Nos. 1012 (Ortiz vs. Pulay), SP 962 (Ambas vs. Paradila) and SP 150 (Salazar vs. Sadia) which are beyond the 90-day period, and Civil Case No. 1019 (Surbara vs. Peyrera) and 1086 (Zuniga vs. Santos) which are still within the 90-day period; (2-c) take immediate action on the following cases which have remained unacted on for a considerable length of time, giving preferential attention to, Criminal Cases Nos. 1783, 1983, 2780 and 2365 where trial of the accused may proceed 'in absentia;' to wit: Criminal Cases Nos. 2279, 1783, 1983, 2324, 2992, 2993, 2969, 2661, 1526, 2896, 2309, 2365, 1526, 2563, 2709 and 2745; Civil Cases Nos. 1094, 1095, 1034, 1045, 1047, 2879, 2837, 2838, 2800, 2755, 1064, 991, 1120, 1074, 853, 932, 1057, 1098, 1100, 1029, 1035, 2778, 1066, F-2694, F-2680, F-2875, F-2676, F-2477, Sp. 164, Sp. 146, 144-C and 129-C; (2-d) archive Criminal Cases Nos. 2606, 2914, 1783, 2780 and 2816 pursuant to Administrative Circular No. 7-A-92; (3) the Fiscal Management Officer, Office of the Court Administrator to WITHHOLD the amount of P50,000.00 from the retirement benefits of Judge Garduque pending resolution of this administrative matter; (4) Clerk of Court Chona E. Pulgar-Navarro Regional Trial Court, Branch 63, Calauag, Quezon: (4-a) immediately calendar for hearing those cases found to have no further settings or hearings for a long period of time; and (4-b) notify within 10 days from receipt hereof the parties concerned in Criminal Case Nos. 2986, 2731, 2963 and in Civil Case Nos. 1122, 1086, 1041, 1108, 1050, 2806 and 2810, to comply with the orders of the court; and (b) ADMONISH her for her failure to keep

entries in the docket books updated and for failure to submit the required semestral docket inventory report to the Supreme Court for the 1st and 2nd semesters of 1997 and to require her to submit the same within 30 days from notice.

"Further, the Court Resolved to DIRECT: (1) Judge Manuel Salumbides Acting Presiding Judge of the Municipal Trial Court, Calauag, Quezon, to decide Civil Case No. 055 and resolve the pending motion to dismiss in Criminal Case Nos. 8079 and 8080 and pending motion for default in Civil Case Nos. 924, 925, 926, 927, 928 and 930 and to act on the following cases where no further setting/proceedings were taken for a considerable length of time, to wit: Criminal Cases Nos. 8003, 8002, 8101, 8000, 7992, 7991, 7987, 7945, 7516, 7362, 7361, 7649, 8080, 8079, 8078, 7777, 7745, 7808, 7813, 7728, 7729, 7763, 7761, 7741, 7784 and 7786 and Civil Cases Nos. 863, 920, 921, 922 and 923; (2) the Clerk of Court of the Municipal Trial Court, Calauag, Quezon, to attach the minutes of the proceedings as well as copies of the orders to the records of the cases and have a systematic filing of cases in their chronological orders, i.e., the complaint should appear at the first page and so on, and to have the docket number and title of the case appear on the face of the record folder and (3) Judge Manuel Salumbides, Acting Presiding Judge of the Municipal Trial Court, Tagkawayan, Quezon, to resolve the pending motion to quash in Criminal Cases Nos. 5841, 5842 and 5843 and to act on the following cases where no further settings/proceedings nor actions were taken for a considerable length of time, to wit: Criminal Cases Nos. 5813, 5620, 5633, 5821 and 5740 and Civil Cases Nos. 047, 048, 049, 050, 051 and 056." [1]

In his comment, dated 12 October 1999, Judge Proceso K. de Gala explained that the following cases were decided before his retirement on 02 July 1998:

- Criminal Case No. 4849-G (People vs. Demetrio Yu) - decided on 27 May 1998, promulgated on 09 June 1998;
- Civil Case No. 1923-G (Refazo, et al., vs. Diestro Lines, Ltd.) - decided on 26 June 1998;
- Civil Case No. 2204-G (Argamosa-Curaming vs. De Luna, et al.) - decided on 24 June 1998;
- Civil Case No. 1980-G (Fuerte vs. Peñaojas) - decided on 29 June 1998;
- Civil Case No. 2088-G (Lamon Bay Ice Plant vs. DBP) - decided on 14 May 1998

The judge attributes whatever imperfections he might have committed to human errors and honest omissions brought about by a number of factors; consider, he avers, that -

"1. Branch 61 had been designated special court for violation of Forestry laws [P.D. 705];

"2. Said court was also designated on October 21, 1996 as special court for heinous crimes cases which requires immediate attention due to shorter period (90 days) given by the law to terminate the cases;

"3. As of date of designation in 1996, Branch 61 has a caseload of 323 pending cases, 59 of which are heinous crimes, which increased to 96 cases in 1997 and from January to June 1998, 99 cases (evidenced by monthly reports for December 1996; December 1997 and June 1998, Annexes 'A, B, C,' of the Comment, rollo, pp. 43-48).

