HEIRS OF SPOUSES JOSE AND CONCEPCION OLORGA, REPRESENTED BY ILDA OLORGA-CAÑAL, COMPLAINANTS, VS. JUDGE ROLINDO D. BELDIA, JR., AND BRANCH CLERK OF COURT MARY EMILIE T. VILLANUEV...

A.M. No. RTJ-08-2137 (Formerly OCA I.P.I. No. 06-2530-RTJ). February 10, 2009

Ponente: CORONA, J.

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CORONA, J.:

In a verified complaint dated April 5, 2006, complainant Ilda Olorga-Cañal, by herself and as representative of the other heirs of spouses Jose and Concepcion Olorga, charged respondents Judge Rolindo D. Beldia, Jr. and Atty. Mary Emilie T. Villanueva, former presiding judge and branch clerk of court, respectively, of the Regional Trial Court (RTC), San Carlos City, Negros Occidental, Branch 57, with infidelity in the custody of records in connection with Civil Case No. X-82 entitled "Concepcion Olorga, et al. v. Cesar Lopez" for specific performance and damages.

The complainants made the following allegations:

> (1)
>
> The records of Civil Case No. X-82, which was filed way back in 1982 by their mother, Concepcion Olorga, were lost while in the custody of respondents and could not be found. They found out that the only entry was the name of [Atty. Rudy B. Cañal][1] who filed the case, the date of the filing, the title of the complaint and nothing else, up to the present year 2006 or precisely a span of 24 years.
>
> (2)
>
> As a result of said complete loss of the records, they found it extremely difficult, if not impossible, to prove that the property or lot, subject matter of the civil case, had been fully and completely paid for by the spouses. All the documentary evidence had already been submitted to the RTC, Branch 57 in 1993 as supported by the xerox copy of the order of respondent judge. Unfortunately, complainants could not secure a certified true copy of this order but would be able to present the original carbon copy duly signed by the Clerk of Court at that time.[2]
>
> (3)
>
> Their late father, notwithstanding the distance of their home from the court, the two-hour bus ride and the long hours of waiting in the court, followed up the case after the death of their mother, for almost 10 years, i.e. from 1982 to 1991. On April 19, 1993, they had already rested their case and the lawyer for the defendant had manifested in open court that if the last defense witness could not be presented on the next scheduled hearing, he, too, would be resting his case. Despite this, respondent judge failed to resolve the case within the mandated time of 90 days, from 1994 to 2006.[3]
>
> (4)

Respondents were trying to cover-up their negligence by blaming the termites for the loss of the records. Complainants had in their possession copies of the orders issued by respondent judge himself indicating that the same had long been submitted for decision.[4]

Respondent judge denied the charges against him. He offered these defenses:

(1)

He was appointed as judge of RTC, San Carlos City, Negros Occidental, Branch 57 only on March 19, 1992 and assumed office in May 1992. Thereafter, he was designated as the acting presiding judge of the RTC, Bacolod City, Branch 45 on June 30, 1993.[5] He went back to Branch 57 only in April 2002.[6] During the interim period or before his return to Branch 57, he was designated as the acting presiding judge in RTC, Bacolod City, Branch 41, Mambusao, Capiz and Marikina.[7]

(2)

Upon inquiry from the court personnel who had been and still assigned in Branch 57, the records of Civil Case No. X-82 could not be traced or located and that the entry in the docket book did not indicate the status of the case and was haphazardly done. If it would still be possible, reconstruction of the records of the case was the only and best way by which complainants could be apprised of the actual status of the case. The Branch 57 personnel under his watch had nothing to do with the loss of the records of Civil Case No. X-82.

(3)

The case records of Civil Case No. X-82 remained with Branch 57 when he was transferred to RTC, Bacolod City, Branch 45 since the records of the cases assigned to him in Branch 57 did not follow him wherever he was assigned. Furthermore, these records could and should not be brought outside of the court's premises without any court order.

