

NILDA VERGINESA-SUAREZ, COMPLAINANT, VS. JUDGE RENATO J. DILAG AND COURT STENOGRAPHER III CONCEPCION A. PASCUA, RESPONDENTS.

A.M. No. RTJ-06-2014. August 16, 2011

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PER CURIAM:

For our consideration are: (1) the Motion for Leave to Admit Attached Second Motion for Reconsideration[1] of our Decision[2] dated March 4, 2009 and the Resolution[3] dated April 28, 2009 in the consolidated cases A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, filed by respondent Judge Renato J. Dilag (Judge Dilag), and (1) the Memorandum[4] dated October 21, 2008 submitted by the Office of the Court Administrator (OCA) in A.M. No. 06-07-415-RTC.

These pending incidents arose from the following factual background:

Acting upon the complaint of Court Stenographer III Nilda Verginesa-Suarez (Suarez) of the Regional Trial Court (RTC), Branch 73, of Olongapo City, Zambales (docketed as A.M. No. RTJ-06-2014) and a series of anonymous letters (docketed as A.M. No. 06-07-415-RTC) against Judge Dilag and Court Stenographer III Concepcion A. Pascua (Pascua), the OCA constituted a judicial audit team to conduct a physical inventory of the cases in the court presided by Judge Dilag.

In its Audit Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 73, Olongapo City, Zambales[5] dated June 15, 2006, the OCA judicial audit team reported a total of 414 cases pending before Judge Dilag's court, either for decision, resolution, or in other stages of proceedings without further action for a considerable length of time. The same Audit Report also accounted the irregularities in Judge Dilag's handling of several cases pending before his court including having conflicting judgments - one dismissing and one granting the same petition - in (1) Civil Case No. 180-0-2001, Lanie Pancho v. Rolando Gopez (Pancho case); (2) Civil Case No. 433-0-2003, Jeffrey Joseph T. Tomboc v. Ruth Tomboc (Tomboc case); and (3) Special Proceeding No. 436-0-2002, Petition for Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties, Danilo del Rosario and Rachele del Rosario (Del Rosario case).

In a Resolution[6] dated August 1, 2006, we ordered the consolidation of A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, and assigned both cases to Associate Justice Ramon R. Garcia (Justice Garcia) of the Court of Appeals for his investigation, report, and recommendation. As regards particularly to A.M. No. 06-07-415-RTC, we directed Judge Dilag, in the same Resolution, to act on the 414 cases pending before his court and to explain the delay in his disposition of the same.

The investigating justice proceeded with his investigation and hearing on the irregularities in the handling of cases and/or having conflicting judgments and, subsequently, submitted his Report and Recommendation[7] finding and recommending that Judge Dilag be held administratively accountable for gross misconduct constituting violations of the Code of Judicial Conduct, gross ignorance of the law and procedure, gross negligence, and gross inefficiency; and that the judge's co-respondent, Pascua, be held administratively liable for graft and corruption.

In our Decision dated March 4, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, we adopted Justice Garcia's Report and Recommendation and disposed in part:

WHEREFORE, in view of all the foregoing, we hold as follows:

1. Respondent Judge Renato J. Dilag is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporations, for gross misconduct, gross ignorance of the law or procedure, and gross negligence and inefficiency.
2. Respondent Court Stenographer III Concepcion A. Pascua is hereby **DISMISSED FROM THE SERVICE**, which carries the accessory penalties of cancellation of her eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service, for graft and corruption under Paragraph A(9), Rule IV of Civil Service Commission Memorandum Circular No. 19-99, and this administrative case against respondent Pascua is hereby **REFERRED** to the Office of the Ombudsman for appropriate action.

Judge Dilag and Pascua each filed a Motion for Reconsideration of the foregoing Decision.