"4. Trial days consists only of 5 days a week or 20 to 22 days a month. He conducts trial as follows Tuesdays and Thursdays for heinous crime cases; Wednesday for other criminal cases involving detention prisoners; Monday afternoons and Friday mornings for civil cases. Thus, he had only Monday mornings and Friday afternoons for resolving cases and penning decisions." [2]

Judge De Gala adds that this critical situation of having more than 300 pending cases, including heinous crimes, with only 20 to 22 days trial every month, has largely contributed to the resetting of cases for a longer period than

that required under the Rules. The litigants and counsels themselves would request for longer periods to reset their cases, almost invariably due to the following reasons:

"(a) Litigants in the Bondoc Peninsula area and the Alabat Island Group needed sufficient time to raise money for their next hearing;

"(b) Difficulty of travel from this court to the Bondoc Peninsula during rainy season and stormy weather due to impassable roads and those from the Alabat Island Group due to strong winds and risky sea travel;

"(c) Insufficient mail service in these areas which is only once a day and regularly made only during fair weather." [3]

The judge denied having used the court premises for his dwelling place, the courthouse, he said, being located on top of a mountain and isolated from the town proper. Its construction was done during the term of then Senator Lorenzo Tanada, Sr., and a private quarter for Judges (including a chamber and comfort room) were also constructed. Not only he but also the court personnel would use the facilities. An adjoining room was the court chamber where visitors could be received and pre-trial conferences held. For six months prior to his retirement, he used this private quarter as an extension of his work place but never as a dwelling place. He usually had to stay late in his office to finish drafting decisions, resolving motion and other pending incidents before his retirement. He did not bring records of cases to his house in Candelaria, Quezon, for security reasons. Through his efforts, the courthouse was later improved with the financial assistance of the Governor and the Congressman of the province.

Branch Clerk of Court Arnel B. Caparros, for his part, informed the Court that Judge De Gala decided all pending cases submitted for decision before his retirement; to wit:

- a) Criminal Cases Nos. 4326-G and 4343-G
Promulgated on 25 June 1998;
- b) Criminal Case No. 4716-G
Promulgated on 24 June 1998
- c) Criminal Case No. 4483-G
Promulgated on 25 June 1998
- d) Criminal Cases Nos. 4308-G and 4318-G
Promulgated on 25 June 1998
- e) Criminal Case No. 4754-G
Promulgated on 11 June 1998;
- f) Criminal Case No. 5548-G
Promulgated on 16 June 1998;
- g) Criminal Cases No. 5636-G; 5637-G; 5638-G and 5639-G
Promulgated on 17 June 1998

Caparros attached the Certificates of Arraignment to the records of cases. He enumerated additional cases decided by Judge De Gala before his retirement; viz:

- a) Criminal Case No. 5453-G (People vs. Soliven, et al.)
Decided on 18 June 1998
Promulgated on 23 June 1998;

- b) Criminal Case No. 5866-G (People vs. Chua)
Decided on 23 June 1998;
- c) Criminal Case No. 5867-G (People vs. Chua)
Decided on 23 June 1998;
- d) Criminal Case No. 4741-G (People vs. Maloloyon)
Decided on 19 May 1998;
- e) Civil Case No. 2137-G (Suarez Agro Industries vs. DBP)
Decided on 23 June 1998;
- f) Civil Case No. 2260-G (Marguard vs. Marguard)
Decided on 26 June 1998;

He informed the Court of the status of the following cases, thus:

- "a) Civil Case No. 1807 (Abella vs. Borabon) - Motion to Enforce Order was resolved on June 1, 1998;
- "b) Civil Case No. 2248 (Sps. Marasigan vs. Caltex Phils.) -Motion For Reconsideration resolved on June 29, 1998;
- "c) Criminal Case No. 5359 (PP. vs. Fermin) -Motion to Dismiss resolved on June 26, 1998;
- "d) Election Case No. 128-G -Terminated on May 28, 1998"[4]

Branch Clerk of Court Caparros explained that the errors in his 1998 monthly report of cases "submitted for decision" was due to oversight and volume of work. He said that Branch 61, a special court for heinous crimes cases, had invariably resolved on time cases submitted for decision.

Judge Rodolfo V. Garduque, in his comment of 20 October 1998, gave an update of -

I. Cases that should have been decided within the 90-day period:

- "a) Criminal Case No. 1956-C
Set for promulgation of judgment on October 14, 1998;
- "b) Criminal Case No. 1638-C
Set for promulgation of judgment on October 14, 1998;
- "c) Criminal Case No. 2802-C
Decided on July 14, 1998;
- "d) Criminal Case No. 2207-C
Decided on July 13, 1998"[5]

II. Matters or incidents relative to cases that should have been resolved within the 90-day period:

- "a) Criminal Case No. 2234-C
Order of Arrest issued on August 28, 1998.
- "b) Criminal Case No. C-2609-C
Set for hearing on October 05, 1998 but subsequent hearing was held in abeyance due to retirement of presiding judge;
- "c) Civil Case No. C-1012
Motion for Inhibition resolved per order, dated January 28, 1998;

"d) SP 962

Order, dated October 01, 1998, required defendants to produce required document within ten (10) days;

"e) SP 150

Decided on August 28, 1998"[6]

III. Cases which are still within the 90-day period prior to retirement:

"a) Criminal Case No. 2147

Decided June 15, 1998;

"b) Criminal Case No. 2580

Decided July 02, 1998; promulgated August 11, 1998;

"c) SP 2798

Order of decree issued on October 01, 1998."[7]

IV. Cases resolved within the 90-day period:

"a) Civil Case No. 1019

Motion to Dismiss resolved per order July 02, 1998;

"b) Civil Case No. 1086

Motion to discharge writ of attachment resolved."[8]

V. Actions taken on the following cases:

CRIMINAL CASES NOS.