(4)

The audit team sent by the Supreme Court on March 21, 2000 found that Civil Case No. X-82 was not among the civil cases that remained not acted upon for a long time.[8] When another audit team came on June 16, 2005, the case was never brought up. This team perused the docket books and found everything in order.

(5)

When he was ordered to return to Branch 57 in 2002, Civil Case No. X-82 was not among the cases in the inventory he signed when he resumed his post.[9]

On the other hand, respondent Atty. Mary Emilie T. Villanueva averred that:

(1)

She assumed as branch clerk of court of Branch 57, on January 10, 2000. When she assumed her position, there was no existing list of cases submitted for decision and she had to conduct and prepare a physical and actual inventory of all the pending cases assigned to Branch 57. Civil Case No. X-82 was not included in the inventory she prepared and signed by former presiding judge Roberto S.A. Javellana. Also, it was not among those civil cases found by the audit team sent by the Supreme Court on March 21, 2000 as not having been resolved within the required period.[10]

(2)

When she assumed office, she realized that the former clerks of court and officers-in-charge of Branch 57 did not keep a proper recording/docketing of the cases assigned to and decided by the said court. So she instructed the clerks-in-charge to properly fill in the docket books the dispositive portions of the court's decisions or final

orders before endorsing the records of these cases to the office of the clerk of court.

(3)

Sometime in March 2006, the complainants (spouses Cañal) went to her office to follow-up the status of Civil Case No. X-82 after inquiring by phone. She informed them she had the records of the case searched prior to their arrival but they were not found. In the course of her investigation, she came to know that the records of the case were lost long ago. Even the former clerk of court, Atty. Riah Debulgado, tried to look for them during the latter months of 1995 and early months of 1996 but failed to find them. She showed them the page in the docket book showing the entry relevant to the case. She assured complainants that their office will help them with the reconstruction of the records. Her averments found support in the affidavits of the court's stenographer, sheriff IV, and clerk III (in-charge of the records of all the civil cases).[11]

In a resolution dated February 12, 2007, upon the recommendation of the Office of the Court Administrator (OCA), we referred the administrative case to the Court of Appeals, Cebu City, for investigation, report and recommendation.[12] It was assigned to Justice Francisco P. Acosta who conducted a hearing on the matter.

From the testimonies and documentary evidence, Justice Acosta ferreted out the following sequence of events:

(1)

Civil Case No. X-82 was filed in 1982 in RTC, San Carlos City, Negros Occidental, Branch 57, then presided by Judge Macandog, by Atty. Cañal against Cesar Lopez.

(2)

There were photocopies of the orders issued by then Judge Cesar D. Estampador in Civil Case No. X-82, where one Order stated -

As agreed by counsel for both parties, let the continuance of the hearing of this case be set on October 29, 1987, at 8:30 in the morning, for counsel for the plaintiff to cross-examine witness Cesar Lopez.

SO ORDERED.

(3)

The other orders issued by Judge Estampador were all postponements/resetting of hearing dates.

(4)

In a Motion dated May 21, 1084, Atty. Cañal withdrew as counsel.

(5)

Atty. Raymundo Ponteras took over the case from Atty. Cañal, and thereafter, Atty. Vic Agravante took over from Atty. Ponteras;

(6)

Respondent judge was appointed as the presiding judge of Branch 57 on March 19, 1992 and assumed office in May 1992.

(7)

Respondent judge was designated as acting presiding judge of Branch RTC, Bacolod City, Branch 45, pursuant to Administrative Order No. 104-93 dated June 30, 1993, in lieu of Judge Medina who retired, but at the same time he continued to hear cases in Branch 57 since Judge Roberto S.A. Javellana fully assumed the position of

presiding judge of Branch 57 only in January of 1995.

(8)

The last order issued by the respondent judge in Civil Case No. X-82 was dated November 16, 1994, which read as follows:

All exhibits marked, Exhibit "I" with its sub-markings; Exhibit "5" sub-markings; Exhibits "6", "7", "8", and "8-A"; Exhibit "9" and "10" are all admitted as part of the testimony of the witnesses for the defendants, for whatever worth it may be and thereafter submitted for DECISION.

