

SECOND DIVISION

[A.M. No. RTJ-10-2235 (Formerly A.M. No. 10-3-94-RTC), March 11, 2013]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JESUS L. GRAGEDA, RESPONDENT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

The Facts

In view of the compulsory retirement of Judge Jesus L. Grageda on November 25, 2009, the Office of the Court Administrator (OCA) conducted a judicial audit at the Regional Trial Court, Branch 4, Panabo City presided by Judge Grageda on November 17 to 26, 2009. The audit team of the OCA then submitted its report^[1] on March 24, 2010. Acting thereon, the First Division issued a Resolution^[2] dated April 28, 2010 resolving, among others, to:

(A) **DIRECT** Judge Grageda to **EXPLAIN** within sixty (60) days from notice why he should not be cited for:

(1) gross inefficiency and undue delay in rendering a decision or order for his:

(1.1) failure to decide sixteen (16) civil cases and one (1) criminal case within the prescribed period;

(1.2) failure to resolve pending motions/incidents in eighteen (18) civil and ten (10) criminal cases, within the prescribed period;

(1.3) delay in deciding seven (7) civil cases;

(1.4) delay in resolving motions/incidents in fourteen (14) civil cases; and

(1.5) failure to act on the nineteen (19) civil and thirty-four (34) criminal cases despite the lapse of considerable length of time;

(2) gross ignorance of procedural law and unreasonable delay in the issuance of an order for the execution of the judgment in four (4) civil cases;

(3) gross misconduct and unreasonable delay in resolving motions for reconsideration of decisions/final orders in nineteen (19) civil and five (5) criminal cases within the prescribed period thereby effectively freezing the judgments for two (2) to seven (7) years and depriving the parties of the final disposition of their cases; and

(4) dishonesty for declaring in his Certificate of Service for January to November 2009 that he has decided all cases and resolved all incidents within three (3) months from the date of submission for decision/resolution even when there were several cases/incidents which remained undecided/unresolved beyond the reglementary period;

(B) ***DIRECT*** Judge Grageda to ***EXPLAIN*** within sixty (60) days from notice why he should not be held administratively liable for rendering decisions/orders beyond his last working day, which was on November 24, 2009, the day prior to his 70th birthday;

(C) ***DIRECT*** Ms. Belen V. Basa, Court Interpreter III and then Officer-in-Charge, RTC, Br. 4, Panabo City to EXPLAIN within fifteen (15) days from notice why she should not be cited for usurpation of authority for issuing Commitment Order dated January 16, 2008 in Crim. Case No. 01-2008 entitled "People v. A. Ammad";

(D) ***DIRECT*** Mr. Boyd James B. Bacaltos, Legal Researcher II and then Officer-in-Charge, RTC, Br. 4, Panabo City to EXPLAIN within fifteen (15) days from notice why he should not be cited for usurpation of authority for issuing the Commitment Order in Criminal Case No. 99-53 entitled "People v. J. Boston";

(E) ***DIRECT*** Ms. Arlene C. Sison, Clerk in-Charge of civil cases, RTC, Br. 4, Panabo City to comply with her duty to regularly update and maintain the docket book for civil cases and SUBMIT certification from the Acting Presiding Judge and/or Clerk of Court of such compliance;

(F) ***DIRECT*** Ms. Marianne G. Baylon, Clerk in-Charge of criminal cases, RTC, Br. 4, Panabo City to comply with her duty to regularly update and maintain the docket book for criminal cases and submit certification from the Acting Presiding Judge and/or the Clerk of Court of such compliance; and

(G) ***ORDER*** the Fiscal Management Office, Office of the Court Administrator to retain from the retirement benefits of Judge Grageda the sum of P200,000.00, to answer for any administrative liability that may be imposed upon him in connection with the instant administrative matter.

In compliance with the said Resolution, Ms. Belen V. Basa^[3] and Mr. Boyd James B. Bacaltos^[4] separately explained that they signed the subject Commitment Orders

based on their office practice, without any malice nor intent to usurp the functions of the Branch Clerk of Court. On June 22, 2010, Ms. Arlene C. Sison submitted a Certification^[5] from Acting Presiding Judge Virginia Hofileña-Europa of the same court, showing compliance with her mandated duty of updating the docket book for civil cases. A similar Certification^[6] was also submitted by Marianne G. Baylon to show her compliance with the above directive to update the docket book for criminal cases.

In his letter-explanation,^[7] Judge Grageda denied the charges of gross inefficiency, ignorance of the law and misconduct, alleging that he had efficiently discharged his duties during his fourteen (14) years of service as Presiding Judge of RTC, Br. 4, Panabo City. While he admitted that there were delays in the resolution of cases in his *sala*, he put the blame on his heavy case load; lack of support personnel; inadequate facilities; and lack of time to act expeditiously on the various case-related incidents.^[8] Nonetheless, he pleaded for mercy and indulgence from the Court and manifested his willingness to take full responsibility for his infractions. Judge Grageda also enumerated purported inaccuracies^[9] in eleven (11) of the cases referred to in the OCA Audit Report, which he alleged to have been either already decided/disposed of or not yet due for decision/resolution as of the date of his retirement on November 25, 2009. Moreover, he denied^[10] committing any act of dishonesty in the submission of his Certificate of Service for the period January to November 2009, claiming to have relied on the assurance of his staff that there were no unresolved or pending matters in his court.

On the matter of his administrative liability for rendering decisions/resolutions beyond November 24, 2009 or his last day in office prior to his 70th birthday, Judge Grageda averred that his last working day should be on his retirement day or on November 25, 2009, hence, his actions were justified.^[11] Finally, he begged for fairness, equity and mercy from the Court and requested that his fourteen (14) years of service be considered as a mitigating circumstance in the resolution of this case.^[12]

On November 24, 2010, the instant case was referred to the OCA for evaluation, report and recommendation.^[13] On October 8, 2012, the OCA submitted its report^[14] recommending the following for the Court's consideration:

1. the respective compliances of Mr. Boyd James B. Bacaltos, OIC/Acting Clerk of Court; Ms. Belen Basa, Court Interpreter III; Ms. Arlene Sison, Clerk III; and Ms. Marianne G. Baylon, Clerk III, all of the Regional Trial Court, Branch 4, Panabo City, be **ACCEPTED** as full compliance with the directive of this Court in its Resolution dated 28 April 2010 in the instant administrative matter but with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely; and
2. respondent Judge Jesus L. Grageda (ret.) be found **GUILTY** of Gross Ignorance of the Law for rendering orders/resolution on his retirement day and Gross Inefficiency for undue delay in rendering decisions or orders and be **FINED** in the amount of Two Hundred