"1)

1783

Per notice sent schedule of hearing reset until further notice;

"2)

1983

Accused at large - writ of confiscation of bond issued;

"3)

2780

Per notice schedule of hearing reset until further notice;

"4)

2365

Per notice schedule of hearing reset until further notice;

"5)

2279

Accused at large - Bailbond forfeited;

"6)

1783

Archived on August 28, 1998;

"7)

1983

Hearing suspended until further notice;

"8)

2324

Hearing on October 19, 1998 reset until further notice due to retirement of Presiding Judge on October 28, 1998;

"9)

2992 - 2293

Decision rendered September 22, 1998;

"10)

2969

Hearing on October 12, 1998, canceled until further notice;

"11)

2661

Hearing on November 26, 1998, canceled;

"12)

1526

Hearing set on November 11, 1998;

"13)

2896

Dismissed per order dated October 02, 1998;

"14)

2309

Hearing canceled until further arraignment;

"15)

2365

Hearing suspended;

"16)

1526

Hearing set on November 11, 1998;

"17)

2563

Hearing set on October 15, 1998;

"18)

2709

Dismissed per order dated September 25, 1998;

"19)

2745

Hearing set on October 30, 1998;

"20)

2879

Hearing set on October 12, 1998 canceled due to impending retirement of the Presiding Judge;

"21)

2837

Pre-trial set on October 26, 1998, canceled for the same reason;

"22)

2338

Transferred to RTC, Gumaca on April 10, 1997;

" 23)

2800

Hearing set on October 15, 1998, canceled for the same reason

" 24)

2755

Archived May 13, 1997;

" 25)

2778

Hearing set October 12, 1998 suspended for the same reason;

CIVIL CASES NOS.:

"1)

1094

Hearing reset until further assignment;

" 2)

1095

Per order dated June 08, 1998, plaintiff's Omnibus Motion granted;

"3)

1034

Parties had complied with the order of the court but hearing set until further assignment;

"4)

1045

Order dated July 12, 1996 directing quashal of the complaint which is reiterated in the latest order had become final and executory;

"5)

1047

Per order October 06, 1998, case reset until further notice;

"6)

1064

The judge designate assigned to hear this case retired on January 05, 1998 so this case had no movement;

"7)

991

Archived on August 28, 1998;

"8)

1120

Submitted for decision;

"9)

1074

Archived;

"10)

853

Hearing set on 13 November 1998;

"11)

932

Hearing reset until further assignment;

"12)

1057

Per order October 01, 1998, hearing was suspended until further assignment;

"13)

1098

Motion to Dismiss denied per order August 04, 1998. Hearing set until further notice;

"14)

1100

Pre-trial set on September 30, 1998 suspended until further assignment;

"15)

1029

Hearing set October 16, 1998 but per order of court dated October 2, 1998, reset until further assignment;

"16)

1035

Order dated June 09, 1996 admitted plaintiffs exhibits. Hearing set on 15 October 1998;

"17)

1066

Order dated August 31, 1998 required the defendant to communicate in court alleging relationship of the petitioner to the respondent;

"18)

F-2694

Archived on August 08, 1998;

"19)

F-2680

Archived on August 28, 1998;

" 20)

F-2875

Order on July 26, 1998, reception of evidence delegated to a Commissioner;

"21)

F-2676

Archived on August 28, 1998;

"22)

F-2477

Archived on August 28, 1998;

" 23)

SP-164

Dismissed on July 17, 1998;

" 24)

SP-146

Archived on August 28, 1998;

"25)

144

Dismissed on July 17, 1998;

"26)

129

Archived on April 28, 1998."[9]

VI. Status-report on the following Criminal Cases:

CRIMINAL CASES NO.

"1)

2606 - C

Archived on August 28, 1998;

"2)

2914 - C

Lifted from the archives and arraignment had been set;

" 3)

1783 - C

Archived on August 08, 1998;

"4)

2780 - C

Lifted from the archives as trial may proceed in absentia;

"5)

2816 - C

Archived on 28 August 1998."[10]

On the irregular schedule of hearings and the long resetting of cases, Judge Garduque explained that he would hear cases everyday with a minimum of ten (10) cases per day as so shown in his calendar of cases. The delays and resetting of cases, if any, were invariably due to:

"1) The absence of either counsel or parties;

"2) There is only one Public Attorney assigned in the area who handles all the cases in the 5 Municipal Trial Courts aside from his cases with this court (Branch 63) which often results to conflicts of schedule of hearings.

"3) The dearth of practicing lawyers in Calauag where in this municipality there is not a single practicing lawyer while in the nearby town of Lopez, there are only two but who are busy practicing in other provinces and cities. Parties have to request for a considerable time to look for lawyer who still have to come from Lucena City or Gumaca; and

"4) The numerous brownouts occurring in the area thus more often hearings are held with the use of candle lights." [11]

Judge Garduque also submitted to the Court a list of additional cases he decided prior to his retirement, thus:

"CRIMINAL CASES NOS.:

"1)

2986-C -

Pre-trial suspended until further notice due to impending retirement of the Presiding Judge on October 28, 1998;

"2)

2731-C -

Per order September 25, 1998, case dismissed due to death of the accused;

"3)

2963-C -

Pre-trial set on October 14, 1998;

"4)

2806-C -

Records were transmitted to the MTC, Lopez, Quezon on November 27, 1997;

"5)

2810-C -

Archived on May 13, 1997.

"CIVIL CASES NOS.:

"1)

C-1050 -

Copy of the order sent to the parties;

" 2)

C-1108 -

Reception of evidence reset until further notice;

" 3)

C-1041 -

Archived on September 25, 1998 due to failure of plaintiff and counsel to appear;

"4)

C-1086 -

Incident resolved per order of October 12, 1998 and copy sent to the parties."[12]

Finally, he informed the Court that he had decided all the cases submitted for decision prior to his retirement.