SO ORDERED.

(9)

Respondent judge was designated as the presiding judge of RTC, Bacolod City, Branch 41 on December 21, 1994, by virtue of Administrative Order No. 225-93, but assumed office only in January of 1995.

(10)

Based on their joint-affidavit dated June 2, 2006, spouses Juanito and Leticia de Guzman[13] averred that sometime in 1994, they went to Branch 57 to follow-up on the case. They were shown the records thereof and someone from the office asked them for P300 as traveling expenses of the court's messenger who would deliver the case records to respondent judge in Bacolod City since the latter was the one to decide the said case.

(11)

Based on the affidavit of Rudy L. Olorga, he delivered the amount of P300 to the court messenger at his residence and could even recall where the latter lives.

(12)

The complainants, however, did not present the court messenger or any person who could corroborate the foregoing allegations.

(13)

Branch 57 clerk-in-charge of civil cases Lilibeth Libutan assumed her duty as such in July 1996. Per her sworn statement, she had no knowledge of Civil Case No. X-82, until she heard the former clerk of court, the late Atty. Riah Debulgado say that she (Atty. Debulgado) had been looking for the said records but could not locate them.

(14)

Respondent clerk of court assumed office only on January 10, 2000. There was no formal turn-over of all the court's case records since at that time, only the judges were required to make and submit a bi-annual docket inventories and to conduct an inventory upon their assumption of office.

(15)

On March 21, 2000, the Supreme Court sent an audit team to Branch 57 and found out that there were several cases not acted upon for a long period of time but Civil Case No. X-82 was not one of them as revealed in the resolution of the First Division of the Supreme Court dated August 28, 2000.

(16)

Per the docket Inventory dated July 11, 2000, for the period January to June 2000, submitted by Judge

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Javellana, Civil Case No. X-82 was not included in said inventory.

(17)

Respondent judge returned to Branch 57 in 2002, pursuant to Administrative Order No. 18-2002 dated February 7, 2002.

(18)

The Supreme Court sent another audit team on June 16, 2005 and found that no active records had been lost and after going over the court's docket books, said team found everything to be in order.

(19)

Sometime in March of 2006, someone inquired about the status of the case, and thereafter, the respondent clerk of court instructed the clerk in charge to look for the records of Civil Case No. X-82 in all possible places where it may be found, including in the disposed and archived cases section, but the search yielded nothing.

(20)

In the last week of March 2006, complainant Ilda Olorga-Cañal, together with Atty. Rudy Cañal and some other companions, went to Branch 57 and asked for the records of Civil Case No. X-82. They were shown the docket book and were informed that neither the respondent clerk of court nor the clerk in charge had seen said records.

(21)

The Supreme Court directed respondent judge to conduct an investigation/inquiry regarding Civil Case No. X-82.

(22)

The last entry in the docket book pertaining to Civil Case No. X-82 is the order dated March 5, 1982, terminating the pre-trial. From then on, nothing was entered therein.[14]

Based on these findings, Justice Acosta recommended that the complaint for infidelity in the custody of records be dismissed against both respondents because these records were not in their custody when they were lost. However, he recommended that respondent judge be held liable for his negligence in maintaining his court's docket book and fined P5,000.[15]

On the Liability of Respondent Judge

Civil Case No. X-82 was submitted for decision in an order issued by respondent judge on November 16, 1994. Judges of lower courts have 90 days from the time a case is submitted for decision to decide the same.[16] Respondent judge was designated as presiding judge of RTC, Bacolod City, Branch 41 on December 21, 1994 but assumed office in January 1995. The time for rendering a decision had not lapsed at the time of his transfer and he did not render one before he was transferred and replaced by Judge Javellana.

The question now is: who had custody of the records of Civil Case No. X-82 when they were lost?