In his Motion for Reconsideration, Judge Dilag denied having authored the decisions dismissing the petitions in the Pancho, Tomboc, and Del Rosario cases. He also asserted that there were no conflicting decisions to speak of in the Pancho, Tomboc, and Del Rosario cases because the decisions dismissing the petitions in said cases were never served upon the counsels of the parties and, thus, lacked legal value. Judge Dilag claimed that Suarez, in connivance with her cohorts, were responsible for falsifying, fabricating, and manufacturing the decisions which dismissed the aforementioned three cases, so that they could continue with their illegal and nefarious activities in the court. Judge Dilag further disputed the findings against him of gross ignorance of the law and procedure in the handling of (1) CV No. 188-0-01, *Joyce Moreno v. Alvin Moreno* (Moreno case), and (2) CV No. 328-0-2001, *Eliodor Q. Perez v. Adelita Perez* (Perez case), and of gross negligence and gross inefficiency for failing to administer proper supervision over his court staff.

Pascua, in her Motion for Reconsideration, asked us to mitigate the penalty imposed on her.

In a Resolution dated April 28, 2009, we denied with finality the Motions for Reconsideration of Judge Dilag and Pascua, there being no substantial matters raised to warrant the reversal of the questioned decision.

Second Motion for Reconsideration

On July 8, 2009, Judge Dilag filed a Motion for Leave to Admit Attached Second Motion for Reconsideration, together with said Second Motion for Reconsideration, urging us to take a second hard look on the merits of his case and reiterating therein the grounds and arguments which he raised and discussed in his first Motion for Reconsideration.

We deny Judge Dilag's Motion for Leave to Admit Attached Second Motion for Reconsideration and note without action the appended Second Motion for Reconsideration. Rule 52, Section 2 of the Rules of Court, on motions for reconsideration filed before the Court of Appeals, reads:

Sec. 2. Second Motion for Reconsideration. -- No second motion for reconsideration of a judgment or final resolution by the same party shall be entertained.

Taken in conjunction with Rule 56, Section 2 of the Rules of Court, the aforequoted provision is also applicable to original cases filed before the Supreme Court, which includes disciplinary proceedings against judges, such as the one at bar. A second motion for reconsideration is, therefore, a prohibited pleading.

The rule against entertaining a second motion for reconsideration is rooted in the basic tenet of immutability of judgments. At some point a decision becomes final and executory and, consequently, all litigations must come to an end.

Indeed, there have been instances when we gave merit to second motions for reconsideration, but only when there are "extraordinary persuasive reasons and only after an express leave shall have been obtained." [8] In administrative cases involving the discipline of judges and court personnel, we even allowed third motions for reconsideration but, still, only "whenever justified by the circumstances." [9]

No such extraordinary persuasive reason or justifying circumstance exists in the present case. We stress that all the issues and arguments raised and evidence presented by Judge Dilag in his defense were already exhaustively discussed in our Decision dated March 4, 2009. Judge Dilag's Second Motion for Reconsideration is essentially a mere reiteration of his first Motion for Reconsideration, which we have already denied, after due consideration, in our Resolution dated April 28, 2009.

We note that other than our Decision dated March 4, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, wherein we found Judge Dilag to be administratively liable for gross misconduct constituting violations of the Code of Judicial Conduct, gross ignorance of the law or procedure, and gross negligence or inefficiency, he had been previously found guilty of gross ignorance of the law in *De Jesus v. Judge Dilag*, [10] for which he was fined P30,000.00. Moreover, the above-mentioned Memorandum dated October 21, 2008, submitted by the OCA in A.M. No. 06-07-415-RTC, reports additional acts by Judge Dilag constituting gross negligence and inefficiency such as failure to timely act on pending cases before his court and to supervise his staff's keeping of docket books and case records.

Hence, we find no justification for reversing the penalty of dismissal from the service with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, which we imposed upon Judge Dilag in our Decision dated March 4, 2009.