Clerk of Court Chona E. Pulgar-Navarro, who stated that she already had submitted the docket inventory report for 1st and 2nd semesters of 1997, apprised the Court of the status of the following cases:

"CIVIL CASES NOS.:

"1)

C-1122 -

Villaflores vs. San Pablo, Nullity of Marriage - Submitted for Decision October 5, 1998;

Decided: October 15, 1998;

" 2)

C-1125 -

Villaverde vs. Ohbayashi, Nullity of Marriage submitted October 14, 1998;

Decided: October 15, 1998

" 3)

C-1117 -

Mendoza et al. vs. Abasado et al., Forcible Entry (Appealed)

Submitted: January 28, 1998

Decided: October 26, 1998;

"4)

C-1120

Ong vs. Lachica

Submitted: September 28, 1998

Decided: October 27, 1998."

"CRIMINAL CASES NOS.:

"1)

2802-C

People vs. Ronaldo Calaparan -

Submitted: December 8, 1997

Decided: July 14, 1998;

"2)

2554-C

People vs. Apolinario Alamag - Pleaded guilty on September 8, 1998 Decided: September 8, 1998;

"3)

3070-C

People vs. Loren Princena - Pleaded guilty on September 8, 1998

Decided: September 22, 1998;

"4)

2580-C

People vs. Rodolfo Mirasol

Submitted: March 16, 1998

Decided: July 2, 1998;

"5)

2207-C

People vs. Efren Labso

Submitted: September 30, 1997

Decided: July 13, 1998;

"6)

2921-C

and People vs. Dimalanta et al. All accused except Marlon

2922-C

Cruz pleaded guilty on September 10, 1998.

Decided: for the seven accused, October 14, 1998.

Marlon Cruz pleaded guilty on October 14, 1998.

Decided: October 14, 1998;

"7)

1638-C

and People vs. Ramon Ingles

1956-C

Submitted: June 30, 1997.

Decided: October 14, 1998;

"8)

2992-C

and People vs. Robles - Pleaded guilty on September 22, 1988.

2993-C

Decided: September 22, 1998;

"9)

2998-C

People vs. Miguel Merino-

Submitted: October 14, 1998

Decided: October 15, 1998

"10)

2979-C

People vs. Edison Eduardo

Submitted: October 14, 1998

Decided: October 14, 1998;

"11)

3004-C

People vs. Antonio Tinitigan

Submitted: October 14, 1998

Decided: October 15, 1998;

"12)

3090-C

People vs. Eduardo Lamos

Submitted: October 27, 1998

Decided: October 27, 1998;

"13) 2350-C People vs. Manipol

Submitted: October 26, 1998

Decided: October 26, 1998;

"14)

2465-C

People vs. Nestor Orbase

Submitted: October 14, 1998

Decided: October 26, 1998."

LAND REGISTRATION CASES:

"1)

LRC No. 198-C

For Registration of Title, Municipality of Guinayangan, Applicant Submitted: September 22, 1998

Decided: October 14, 1998;

"2)

LRC No. 199-C

For Registration of Title, Evangelical Church of Guinayangan, Applicant -

Submitted: October 21, 1998

Decided: October 26, 1998."[13]

After evaluating the records of cases in relation to the Audit report, the Office of the Court Administrator, through Deputy Court Administrator Reynaldo L. Suarez, made the following report and recommendations:

"RTC, BRANCH 61, GUMACA, QUEZON

"1. Judge Praceso K. De Gala (retired on July 2, 1998) is found guilty of dereliction of duties and gross inefficiency for his failure to decide 5 cases (1 criminal and 4 civil) submitted to him for decision within the ninety (90) day period. While he may have decided the same prior to his retirement, evidently the decisions were rendered after the lapse of the period fixed by law as shown below:

"a)

Criminal Case No. 4849-G, People vs. Yu -

Submitted: January 15, 1998.

Promulgated: June 9, 1998;

"b)

Civil Case No. 1923-G, Refazo et al., vs. Diestro Lines Ltd.

Submitted: November 10, 1997

Decided: June 26, 1998;

"c)

Civil Case No. 2204-G, Curaming vs. De luna, et al.,

Submitted: November 3, 1997.

Decided: June 24, 1998;

"d)

Civil Case No. 1980-G, Fuerte vs. Penaojas -

Submitted: June 24, 1997.

Decided: June 29, 1998;

"e)

Civil Case 2088-G, Lamon Bay Ice Plant vs. DBP

Submitted: June 24, 1997

Decided: May 14, 1998

"Judge De Gala attributed the delay to the fact that Branch 61 has been assigned as a special court to try cases for violations of Forestry Laws and heinous crime cases. In addition, the heavy caseload compels him to conduct trial everyday leaving only Monday mornings and Friday afternoons for resolving motions and penning decisions.

"This is not a justifiable excuse. Rule 3.05, Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. The failure to render a decision within the 90 day period from the date of submission of cases constitutes serious misconduct in derogation of the speedy administration of justice (Castillo vs. Cortes, 234 SCRA 398 [1994]; Alfonso-Cortes vs. Maglalang, 227 SCRA 482 [1993]).

"The additional assignment of Judge De Gala should not have deterred him from disposing off the several cases pending before him. If ever he cannot decide the same within the time frame all he had to do was to request from this Court a reasonable extension of time to resolve the cases (Cruz vs. Basa, 218 SCRA 557 [1993]); Report of Justice Felipe B. Kalalo, 282 SCRA 61 [1997]).