According to affiants Juanito and Leticia de Guzman, the records were still with Branch 57 when they followed up on the case sometime in 1994 after the same was submitted for decision. They were told that they had to give P300 to the court's messenger for the latter to bring the records to Bacolod City so that the respondent judge could decide the case. From this statement, it is safe to assume that when the respondent judge left Branch 57, the records were still there.[17]

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However, from the sworn affidavit of Lilibeth L. Libutan, clerk in charge of civil cases of Branch 57, the records of Civil Case No. X-82 could not be found when she assumed office in July 1996. She stated that Atty. Riah Debulgado, former branch clerk of court, also looked for the missing records during the latter months of 1995 and early months of 1996 but failed to locate them.[18]

In Re: Cases Left Undecided by Judge Sergio D. Mabunay, RTC, Branch 24, Manila,[19] we held that cases which are raffled to a branch belong to that branch unless re-raffled or otherwise transferred to another branch in accordance with established procedure. Judges who are transferred do not take with them cases substantially heard by them and submitted to them for decision unless they are requested to do so by any of the parties and such request is endorsed by the incumbent presiding judge through the OCA:

> Basically, a case once raffled to a branch belongs to that branch unless reraffled or otherwise transferred to another branch in accordance with established procedure. When the Presiding Judge of that branch to which a case has been raffled or assigned is transferred to another station, he leaves behind all the cases he tried with the branch to which they belong. He does not take these cases with him even if he tried them and the same were submitted to him for decision. The judge who takes over this branch inherits all these cases and assumes full responsibility for them. He may decide them as they are his cases, unless any of the parties moves that his case be decided by the judge who substantially heard the evidence and before whom the case was submitted for decision. If a party therefore so desires, he may simply address his request or motion to the incumbent Presiding Judge who shall then endorse the request to the [OCA] so that the latter may in turn endorse the matter to the judge who substantially heard the evidence and before whom the case was submitted for decision. This will avoid the "renvoir" of records and the possibility of an irritant between the judges concerned, as one may question the authority of the other to transfer the case to the former. If coursed through the [OCA], the judge who is asked to decide the case is not expected to complain, otherwise, he may be liable for insubordination and his judicial profile may be adversely affected. Upon direction of the Court Administrator, or any of his Deputy Court Administrators acting in his behalf, the judge before whom a particular case was earlier submitted for decision may be compelled to decide the case accordingly.
>
> We take this opportunity to remind trial judges that once they act as presiding judges or otherwise designated as acting/assisting judges in branches other than their own, cases substantially heard by them and submitted to them for decision, unless they are promoted to higher positions in the judicial ladder, may be decided by them wherever they may be if so requested by any of the parties and endorsed by the incumbent Presiding Judges through the [OCA]. The following procedure may be followed: First, the Judge who takes over the branch must immediately make an inventory of the cases submitted for decision left behind by the previous judge (unless the latter has in the meantime been promoted to a higher court). Second, the succeeding judge must then inform the parties that the previous judge who heard the case, at least substantially, and before whom it was submitted for decision, may be required to decide the case. In this event, and upon request of any of the parties, the succeeding judge may request the Court Administrator to formally endorse the case for decision to the judge before whom it was previously submitted for decision. Third, after the judge who previously heard the case is through with his decision, he should send back the records together with his decision to the branch to which the case properly belongs, by registered mail or by personal delivery, whichever is more feasible, for recording and promulgation, with notice of such fact to the Court Administrator.
>
> Since the primary responsibility over a case belongs to the presiding judge of the branch to which it has been raffled or assigned, he may also decide the case to the exclusion of any other judge provided that all the parties agree in writing that the incumbent presiding judge should decide the same, or unless the judge who substantially heard the case and before whom it was submitted for decision has in the meantime died, retired or for any reason has left the service, or has become disabled, disqualified, or otherwise incapacitated to decide the case.
>
> The Presiding Judge who has been transferred to another station cannot, on his own, take with him to his new

