

## **EN BANC**

**[ A.M. No. RTJ-21-005 (Formerly A.M. 20-11-161-RTC), December 09, 2020 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
HON. EVELYN A. ATIENZA-TURLA, PRESIDING JUDGE, BRANCH  
40, REGIONAL TRIAL COURT, PALAYAN CITY, NUEVA ECIJA,  
RESPONDENT.**

### **DECISION**

**GAERLAN, J.:**

The speedy disposition of cases in our courts is a primary aim of the Judiciary, so that the ends of justice may not be compromised and the Judiciary will be true to its commitment to provide litigants their constitutional rights to a speedy trial and a speedy disposition of their cases.<sup>[1]</sup>

This administrative matter stemmed from the judicial audit and physical inventory of cases conducted in the Regional Trial Court (RTC), Palayan City, Nueva Ecija, on January 31, 2019 to February 23, 2019 pursuant to Travel Order No. 12-2019 dated January 18, 2019. The court was formerly presided by Hon. Evelyn A. Atienza-Turla, who has compulsory retired on March 18, 2019, and is now presided by Hon. Eleanor Teodora Marbas-Vizcarra in an acting capacity. The report of the judicial audit team disclosed that the court had a total caseload of 833 cases, 666 of which are criminal cases and 167 are civil cases.<sup>[2]</sup> The audit team found out that two criminal cases<sup>[3]</sup> were still submitted for decision but are beyond the period to decide ordinary cases. A number of criminal cases<sup>[4]</sup> with pending incidents for resolution had not been acted upon despite considerable length of time to resolve. There were also criminal cases<sup>[5]</sup> that were ripe for archiving and issuance of alias warrant but were not acted upon within a reasonable time.

In civil cases, the audit team discovered that there are 18 cases<sup>[6]</sup> submitted for decision which are beyond the period to decide, and without any proof of extension requested from the Office of the Court Administrator (OCA). The report also revealed that several cases<sup>[7]</sup> have no initial action or further action/setting. Meanwhile, some civil cases<sup>[8]</sup> have pending motions/incidents which have yet to be acted upon at the time of the audit. Moreover, records show that there are numerous civil cases<sup>[9]</sup> decided by Judge Atienza-Turla, which were beyond the period to decide without proof of request for extension of time.

The audit team likewise observed that the court's case records were mismanaged and unorganized, to wit:

1. No compliance with the continuous trial as manifested by the delays in the progress of most of the cases pending;

2. Lack of corresponding orders;
3. Failure to usually state the status of the cases in the notices of hearing/orders;
4. Failure to produce the corresponding minutes and stenographic notes within the reasonable time;
5. Failure to use case indexes to properly monitor the cases and to avoid overlooking pending incidents for action;
6. Lack of pagination;
7. Failure to use detainee's notebooks properly as most are not updated;
8. Errors in the names of the parties and dates of the pleadings and orders by reason of carelessness;
9. Most orders and decisions issued by the court lack proof of mailing since no return card/registry return receipt are attached thereto;
10. Resettings of cases are caused mostly by the court's own initiative by reason of official business and/or absence of the judge; while those caused by the parties are consistently granted; and
11. Failure to use the docket inventory format provided by the OCA as can be downloaded from its official website.<sup>[10]</sup>

On February 22, 2019, the audit team scheduled an exit conference with the court employees in order to seek explanation and to discuss its factual findings. However, when the audit team arrived in the court at around 8:00 in the morning of said date, no court employee was present with the exception of the utility, Mr. Harold Joseph Mones Rupac. When team requested for the logbook attendance of the court, it was discovered that almost all of the court employees failed to sign therein. The utility was asked about the whereabouts of his officemates, but he simply replied "*nagmarathon po.*" The team contacted Ms. Catherine V. Nad, Officer-in-Charge/Branch Clerk of Court on her mobile phone to seek further explanation. She informed them that the court employees were attending a marathon in Cabanatuan City, Nueva Ecija. Thereafter, the audit team took pictures of the office and made photocopies of the logbook as evidence, copies of which are attached to the Judicial Report as annexes.<sup>[11]</sup>

### **The OCA's Recommendation**

On October 26, 2020, the OCA issued a Memorandum addressed to Chief Justice Diosdado M. Peralta. The memorandum based its findings and recommendations contained in the Judicial Report dated October 2, 2020 of the judicial audit team. The Court Administrator recommended as follows:

1. the instant matter be **RE-DOCKETED** as a regular administrative matter against retired Judge Evelyn A. Atienza-Turla, formerly of Branch

40, RTC, Palayan City, Nueva Ecija;

2. Judge Atienza-Turla be found **GUILTY** of the less serious charge of undue delay in rendering decision or order under Section 9 and 11, Rule 140 of the Rules of Court, and Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct;

3. Considering the retirement of Judge Atienza-Turla which took effect on 18 March 2019, a **PENALTY OF FINE** equivalent to three (3) months salary at the time of her retirement should be imposed, to be deducted from her retirement/gratuity benefits;

4. The following court employees be directed to **EXPLAIN** why they should not be held administratively liable for not being present on the scheduled exit conference last 22 February 2019 and to present their authority, if any, as to their absences on the said date:

- a. Catherine Valdez-Nad (Officer-in-Charge/COC)
- b. Shamin De Guzman-Madrid (Court Interpreter);
- c. Rubentito V. Alomia (Sheriff);
- d. Alma Villanueva-Eubank (Stenographer);
- e. Mary Grace Labiano-Medoza (Stenographer);
- f. Rosita Reyes-Caramancion (Stenographer);
- g. Mark Joseph Magdaong Legaspi (DEMO);
- h. Mark Bryan Avila Coguiz (Docket Clerk); and
- i. Alejandro Cabico Fabian (Process Server);

5. The Officer-in-Charge be **DIRECTED** to update all corresponding orders, minutes and stenographic notes; to attach to the case records updated indexes of case events and necessary proofs of service/ mailing; to expedite the disposition of cases which have been pending in the docket of the court for an unreasonable length of time; to submit quarterly reports on the status of cases which have been pending in the court docket for a year or more; and to submit quarterly reports on the status such cases; and

6. The Officer-in-Charge be **DIRECTED** to strictly comply with Administrative Circular No. 76-2007 (Submission of Semestral Docket Inventory Report) and Administrative Circular No. 61-2001 (Revised Rules, Guidelines, and Instructions on Accomplishing Monthly Report of Cases).

**RESPECTFULLY SUBMITTED.**

We agree with the findings and recommendations of the OCA.

Time and again, the Court has emphasized that the office of a judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Article lit Section 16 of the Constitution,<sup>[12]</sup> which guarantees the right to speedy disposition of cases. Likewise, Article VIII, Section 15(1) of the 1987 Constitution mandates that the first and second level