OCA Memorandum dated October 21, 2008
in A.M. No. 06-07-415-RTC

With respect to the 414 cases pending before the RTC-Branch 73 of Olongapo City, we explicitly directed Judge Dilag, in our Resolution dated August 1, 2006, to decide within six months the 93 cases already beyond, as well as the 33 cases still within, the reglementary period to decide; to resolve within 30 days the motions/incidents in 10 cases already beyond, as well as in 4 cases still within, the reglementary period to resolve; and to immediately take appropriate action on 267 cases in different stages of the proceedings which were not acted upon for a considerable length of time. We further directed Judge Dilag, Officer-in-Charge Ester Asilo (OIC Asilo), Branch Clerk of Court Atty. Ronald B. Gavino (Atty. Gavino), and Clerks-in-Charge Luzviminda P. Lacaba (Lacaba) and Admer L. Lumanog (Lumanog) as follows:

A.M. No. 06-7-415-RTC. - Re: Audit Report on the Judicial Audit Conducted at the RTC, Branch 73, Olongapo City, Zambales.- The Court Resolved, upon the recommendation of the Office of the Court Administrator and without prejudice to consideration of sanctions, to

x x x x

(b) DIRECT Presiding Judge Renato J. Dilag and Officer-in-Charge Ester A. Asilo, same court, to

(i) TAKE APPROPRIATE ACTION on the following observations noted by the Audit Team:

(1) Entries in the docket books are not updated and deficient entries especially in civil and special proceedings which merely indicate the title of the case and the date the case was filed. Copies of the decision were stapled in the pages.

(2) No Certificate of Arraignment attached to criminal case records.

(3) Minutes of the Hearing have no summary of what transpired during the hearing of the case except hearings/trial with witnesses presented.

(4) Returns of warrants of arrest are not properly monitored.

(5) There are pending criminal cases which were already included in the bundled or archived cases.

(6) Registry Return Cards were not properly monitored and allegedly not yet attached to their respective case records.

(7) Court Order with directives for parties were not properly monitored especially for the DSWD worker and the Office of the City/Provincial Prosecutor to submit home and study report and to conduct reinvestigation of criminal cases, investigation to determine collusion between the parties in the annulment cases as well as the submission of the required pleadings, respectively.

(8) The Monthly Report of Cases submitted to the CMO-OCA does not accurately reflect the number of cases submitted for decision/resolution.

(9) Judgment on the bonds is not executed.

(ii) EXPLAIN within thirty (30) days from notice hereof why the number of cases submitted for decision/resolutions are not accurately reflected in their Monthly Report of Cases in gross violations of existing circulars; and

(iii) SUBMIT a REPORT on the action taken on, and the present status of, the foregoing cases in CHRONOLOGICAL ORDER as listed above, attaching thereto copies of the order/decision/resolution for reference, as well as the action taken on pars. (b.i) and (b.ii) together with the corresponding required explanation as directed;

(c) DIRECT Atty. Ronald Gavino, Office of the Clerk of Court, Regional Trial Court, Olongapo City, to EXPLAIN within thirty (30) days from notice hereof why the report on ex-parte proceedings in the following cases were not submitted to the Court, to wit:

CIVIL CASES

CASE NUMBER

REMARKS

1. SP 224-0-2002

Order 06-21-02, all exhibits are admitted; presentation of evidence in this case is delegated thru a commissioner.

2. SP 512-0-2002

Order 02-26-03, IH conducted. All exhibits presented admitted. Reception of evidence delegated to Atty. Ronald Gavino who is appointed as commissioner.

3. SP 322-0-2004

Order 09-16-04, Atty. Ronald Gavino is appointed as commissioner to receive evidence.

4. SP 15-0-2005

Order 04-07-05, IH conducted, exhibits admitted. Reception of evidence delegated to Atty. Ronald Gavino who is appointed as commissioner with authority to receive evidence.

5. SP 198-0-2005

Order 08-11-05, at IH, all exhibits admitted. Reception of evidence delegated to Atty. Gavino. Notice of Appearance filed by OSG on 09-01-05.

6. SP 199-0-2005

Order 08-18-05, "at initial hearing x x x Counsel for petitioner for marking and admission of exhibits x x x All exhibits admitted. Notice of Appearance of OSG as counsel for plaintiff filed 08-25-05.