> station any case submitted for decision without first securing formal authority from the Court Administrator. This is to minimize, if not totally avoid, a situation of "case-grabbing." In the same vein, when the Presiding Judge before whom a case was submitted for decision has already retired from the service, the judge assigned to the branch to take over the case submitted for decision must automatically assume the responsibility of deciding the case.[20]

There is no showing that respondent judge was ever ordered by this Court, through the OCA, to decide Civil Case No. X-82. Although there was an allegation that the records of the case were delivered to respondent judge in Bacolod City, there was no proof whatsoever that he indeed instructed someone from Branch 57 to bring the records to him. Much less was there proof that the records were in fact brought to the respondent judge in Bacolod City so that he could decide the case.

Thus, we agree with Justice Acosta that respondent judge could be held liable for infidelity in the custody of public documents since there was no evidence that the records were lost while they were in his possession, that he took them with him to Bacolod City or that he destroyed or concealed them. There was only the self-serving affidavit of Juanito and Leticia de Guzman offered by complainants which was not corroborated by independent or more reliable evidence. This did not constitute substantial evidence that a reasonable mind would accept as adequate to support the conclusion[21] that respondent judge was responsible for the loss of the case records. In administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of his or her complaint.[22] Furthermore,

> [any] administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment. Mere imputation of judicial misconduct in the absence of sufficient proof to sustain the same will never be countenanced. If a judge should be disciplined for misconduct, the evidence against him should be competent.[23]

Be that as it may, while respondent judge should not be held liable for the loss of the records of Civil Case No. X-82, we agree with Justice Acosta that the former failed to demonstrate the requisite care and diligence necessary in the performance of his duty as presiding judge, specifically in ensuring that the entries in the court's docket book were updated. Respondent judge himself admitted that the docket book was filled up "haphazardly."[24]

Indeed, while it is not the presiding judge who makes the entries in the docket book, still

> ... the trial judge is expected to adopt a system of record management and organize his docket in order to bolster the prompt and effective dispatch of business. Proper and efficient court management is the responsibility of the judge. It is incumbent upon judges to devise an efficient recording and filing system in their courts so that no disorderliness can affect the flow of cases and their speedy disposition.
>
> xxx xxx xxx
>
> Further evidence of Judge Legaspi's inability to implement an efficient recording and filing system is her failure to maintain her court's civil and criminal docket books since 1983. While it may be so that her predecessors had similarly failed to maintain these books, Judge Legaspi has presided over her sala since 1991. Yet, the entries of her docket book are complete only "from 2000 up." In her defense, it appears that her clerks-in-charge have "confessed to the impossibility of completing the docket book and attending to their current work at the same time." Still, it is incumbent on all trial court judges to duly apprise this Court or the OCA of problems they encounter in the day-to-day administration of their court dockets and records, so they may receive appropriate guidance and assistance. After all, the responsibility for an efficient administration of justice lies not only with the trial court judges, but with the judicial system as a whole.[25] (Emphasis

supplied)

Respondent judge assumed office as the presiding judge of Branch 57 in May 1992. He issued orders in Civil Case No. X-82, the last being the order dated November 16, 1994, declaring the case submitted for decision. However, the last entry in the docket book pertaining to the case was dated March 5, 1982. From then on, several orders were issued by the respondent judge but these were never recorded in the docket book as they should have been.

Respondent judge was therefore negligent in the discharge of his duties. He failed to observe that degree of care, precaution and vigilance required of his position. Considering his administrative authority over the court's personnel, he should have directed them to be diligent in the performance of their functions. He neglected to properly supervise them, particularly those in charge of the docket books, resulting in incomplete entries therein. These violated Rules 3.08 and 3.09 of the Code of Judicial Conduct:

> Rule 3.08. - A judge should diligently discharge his administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.
>
> Rule 3.09. - A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

This constituted simple misconduct,[26] defined as a transgression of some established rule of action, an unlawful behavior or negligence committed by a public officer.[27] It is a less serious offense[28] punishable by suspension from office without salary and other benefits for not less than one month nor more than three months or a fine of more than P10,000 but not exceeding P20,000.[29]