"With regard to other cases submitted for decision, records show that Judge De Gala were able to decide the same within the ninety day period to wit: Criminal Cases Nos. 5443-G, 5866-G, 5867-G, 4741-G and Civil Cases Nos. 2137-G, 2260-G and has resolved the matters/incidents pending in the following cases: Civil Case Nos. 1807-G, 2248-G, Criminal Case No. 5359-G and Election Case No. 128-G within the same period.

"Likewise, the cases found by the audit team to be scheduled for promulgation were promulgated on scheduled dates and within the ninety (90) day period. The same is true with those criminal and civil case required to be archived for one reason or another, the same were archived by Judge De Gala pursuant to Administrative Circular 7-A-92.

"2. As regard the resetting of cases for a longer period than required under Rule 30, Section 2, 1997 Rules of Civil Procedure, Judge De Gala explains that while trials are held everyday, the days of the month are insufficient considering the case load of more than 300 and the heinous crimes cases which needs preferential attention. This is confirmed by the report of the Audit Team that cases are regularly calendared and sessions were held daily from Monday to Friday. However, it is also noted that Judge De Gala acceded to the request of some litigants

particularly in the Bondoc Peninsula Area and the Alabat Island Group for a longer resetting of cases. A look at the geographical map shows that the Bondoc Peninsula is a mountainous area and the Alabat Island is separated from the mainland of Quezon. These two areas are far too distant to the court and there is even possibility of difficulty of travel from those places to Gumaca court. However, while this maybe true, not all cases in Branch 61 originated from these areas. Still most of the cases pending in said court come from Gumaca and nearby municipalities.

"While Judge De Gala acceded to the request of the parties for a longer period of resetting and has given preferential attention to the trial of heinous crimes cases, still he has no authority to adjourn a case for a period of 6 months or more. Section 2, Rule 30, 1997 Rules of Civil Procedure states that:

"A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but it shall have no power to adjourn a trial for a longer period than one month for each adjournment nor more than three months in all, except when authorized in writing by the Court Administrator, Supreme Court.

'Rule 119, Section 2 relative to criminal cases provides that trial once commence shall continue from day to day as far as practicable until terminated, but for good cause, it may be postponed but for a reasonable period of time.

"Records show that Judge Gala has not secured the required authority from the Court Administrator.

"3. Judge De Gala is found to have violated Administrative Circular 3-92 which prohibits the use of Halls of Justice for residential or commercial purposes. He admits that there is a room cum private quarter inside the courthouse, and that he has used this private quarter as his rest room and a room to take respite whenever he becomes tired from his arduous work. He also admits that 6 months prior to his retirement, he always stay late in his office every night, among others, to decide cases and resolve pending matters.

"As observed by the evaluator who together with Justice Romulo S. Quimbo led the audit, the court is housed in an old building. It has a living quarter, two comfort rooms (one is used by the judge and the other by the personnel), a kitchen and a receiving room. It has a television set inside the courtroom. The Judge at the time of the audit is wearing only T-shirt, pants and slippers. Later in the night, evaluator Atty. Manuel Guevara, Jr., Mr. Rolando Navarro and Mr. Noel Buhion went back to the courthouse upon the invitation of Judge De Gala and it is where he admitted that his residence is in Candelaria, Quezon which is several kilometers away from the courthouse.

"On the basis of this observation in conjunction with the explanation of Judge De Gala that 6 months prior to his retirement he stays late every night in his office to finish the undecided cases, there is reason to believe that Judge De Gala at least on the 6 months period (which includes the period of audit) had been using part of the courthouse as his residential quarters albeit temporarily. For one, his residence is far away from the court; Second, the scarcity of transportation during night time considering that the court is isolated from the town proper; and Third, lack of material time to decide the cases submitted before him prior to his retirement.

"It is not, however, relevant whether the use of court premises is strictly temporary because what is involved here is the delirious effect of the court's reputation to the public. His behavior betrays a lack of judicial decorum which diminishes the image of the court of justice (see related cases *Kelly Austria vs. Judge Singuat Guerra*, A.M. No. RTJ-89-327, October 17, 1991 resolution; *Bautista vs. Costelo, Jr.*, 254 SCRA 157 [1996]).

"Clearly, Judge De Gala violated Administrative Circular No. 3-92 dated August 31, 1992 which prohibits all judges and court personnel the use of the court premises not directly related to the functions and operations of the

courts of justice devoting it to other use such as his residential quarters.

"RTC, BRANCH 63, CALAUAG, QUEZON

"1. Judge Rodolfo V. Garduque (retired on October 28, 1998) is also found to be guilty of dereliction and gross inefficiency of his duties for his failure to decide within the ninety (90) day period 5 criminal cases and 3 civil cases submitted before him for decision. Record shows that these cases were decided by Judge Garduque prior to his retirement but nevertheless went beyond the reglementary period. These cases are:

"a)

Criminal Case No. 2802-C, People vs. Calaparan

Submitted: December 8, 1997.

Decided: July 14, 1998;

"b)

Criminal Case No. 2580-C, People vs. Mirasol

Submitted: March 16, 1998.

Decided: July 2, 1998;

"c)

Criminal Case No. 2207-C, People vs. Labso et al.

Submitted: September 30, 1997

Decided: July 13, 1998;

"d)

Criminal Case No. 1638-C, People vs. Ramon Ingles and

"e)

Criminal Case No. 1956-C, People vs. Ramon Ingles

Submitted: June 30, 1997.

Decided: October 14, 1998;

"f)

SP-150, Salazar vs. Sadia

Submitted: February 10, 1998.

Decided: August 28, 1998

"g)

SP-2798, Abinto, Petitioner (For Expropriation)

Submitted: March 6, 1998.