7. SP 33-0-2005

Order 08-25-05, IH conducted, exhibits admitted. Reception of evidence delegated to Atty. Ronald Gavino who is appointed as commissioner with authority to receive evidence.

(d) DIRECT Ms. Luzviminda P. Lacaba and Mr. Admer L. Lumanog, Clerks-in-Charge of the Docket Books, same court, to UPDATE the entries in the docket books assigned to them from year 2005 to 2006; SUBMIT COMPLIANCE therewith within sixty (60) days from notice hereof; and SUBMIT a quarterly report until the updating of the aforesaid docket books from year 2000 is completed;

x x x x

(h) DESIGNATE Presiding Judge Consuelo A. Bocar, RTC, Branch 71, Iba, Zambales, as Assisting Judge of Regional Trial Court, Branch 73, Olongapo City.

As a result of the additional respondents required by the OCA to comply, namely, OIC Asilo, Atty. Gavino, Lacaba and Lumanog, A.M. No. 06-07-415-RTC was re-docketed as A.M. No. RTJ-11-2293.

Judge Dilag submitted his Letter-Explanation[11] dated October 9, 2006 in partial compliance with our aforementioned directives, pointing out therein that he had already decided, resolved and/or acted upon 64 of the pending cases even before his receipt of the OCA judicial audit report. He blamed his court staff for the delay in the updating of the status of these cases. He also explained that the delay in the disposition of most of the pending cases was due to the heavy influx of family court cases in his sala, plus the lack of a regular branch clerk and other court personnel.

OIC Asilo filed a Letter-Explanation[12] dated October 9, 2006 with attached Monthly Report of Cases, List of Cases Submitted for Decision, List of New Criminal Cases Filed, List of Criminal Cases Dismissed, Archived, and Transferred to Other Branch, List of Civil and Special Proceedings Cases Filed, List of Decided Civil and Special Proceedings Cases, all for the month of March 2006, and list of monthly report of cases submitted for the years 2004 to 2006. As to paragraph (b.11) of our August 1, 2006 Resolution requiring OIC Asilo to explain why the number of cases submitted for decision/resolution were not accurately reflected in the monthly report of cases of RTC-Branch 73 of Olongapo City, OIC Asilo responded that she was designated as OIC of said trial court only

on March 30, 2005, in addition to her regular position as Court Stenographer III, and that she merely inherited the confused state of the cases when the clerk-in-charge of criminal cases abruptly resigned after Asilo's designation as OIC.

Atty. Gavino submitted his Explanation and Compliance[13] dated October 6, 2006, with regard to paragraph (c) of our Resolution dated August 1, 2006 which directed him to explain why the report on ex parte proceedings in the specified cases were not submitted to the Court. Atty. Gavino gave the following account:

- In Sp. Proc. No. 224-0-2002 - The reception of evidence was delegated to Atty. John V. Aquino, not to the undersigned, as per court order dated June 21, 2002.
- In Sp. Proc. No. 512-0-2002 - Notwithstanding the delegation of the reception of evidence for the petitioner to the undersigned, the petitioner has not pursued the foregoing case, and has not presented any evidence, either testimonial or documentary to this date.
- In Sp. Proc. No. 322-0-2004 - Although the undersigned was designated to receive evidence for the petitioner, the case was nevertheless heard in open court and did no longer require the ex-parte presentation of evidence before the undersigned.
- In Sp. Proc. No. 15-0-2005 - Notwithstanding the delegation of the reception of evidence to the undersigned, the petitioners have not presented any evidence, either testimonial or documentary to the undersigned to this date. The presentation of petitioners' evidence in open court was initially scheduled by the trial court on September 12, 2006, which was later moved to October 5, 2006.
- In Sp. Proc. No. 198-0-2005 - Although the undersigned was designated to receive evidence for the petitioner, the case was nevertheless heard in open court and did no longer require the ex-parte presentation of evidence before the undersigned. A decision was rendered by the trial court on August 24, 2006.
- In Sp. Proc. No. 199-0-2005 - Although the undersigned was designated to receive evidence for the petitioner, the case was nevertheless heard in open court and did no longer require the ex-parte presentation of evidence before the undersigned. A decision was rendered by the trial court on August 23, 2006.
- In Sp. Proc. No. 33-0-2005 - Notwithstanding the delegation of the reception of evidence to the undersigned, the petitioners have not pursued the foregoing case, and have not presented any evidence, either testimonial or documentary to the undersigned to this date. (Referral to annexes omitted.)