Consequently, we fine respondent judge in the amount of P15,000 which is a stiffer penalty than the P5,000 fine recommended by Justice Acosta. We find this amount reasonable, considering that respondent judge had already been administratively sanctioned twice before.[30]

Respondent judge's compulsory retirement on October 31, 2006[31] did not render the present administrative case moot and academic. It did not free him from liability. Complainant filed this case on April 5, 2006, before respondent judge retired from office. As such, the Court retained the authority to resolve the administrative complaint against him. Cessation from office because of retirement does not per se justify the dismissal of an administrative complaint against a judge while still in the service.[32] The P15,000 fine can and shall be deducted from his retirement benefits.

Pursuant to A.M. No. 02-9-02-SC,[33] this administrative case against respondent as a judge, based on grounds which are also grounds for the disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar.[34]

Violation of the fundamental tenets of judicial conduct embodied in the Code of Judicial Conduct constitutes a breach of Canons 1 and 11 of the Code of Professional Responsibility (CPR):

> Canon 1 -- A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.
>
> Canon 11 -- A lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others.

Certainly, a judge who falls short of the ethics of the judicial office tends to diminish the people's respect for the law and legal processes. He also fails to observe and maintain the esteem due to the courts and to judicial

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officers.[35] Respondent judge's negligence also ran counter to Canon 12 of the CPR which provides:

> Canon 12 -- A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

For such violation of Canons 1, 11 and 12 of the CPR, he is severely reprimanded.

On the Liability of Respondent Clerk of Court

Justice Acosta recommended that respondent clerk of court be absolved of the charge filed against her. We agree.

Section 7, Rule 136 of the Rules of Court specifically mandates the clerk of court to "safely keep all records, papers, files, exhibits and public property committed to his [or her] charge."

Considering that the records of Civil Case No. X-82 could no longer be located in Branch 57 since 1995 and respondent clerk of court assumed her post only on January 10, 2000, these records were obviously never committed to her charge.

In addition, in the docket inventory of cases dated July 11, 2000 prepared and submitted by Judge Javellana, Civil Case No. X-82 was not included. Likewise, in our resolution dated August 28, 2000, Civil Case No. X-82 was not in the list of cases still left undecided beyond the mandated period.

For the same reason, respondent clerk of court cannot be held accountable for the incomplete entries in the docket book with respect to Civil Case No. X-82.

Moreover, when complainants followed up the case with respondent clerk of court, the latter conducted an investigation. When the records could not be found, she informed the complainants and assured them that the court could assist them in reconstituting such records. Under the circumstances, she did all that she could. It was not shown that she was remiss in her duties.[36]

To conclude, while we sympathize with the plight of complainants for the inconvenience caused by the loss of the records of Civil Case No. X-82, we cannot pin the blame on respondents who did not have custody of such records when they were lost.

WHEREFORE, retired Judge Rolindo D. Beldia, Jr. of the Regional Trial Court, San Carlos City, Negros Occidental, Branch 57, is hereby found GUILTY of simple misconduct. He is ordered to pay a FINE in the amount of Fifteen Thousand Pesos (P15,000), to be deducted from his retirement benefits.

Respondent judge is further hereby SEVERELY REPRIMANDED for his violation of Canons 1, 11 and 12 of the Code of Professional Responsibility.

The complaint against Atty. Mary Emilie T. Villanueva, clerk of court of the Regional Trial Court, San Carlos City, Negros Occidental, Branch 57, is DISMISSED.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Azcuna, and Leonardo-De Castro, JJ., concur.

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[1] Husband of complainant Ilda Olorga-Cañal.

[2] Report on Investigation and Recommendation, p. 2.

[3] Id., p. 3.

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[4] Id., p. 5.