Order of Decree dated October 1, 1998

"h)

Civil Case No. C-1117, Mendoza et al., vs. Abasolo, et al.

Submitted: January 28, 1998.

Decided: October 26, 1998

"With respect to Civil Case No. 1068, entitled Oliveros vs. Sadia, this case was submitted for decision on February 10, 1998 but the petitioner died per information gathered, hence, the court in the Order of August 8, 1998 required the next of kin to produce the death certificate.

"In Civil Cases Nos. C-901, C-1034 and C-906, no action has been taken yet by Judge Garduque since the last order of the court as of audit.

"With respect to matters or incidents pending in Criminal Cases Nos. 2234-C and 2609-C and Civil Cases Nos. C-1012, SP-962 and S.P. 150, the same has been acted upon by Judge Garduque, though beyond the ninety (90) day period. Likewise, the motion to dismiss pending in Civil Case No. 1019 which was still within the period to resolve when audited was acted upon by Judge Garduque beyond the ninety day period.

"With respect to the cases reported to be without court action or with no further settings for a considerable length of time, records shows that Judge Garduque had already issued orders and these cases are still pending trial, some of these cases, however, had already been decided or dismissed, namely:

"1.

Criminal Case No. 2992-C;

"2.

Criminal Case No. 2993-C

Decided on September 22, 1998;

"3.

Criminal Case No. 2896-C

Dismissed per court order October 2, 1998;

"4.

Criminal Case No. 2709-C

Dismissed per court order September 25, 1998

"5.

Criminal Case No. 1045 - Order dated July 12, 1996 directing quashal of complaint had become final and executory.

"6.

SP 164

Dismissed on July 17, 1998;

"7.

Criminal Case No. 144-C

Dismissed on July 17, 1998;

"Required to explain in the Court resolution of September 15, 1998, Judge Garduque in his Comment did not proffer any explanation on the delay and inaction of these cases.

"Evidently from the foregoing findings, Judge Garduque's non action and delay in deciding cases greatly impeded the speedy administration of justice. He failed to observe Canon 3, Rule 3.05 of the Code of Judicial Conduct which mandates a judge to dispose of the court's business promptly and decide within the required period. Under Section 15 (1) and (2), Article VIII of the Constitution, the lower court should decide or resolve cases submitted for decision within 3 months from the filing of the last required pleading, brief or memorandum. This requirement of the fundamental law is designed to prevent delay in the administration of justice for obviously justice delayed is justice denied, and delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lower its standards and brings it into disrepute. Failure to decide even a case within the required period is not excusable and constitutes gross inefficiency which is a ground for administrative sanction against a defaulting judge (A.M. No. 96-3-88-RTC, September 30, 1996 resolution, Report on the Audit and Inventory of cases in the RTC, Branch 55, Alaminos Pangasinan; A.M. No. 97-9-282-RTC, Report on the Judicial Audit conducted in RTC, Branch 27, Lapu-Lapu City, April 22, 1998 resolution).

"2. With regard to the irregular schedule of hearings and long resetting of cases found by the audit team, we find the explanation of Judge Garduque unsatisfactory. He attributes this to the dearth of practicing lawyers in the area. He claims that there is only one public Attorney to handle cases in the 5 Municipal Trial Courts and the RTC, Calauag which sometimes result to conflict of hearing schedules and that in the municipality of Calauag, there is no practicing lawyer while in the town of Lopez, there are only two. Judge Garduque is not left without recourse. He should have coordinated or made an arrangement with the 5 MCTC Judges to avoid the conflicts and at the same time to avoid waste of time or day of trial by reason of the absence of counsel.

"While the calendar for October 14, 1998 shows that Judge Garduque has scheduled hearings (arraignment, pre-trial, trial) for 32 cases, this is not absolute evidence that he conducts hearings daily. Greater weight should be given to the report of the Audit Team that on the months of January, February, March, and April of 1998, as evidenced in the court calendar Judge Garduque hold sessions only on certain days in violation of existing circulars of this Court enjoining judges to conduct day to day trial.

"Trial judges must be punctual at all times and should strictly adhere to the policy on avoiding postponements and needless delay. Judges should strictly observe session hours which shall be from 8:30 A.M. to 12:00 noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday (as required by paragraph 5 of the Interim Rules pursuant to Section 16 of B.P. 129; and Circular No. 13 dated July 1, 1987). It was recently reiterated in Adm. Circular No. 3-99 issued by the Hon. Chief Justice on January 15, 1999 to ensure the speedy disposition of cases. Said Circular also provides that the hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders; or (3) the continuation of trial on the merits, if necessary (Adm. Circular No. 3-99 dated January 15, 1999).

"Moreover, Judges should actively manage the trial of their cases by rational calendaring of cases and avoid unnecessary postponements of cases. A rational policy on postponements should be observed so that the court are not at the mercy of the lawyers and the parties without at the same time imposing abusive, unnecessary and oppressive denial of meritorious motions for postponements.

"However, under Section 3, Rule 22, the Court has no authority to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all unless authorized in writing by the Chief Justice (now by the Court Administrator, Rule 30, Section 2, 1997 Rules of Civil Procedure) and that in criminal cases, Rule 119, Section 2 provides that the trial shall be conducted day to day as far as practicable until terminated (Adm. Circular No. 13 dated July 1, 1987). And lawyers as officers of the court are enjoined to cooperate with judges to ensure swift disposition of cases (Adm. Circular No. 3-99 dated January 15, 1999).

"Lastly, it is noted that though the aforementioned cases submitted for decision before Judges De Gala and Garduque were beyond the ninety (90) day period, the fact remains that Judges De Gala and Garduque were able to decide all these cases before they retire, hence, can be considered to mitigate their liability on the penalty to be imposed by this Court.