Lacaba and Lumanog filed Letters[14] dated December 14, 2006 with attached updated docket books for the years 2005 and 2006 in compliance with paragraph (d) of our Resolution dated August 1, 2006.

Jude Dilag's Letter[15] dated March 9, 2007 with attached report was another partial compliance with our Resolution of August 1, 2006. Judge Dilag stated in said Letter that he had already decided, resolved, and/or acted upon most of the pending cases and that he was merely waiting for the transcripts of stenographic notes for the remaining cases.

In his Letter[16] dated May 30, 2007, Judge Dilag reported full compliance with our Resolution of August 1, 2006, pointing out the following:

With respect to the observations of the Audit Team in paragraph (b.11), pages 17 to 18 of the resolution, we have -

(1)

Directed the respective clerks-in-charge to update the entries in the corresponding dockets especially in Civil and Special Proceedings cases. Mere indications of the title of the cases and the date the case was filed was

apparently the practice they merely followed from their predecessors;

(2)

The OIC has been tasked to attach the Certificate of Arraignment to criminal case records and this is being updated right now;

(3)

The Court Interpreter has been directed to see to it a summary of what transpired during the hearing of the cases is made and attached to the records;

(4)

The clerk-in-charge of the Criminal Docket has been reminded to monitor strictly the returns of the warrants of arrest issued by the court. He shall see to it that the officer to whom the warrant is assigned for execution shall make the corresponding report to the court;

(5)

The finding that pending criminal cases were allegedly bundled in archived cases appears to be an isolated incident. Nevertheless, the clerk-in-charge has been advised to exert utmost caution in the filing of the case folders;

(6)

The clerk-in-charge of the Civil and Criminal Dockets were also reminded to properly monitor and attach to the respective case folders the registry return cards;

(7)

The clerk-in-charge of the Civil Docket has been specifically reminded to see to it that the DSWD Social Worker and the Office of the City and Provincial Prosecutors have submitted their respective Home and Child Study Reports and conduct of reinvestigation in criminal cases and investigation of cases to determine collusion between the parties in annulment cases as well as the submission of the required pleadings. The OIC is also tasked to monitor and see to the compliance by the respective offices;

(8)

The finding that the monthly report of cases submitted to the CMO-OCA does not accurately reflect the number of cases submitted for decision has been properly addressed and corrected. Subsequent reports after the May 2006 audit accurately reflects the number of cases submitted for decision/resolution.

(9)

With respect to the bonds mentioned in paragraph 9, the Court has fully complied with the execution of the bonds as reflected in our Report dated May 17, 2007.

With respect to paragraph (b.11), we have submitted our explanation dated October 9, 2006, copy attached for ready reference.

Judge Dilag followed-up with Letters[17] dated June 12, 2007 and July 1, 2008 reiterating his complete compliance with our Resolution dated August 1, 2006 and manifesting his readiness to resume his trial duties. We referred Judge Dilag's Letters to the OCA for evaluation, report, and recommendation due to the prior referral of the matter to the said office.[18]

On October 21, 2008, the OCA issued its Memorandum finding Judge Dilag administratively accountable for

gross inefficiency, gross negligence, perjury, acts prejudicial to the best interest of the service, and violation of existing Supreme Court Circulars, and recommending the penalty of dismissal from the service with forfeiture of all benefits except accrued leave credits, with prejudice to his re-employment in any branch, agency, or instrumentality of the government including government-owned and controlled corporations.