[5] Pursuant to Administrative Order No. 104-93 of even date. In the same administrative order, Judge Roberto S. A. Javellana was designated as the acting presiding judge of RTC, Branch 57, San Carlos City, Negros Occidental in addition to his regular duties in his own court, effective immediately and to continue until the return of respondent judge, or until further orders from the Supreme Court; id., p. 3.

[6] Per Administrative Order No. 18-2002 dated February 7, 2002; id.

[7] Id. and rollo, p. 3.

[8] Per Resolution of the Supreme Court dated August 28, 2000 in Administrative Matter No. 00-8-354-RTC (Re: Report on the Spot Judicial Audit conducted in the Regional Trial Court, San Carlos City [Negros Occidental], Branches 57, 58 and 59); id., p. 4 and rollo, p. 3.

[9] Rollo, p. 3.

[10] Id. and Report on Investigation and Recommendation, pp. 4-5.

[11] Id., p. 4 and Report on Investigation and Recommendation, p. 5.

[12] Id., p. 292.

[13] They stated that Rudy Cañal, husband of complainant Ilda Olorga-Cañal, is their brother-in-law; id., p. 118.

[14] Report on Investigation and Recommendation, pp. 6-11.

[15] Id., p. 16.

[16] Constitution, Article VIII, Sec. 15.

[17] Report on Investigation and Recommendation, p. 11; rollo, p. 35.

[18] Id., p. 11; rollo, pp. 4, 188.

[19] A.M. No. 98-3-114-RTC, 22 July 1998, 292 SCRA 694.

[20] Id., pp. 699-701.

[21] Judge Español v. Judge Mupas, 484 Phil. 636, 657 (2004).

[22] Mamerto Maniquiz Foundation, Inc. v. Pizarro, A.M. No. RTJ-03-1750, 14 January 2005, 448 SCRA 140, 155-156.

[23] Mataga v. Rosete, A.M. No. MTJ-03-1488, 13 October 2004, 440 SCRA 217, 221, citing Atty. Cea v. Judge Paguio, A.M. No. MTJ-03-1479, 17 February 2003, 397 SCRA 494.

[24] Rollo, p. 121.

[25] Office of the Court Administrator v. Legaspi, A.M. No. RTJ-05-1893, 14 March 2006, 484 SCRA 584, 608-609.

[26] See J. King & Sons Company, Inc. v. Hontanosas, Jr., A.M. No. RTJ-03-1802, 21 September 2004, 438 SCRA 525.

[27] China Banking Corporation v. Janolo, Jr., A.M. No. RTJ-07-2035, 12 June 2008, citing Jacinto v. Layosa, A.M. No. RTJ-02-1743, 11 July 2006, 494 SCRA 456, 464.

[28] Section 9(7), Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC.

[29] Id., Section 11(B).

[30] In Ruiz v. Beldia, Jr. (A.M. No. RTJ-02-1731, 16 February 2005, 451 SCRA 402), we fined respondent judge P5,000 for gross ignorance of the law. In Macachor v. Beldia, Jr. (A.M. No. RTJ-02-1724, 12 June 2003, 403 SCRA 707), we fined him P11,000 for his failure to act upon a motion with reasonable dispatch which constitutes gross inefficiency.

[31] Rollo, p. 4.

[32] Rivera v. Mirasol, A.M. No. RTJ-04-1885, 14 July 2004, 434 SCRA 315, 321, citing Cabarloc v. Cabusora, A.M. No. MTJ-00-1256, 15 December 2000, 348 SCRA 217, 226.

[33] Dated September 17, 2002 and took effect on October 1, 2002.

[34] Maddela v. Dallong-Galicinao , A.C. No. 6491, 31 January 2005, 450 SCRA 19, 25.

[35] Juan de la Cruz (Concerned Citizen of Legazpi City) v. Carretas, A.M. No. RTJ-07-2043, 5 September 2007, 532 SCRA 218, 232.

[36] Per the Office of Administrative Services, respondent clerk of court had been transferred to RTC, Bago City, Negros Occidental as of November 2007.

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