"With respect to the Branch Clerk of Court of RTC, Gumaca, we find unsatisfactory the explanation of Atty. Arnel B. Caparros that it was due to oversight and volume of work that some of the cases audited to be submitted for decision were not reflected in the monthly report of April, 1998.

"On the other hand, Branch Clerk of Court Chona E. Pulgar-Navarro of RTC, Calauag, as required by the resolution of September 15, 1998 submitted to this Court the Semestral Docket Inventory Report for the 1st and 2nd semesters of year 1997, but has not offered any explanation as to her previous non-submission of the same. As Branch Clerk of Court, she ought to know that the submission of Semestral Docket Inventory Report is on the last week of February and last week of August of each year (Adm. Circular No. 10-94, dated June 29, 1994). Her failure to submit said report on time constitutes neglect of duty.

"As held in one case the Branch Clerk of Court's failure to prepare proper or correct monthly reports of cases constitutes a serious breach of duty. One of the basic responsibilities of a Branch Clerk of Court is the preparation of the monthly report of cases to be submitted to the Supreme Court (Manual for Clerks of Courts, p. 131): Branch Clerk of Court Caparros cannot claim volume of work much less oversight because he is required to keep a list of cases submitted for decision and in preparing a monthly report he is obliged to reflect in said report all cases pending for decision on said month. He was negligent in the performance of his duty.

"Attys. Caparros and Navarro as Branch Clerks of Courts must realize that their administrative functions are just as vital to the prompt and proper administration of justice. They are charged with the efficient recording, filing and management of court records, besides having supervision over court personnel. They play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another. They must be assiduous in performing their official duties and in supervising and managing court dockets and records (Lloveras vs. Sanchez, 229 SCRA 302 [1994], OCA vs. Banalan, 231 SCRA 408 [1994], RTC Makati Movement Against Graft and Corruption vs. Dumlao, 247 SCRA 108, [1995]; Nidua vs. Lazaro, 174 SCRA 581 [1989].

MTC CALAUAG AND MTC, TAGKAWAYAN, QUEZON

"Lastly, with respect to cases audited in the MTC, Calauag and MTC, Tagkawayan, both in the province of Quezon, Bienvenido P. Go who presided in both courts as the regular judge and acting judge, respectively, retired on May 3, 1998 prior to the audit. Nevertheless, in the resolution of September 15, 1998, the Court directed Judge Manuel Salumbides as Acting Judge Designate of the MTC's of Calauag and Tagkawayan to decide, resolve and act on those cases pending in the aforesaid courts mentioned in the report.

RECOMMENDATION

"WHEREFORE, it is respectfully recommended that:

"1.

Judge Proceso K. De Gala, RTC, Branch 61, Gumaca, Quezon be found guilty of dereliction of duties and gross inefficiency for his failure to decide Criminal Cases Nos. 4849-G and Civil Cases Nos. 1923, 1980, 2204 and 2088 within the ninety (90) day period; for violation of Section 2, Rule 30, 1997 Rules of Civil Procedure; and for violation of Adm. Circular No. 3-92 and accordingly be meted a FINE of P20,000.00, the amount to be deducted from the P50,000.00 ordered withheld from his retirement benefits per resolution dated September 15, 1998 and the balance of P30,000.00 to be delivered to him by the Court;

"2.

Judge Rodolfo V. Garduque, RTC, Branch 63, Calauag, Quezon, be found guilty of dereliction of duties and gross inefficiency for his failure to decide Criminal Cases Nos. 2802-C, 2580-C, 2207-C, 1638-C, 1956-C and SP-150, SP-2798 and Civil Case No. 1117; and for his failure to resolve within the period required on matters/incidents pending in Criminal Cases Nos. 2234-C, 2609-C and Civil Case Nos. C-1012, SP-962 and for his inaction for a considerable length of time those cases mentioned in the report, and for his violation of existing circulars and the rules of court relative to punctuality and strict observance of session hours and to adjournments and postponement of cases and accordingly a FINE of P20,000.00 be imposed, the amount to be deducted from the P50,000.00 ordered withheld from his retirements benefits per resolution of September 15, 1998 and the balance of P30,000.00 to be delivered to him by the Court;

"3.

Branch Clerks of Courts Arnel B. Caparros of Branch 61 be found guilty of breach of duty and negligence for the untruthful and erroneous April, 1998 monthly report submitted to this Court and Chona E. Pulgar-Navarro for dereliction of duty in failing to submit the required semestral docket inventory report and both be SEVERELY CENSURED with warning that a repetition of similar infraction in the future will be dealt with more severely by this Court;

NOTE: For failure to update entries in the docket books, both were ADMONISHED in the resolution of September 15, 1998.

"4.

Judge Designate Manuel Salumbides of MTC, Calauag and MTC, Tagkawayan be directed to INFORM this Court, thru the Office of the Court Administrator, within ten (10) days from notice the status of the cases mentioned in the resolution of September 15, 1998." [14]

In the resolution, dated 08 June 1999, of the Court, Judge Proceso K. De Gala, Judge Rodolfo V. Garduque and Branch Clerks of Court Arnel B. Caparros and Chona E. Pulgar-Navarro were required to manifest if they were submitting the case for resolution on the basis of the documents on record. In the same resolution, Judge-Designate Manuel Salumbides of MTC, Calauag and MTC, Tagkawayan, was directed to inform the Court of the status of the cases mentioned in the Court's resolution of 15 September 1998. His compliance was noted in the resolution, dated 21 September 1999, of the Court.