The OCA also came up with the following recommendations for OIC Asilo, Atty. Gavino, Lacaba, and Lumanog:

- Officer-in-Charge Ester Asilo, same Court, be held administratively liable for gross ignorance of the procedure, gross inefficiency, perjury, violations of existing SC Circulars and acts prejudicial to the best interest of the service and be **SUSPENDED** from office without salary and other benefits for one (1) month and that a repetition of the same shall be dealt with more severely;
- Atty. Ronald D. Gavino, Deputy Clerk of Court, Office of the Clerk of Court, RTC, Olongapo City be **DIRECTED** to be more circumspect with the performance of his function and **STERNLY WARNED** that a repetition of the same shall be dealt with more severely; and
- Clerks-in-Charge Luzviminda P. Lacaba and ADMER L. LUMANOG be directed to **SUBMIT** a report on the current status of their updating of docket books from year 2000 within fifteen (15) days from notice hereof.[19]

The audit and physical inventory of the cases pending before Judge Dilag's sala revealed 377 cases[20] already submitted for decision or resolution or still in various stages of proceedings, which Judge Dilag failed to decide or resolve within the reglementary period or to act upon for a considerable length of time without proper justification. In addition to not being updated, the docket books of Judge Dilag's court contained deficient and improper entries. Returns of warrants of arrest and court orders with directives to parties were not properly monitored and attached to the records. Judge Dilag eventually decided, resolved, and/or acted upon the aforementioned 377 cases, pursuant to our Resolution of August 1, 2006; but the OCA, in its Memorandum dated October 21, 2008, still found Judge Dilag's full compliance unsatisfactory and recommended Judge Dilag's dismissal from the service.

Regarding the recommendation of the OCA as to Judge Dilag, we note that the OCA Memorandum dated October 21, 2008 concerns a pending incident in these consolidated administrative matters. In our Decision dated March 4, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, we had already meted upon Judge Dilag the penalty of dismissal from the service, with forfeiture of retirement benefits, excluding accrued leave benefits, and disqualification or appointment to any public office including government-owned or controlled corporations, for gross misconduct, gross ignorance of the law or procedure, and gross negligence and inefficiency. Judge Dilag's failure to promptly act on the cases before his sala and to supervise his staff in the proper keeping of the docket books and case records were acts that only further demonstrated Judge Dilag's gross negligence and inefficiency for which he had already been held administratively accountable with the severest of penalties.

As to the compliance of the other court personnel with the directives in our August 1, 2006 Resolution, we quote with approval the findings and recommendation of the OCA to hold OIC Asilo administratively liable for the following:

The role of the Branch Clerk of Court plays a vital and crucial role in the administration of the court's business. Although the judge is primarily responsible for the efficient court management, the Branch Clerk of Court, subject to the control and supervision of the Presiding Judge, is the extension of the Clerk of Court for administrative purposes and performs some of the functions and the duties of the Clerk of Court within the branch. As such, the Branch Clerk of Court has control and supervision over his personnel, all properties and supplies in the office (Par. D General Functions and Duties of the Clerk of Court and other Court Personnel, the 2002 Revised Manual for Clerks of Court, pp. 191-194).

A Clerk of Court is an essential officer in any judicial system, his office being the center of activities, both adjudicative and administrative (*Basco vs. Gregorio*, 242 SCRA 614). Clerks of Court are, among other things, required to: (1) safely keep all the records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office (Sec. 7, Rule 136, Rules of Court); (2) keep a general docket, each page of which shall be numbered and prepared for receiving all the entries in the single case, and shall enter therein all cases, numbered consecutively in the order in which they were received, and, under the heading of each case and a complete title thereof, the date of each paper filed or issued, of each order or judgment entered, and of each other step taken in the case, so that by reference to a single page the history of the case may be seen.

Tasked with the foregoing duties, Officer-in-Charge Asilo must recognize that her administrative functions are just as vital to the prompt and proper administration of justice (*Callejo, Jr. vs. Garcia*, 206 SCRA 491). She cannot proffer as an excuse that she merely inherited and continue the procedure followed prior to her designation. Upon acceptance of her designation, her first concern was to know her assumed duties and responsibilities especially when administrative circulars, issuances and manual of clerks of court are at hand.

As mentioned, the branch clerk of court shall, at the end of each month, be responsible for the preparation of the monthly report of cases which he shall certify under oath as true and correct, alongside a certification of its correctness by the presiding judge (A.C. No. 4-2004 dated February 4, 2004). A comparison of the List of Cases submitted for decision based on the monthly reports submitted for the months of March 2005 to May 2006 and the list of cases contained in the audit report will readily show, however, that Judge Dilag's sala was not accurately reporting the same, in gross violation of the administrative circular. It was only after the audit on May 2006 that they started indicating the numerous cases submitted for decision as listed in the monthly report of cases for the months of June - September 2006 (Annexes "G"-"G-1").

As regards the falsified registry return cards which are the subject of investigation before Court of Appeals Justice Garcia, the said omission could have been prevented if OIC Asilo has been more watchful over the conduct of court employees. Having control and management of all court records, exhibits, documents, properties and supplies (Section D, Chapter VII-Manual for Clerks of Court), she could have easily detected said wrongdoing had the attachment of the registry return cards to the case records been regularly done. What is more surprising is that, despite said discovery, OIC Asilo did not initiate any investigation and/or inventory of the case records. In addition to being remiss in her duties, she clearly failed to exercise diligence in supervising her subordinates. The laxity of respondent clerk in the supervision of court personnel was repugnant to her role as an adjudicative and administrative officer of the court.

Under the foregoing circumstances, it appears that the negligence of Officer-in-Charge Asilo in the performance of her duties and responsibilities compounded the delay in the disposition of cases in Judge Dilag's sala. Additionally, her lackadaisical attitude in the supervision of court personnel aggravated the mismanagement of the court's business. If she were only assiduous in the performance of her official duties and in supervising the court personnel and managing the court's dockets, court personnel will be deterred from committing any wrongdoing as the same can be easily detected.[21] (Emphases ours.)

Nevertheless, we modify the designation of the offense committed by OIC Asilo. OIC Asilo's inaccurate preparation of the monthly case reports, inept monitoring of case records, and incompetent supervision of court personnel, all constituted inefficiency and incompetence in the performance of official duties. This administrative infraction is a grave offense, punishable under Rule IV, Section 52, paragraph A(16) of the Civil Service Commission Memorandum Circular No. 19-99 as follows:

Section 52. x x x.

Par. A(16). Inefficiency and incompetence in the performance of official duties

1[st] offense - Suspension (6 mos. 1 day to 1 year)

2[nd] offense - Dismissal

Given that this is the first time OIC Asilo committed the said infraction, we impose upon her the minimum period of six months and one day suspension.

As for Atty. Gavino, the OCA found unsatisfactory his explanation for failing to submit a report on the following ex parte proceedings:

As regards SP No. 512-0-200 and SP No. 33-0-2005, the Court's order of February 26, 2003 and August 25, 2005, respectively appointed Atty. Ronald Gavino as commissioner to receive evidence ex-parte in the said proceedings. In explaining his failure to submit his report to the Court, Atty. Gavino asseverated that the parties did not pursue the case and did not present any evidence as directed. It will be noted that despite the referral of the cases to Atty. Gavino for the reception of evidence ex-parte, petitioner failed and/or refused to present evidence before him. With the ensuing lapse of a considerable length of time, Atty. Gavino should have reported the matter to the Court for its appropriate action. Except in SP No. 15-0-2005 where the petitioner moved for the setting of the case, SP Nos. 512-0-200 and 33-0-2005 are still unacted by the court despite the foregoing findings.[22] (Emphasis ours.)

As the OCA recommended, we direct Atty. Gavino to be more circumspect in the performance of his functions and sternly warn him that a repetition of the same or similar infraction will be dealt with more severely.