All, except for Judge Garduque, have manifested their submission of the case for resolution. In view of the failure of Judge Garduque to comply with the resolution of 08 June 1999, the Court is constrained to dispense with his

manifestation.

The Court agrees with the report and accepts the recommendation of the Office of the Court Administrator.

The Court is not unaware of the heavy caseload of judges. It is for this reason precisely why the Court has been sympathetic to requests for extensions of time within which to decide cases and resolve matters and incidents related thereto. All that a judge really needs to do is to ask, a request which is almost invariably granted.[15] While the Court is not impervious to the plight of judges, it cannot, however, take too lightly Rule 3.05, of Canon 3, of the Code of Judicial Conduct requiring the disposition of court business promptly and of pending cases or incidents within the period fixed therefor.

With respect to the adjournment of civil cases, attention might be invited to Section 2, Rule 30, of the 1997 Rules of Civil Procedure to the effect that a court "shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, except when authorized in writing by the Court Administrator, Supreme Court." In the adjournment of criminal cases, Section 2, Rule 119, of the Revised Rules on Criminal Procedure requires continuous trial and any postponement may be made but only "for a reasonable period of time."

In order to avoid undue delays in the disposition of cases, as well as in the interest of good order, the observance of office hours are to be strictly observed. The Office of the Court Administrator has aptly remarked:

"Trial judges must be punctual at all times and should strictly adhere to the policy on avoiding postponements and needless delays. Judges should strictly observe session hours which shall be from 8:30 A.M. to 12:00 noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday (as required by paragraph 5 of the Interim Rules pursuant to Section 16 of B.P. 129; and Circular No. 13 dated July 1, 1987). It was recently reiterated in Adm. Circular No. 3-99 issued by the Hon. Chief Justice on January 15, 1999 to ensure the speedy disposition of cases. Said Circular also provides that the hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders; or (3) the continuation of trial on the merits, if necessary (Adm. Circular No. 3-99 dated January 15, 1999)."[16]

The Court accepts the explanation of Judge De Gala as regards the report that he has used the court premises for his residence. Considering his workload, it is understandable that he must have been constrained to stay late at night particularly prior to his retirement in order to finish his undecided cases.

Clerks of Court Caparros and Pulgar-Navarro should be reminded that they are ranking officers in our judicial system.[17] It is their basic responsibilities to conduct docket inventory and to ensure that the records of each case are constantly accounted for.[18] The volume of work cannot be an excuse for their being remiss in the performance of these functions, and it may not be underscored enough that the office of a clerk of court involves the performance of delicate administrative duties essential to the prompt and proper administration of justice.[19]

WHEREFORE,

(1) For dereliction of duties and gross inefficiency for failing to decide Criminal Case No. 4849-G and Civil Case No. 1923, 1980, 2204 and 2088 within the 90-day period and for his violation of Section 2, Rule 30, of the 1997 Rules of Civil Procedure, JUDGE PROCESO K. DE GALA of the Regional Trial Court of Gumaca, Quezon, Branch 61, is imposed a FINE of TWENTY THOUSAND (P20,000.00) PESOS to be deducted from the P50,000.00 withheld from his retirement benefits per the Court's resolution of 15 September 1998;

(2) For dereliction of duties and gross inefficiency for failure to decide Criminal Case No. 2802-C, 2580-C, 1638-C, 1956-C and SP-150, SP-2798, and Civil Case No. C-1012 and SP-962; for his inaction for a considerable

length of time these cases mentioned in the report; for violation of existing circulars and the rules of court relative to punctuality and strict observance of session hours; and for adjournments and postponement of cases, JUDGE RODOLFO V. GARDUQUE is imposed a FINE of TWENTY THOUSAND (P20,000.00) PESOS to be deducted from the P50,000.00 withheld from his retirement benefits per the Court's resolution of 15 September 1998;

(3) For breach of duty and negligence and for erroneous monthly report submitted to the Court for April 1998, BRANCH CLERK OF COURT ARNEL B. CAPARROS is SEVERELY CENSURED with warning that a repetition of the same or similar infraction in the future will be dealt with more severely;

(4) For dereliction of duty in failing to submit the required semestral docket inventory report, BRANCH CLERK OF COURT CHONA E. PULGAR-NAVARRO is SEVERELY CENSURED with warning that a repetition of the same or similar infraction in the future will be dealt with most severely;

(5) The Fiscal Management Office, Office of the Court Administrator, is DIRECTED to RELEASE the amount of P30,000.00 each, withheld from the retirement benefits of Judge Proceso K. De Gala and Judge Rodolfo V. Garduque

SO ORDERED.

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

[1] Rollo, pp. 33-35.

[2] Report of the Judicial Audit Team, Office of the Court Administrator, p. 5.

[3] Ibid.

[4] Ibid., p. 7.

[5] Ibid., p. 8.

[6] Ibid.

[7] Ibid.

[8] Ibid., p. 9.

[9] Ibid., pp. 9-11.

[10] Ibid.

[11] Ibid., p. 11.

[12] Ibid., p. 12.

[13] Ibid., pp. 12-13.

[14] Ibid., pp. 14-22.

[15] Sanchez vs. Vestil, 298 SCRA 1.

[16] Ibid., p. 19.

[17] Re: Report on the Judicial Audit conducted in RTC, Brs. 29 and 59, Toledo City, 292 SCRA 8.

[18] See RE: Suspension of Clerk of Court Rogelio R. Jacobo, RTC, Branch 16, Naval, Biliran, 294 SCRA 119.

[19] See Court of Appeals vs. Escalante, 277 SCRA 331.

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