Lastly, we fully adopt the recommendations of the OCA to direct Lacaba and Lumanog to submit, within 15 days from notice, a status report on the updating of the docket books of RTC-Branch 73 of Olongapo City from the year 2000 until present; and to designate Presiding Judge Consuelo A. Bocar of RTC-Branch 71 of Iba, Zambales, as Acting Presiding Judge of RTC-Branch 73 of Olongapo City, Zambales, with entitlement to certain allowances allowed under existing rules.

WHEREFORE, in view of all the foregoing, we rule as follows:

1. The Motion for Leave to Admit Attached Second Motion for Reconsideration filed by respondent Judge Renato J. Dilag of the Regional Trial Court, Branch 73 of Olongapo City, Zambales is DENIED for being a prohibited pleading. Consequently, the attached Second Motion for Reconsideration of our Decision dated March 4, 2009 and Resolution dated April 28, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC is NOTED WITHOUT ACTION; and
2. The OCA Memorandum dated October 21, 2008 in A.M. No. 06-07-415-RTC is NOTED and the following recommendations of the OCA are ADOPTED:
 - a. Officer-in-Charge Ester A. Asilo of the Regional Trial Court, Branch 73 of Olongapo City, Zambales, is SUSPENDED from office for a period of SIX MONTHS AND ONE DAY for inefficiency and incompetence in the performance of official duties, pursuant to Rule IV, Section 52, paragraph A(16) of Civil Service Memorandum Circular No. 19-99;
 - b. Atty. Ronald D. Gavino, Deputy Clerk of Court of the Regional Trial Court of Olongapo City, Zambales, is DIRECTED to be more circumspect in the performance of his functions and is STERNLY WARNED that a repetition of the same or similar infraction shall be dealt with more severely;
 - c. Clerks Luzviminda P. Lacaba and Admer L. Lumanog are DIRECTED to submit, within 15 days from notice hereof, a status report on the updating of the docket books of the Regional Trial Court, Branch 73 of Olongapo City, Zambales, beginning the year 2000 until present; and
 - d. Presiding Judge Consuelo A. Bocar of the Regional Trial Court, Branch 71, of Iba, Zambales, is

DESIGNATED as Acting Presiding Judge of the Regional Trial Court, Branch 73 of Olongapo City, Zambales, with entitlement to reimbursement of traveling expenses with per diems, additional expense allowances, and judicial incentive allowances as provided for under existing rules.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Mendoza, and Sereno, JJ., concur

Abad, J., on leave.

Perez, J., no part.

[1] Rollo (A.M. No. RTJ-06-2014), Vol. II, pp. 714-717.

[2] Id.

[3] Id.

[4] Rollo (A.M. No. RTJ-11-2293), pp. 1718-1734.

[5] Id. at 2-42.

[6] Id. at 111-134.

[7] Rollo (A.M. No. RTJ-06-2014), Vol. II, pp. 197-220.

[8] Tirazona v. Philippine EDS Techno-Service, Inc., G.R. No. 169712, January 20, 2009, 576 SCRA 625, 628.

[9] Ocampo v. Bibat-Palamos, A.M. No. MTJ-06-1655, March 6, 2007, 517 SCRA 480, 487.

[10] A.M. No. RTJ-05-1921, September 30, 2005, 471 SCRA 176, 184.

[11] Rollo (A.M. No. RTJ-11-2293), pp. 188-189.

[12] Id. at 193-194.

[13] Id. at 226-228.

[14] Id. at 907-914.

[15] Id. at 921-1498.

[16] Id. at 1503-1611.

[17] Id. at 1689 and 1645.

[18] Id. at 1611-1613, 1659-1661.

[19] Id. at 1733-1734.

[20] Excluding the 37 other cases submitted for decision or resolution which are still within the reglementary period for Judge Dilag to decide or resolve.

[21] Rollo (A.M. No. RTJ-11-2293), pp. 1730-1731.

[22] Id. at 1732.

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