

SECOND DIVISION

[**A.M. No. MTJ-07-1683, September 11, 2013**]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
HON. SANTIAGO E. SORIANO, FORMER ACTING PRESIDING
JUDGE, MUNICIPAL TRIAL COURT IN CITIES, SAN FERNANDO
CITY, LA UNION, AND PRESIDING JUDGE, MUNICIPAL TRIAL
COURT, NAGUILIAN, LA UNION, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This administrative case arose from the judicial audit conducted from 22 March 2004 to 5 April 2004 in the Municipal Trial Court (MTC) of Naguilian, La Union, and the Municipal Trial Court in Cities (MTCC), Branch 2 of San Fernando City, La Union, where retired Judge Santiago E. Soriano (Judge Soriano) was then the Presiding Judge and Acting Presiding Judge, respectively.

The Facts

In connection with the judicial audit and inventory of pending cases in the MTCC, Branch 2, San Fernando City, La Union and in the MTC, Naguilian, La Union, the Office of the Court Administrator (OCA)^[1] directed Judge Soriano to decide the enumerated cases submitted for decision which were already beyond the reglementary period to decide. The judicial audit team found that in the MTCC, Branch 2, San Fernando City, La Union, out of the 59 cases submitted for decision, 57 cases were already beyond the reglementary period to decide. A similar finding was made in the MTC, Naguilian, La Union wherein out of 41 cases submitted for decision, 39 cases were already beyond the reglementary period to decide.

MTCC, Branch 2, San Fernando City, La Union

In a letter dated 1 September 2004, Judge Soriano, as Acting Presiding Judge of MTCC, San Fernando, La Union, submitted to the OCA a tabulated report of the status of cases, in compliance with the directive in the Memorandum dated 2 July 2004.

The OCA issued another Memorandum dated 7 January 2005 addressed to Judge Soriano, noting that 51 cases still remain unresolved. The OCA then directed Judge Soriano to decide the remaining unresolved cases and to resolve the pending motions or incidents in the other cases.

Judge Soriano submitted another tabulated report of the cases in his letter dated 28 April 2005. He requested for an extension of 60 days to decide and resolve the

remaining cases and unresolved motions, which the OCA granted.

MTC, Naguilian, La Union

In a November 2004 Memorandum, then Court Administrator Presbitero J. Velasco, Jr.^[2] directed Judge Soriano, as Presiding Judge of MTC, Naguilian, La Union, to decide the cases submitted for decision which were already beyond the reglementary period to decide, and to take appropriate action on cases which have not been acted upon, including those with pending motions. In another November 2004 Memorandum, then Court Administrator Velasco directed Ms. Rosie M. Novencido, OIC Clerk of Court of MTC, Naguilian, La Union, to explain why the records of the listed cases could not be located.

Ms. Novencido explained in a letter sent to the OCA that before she was designated OIC Clerk of Court on 5 August 2002, there was no inventory of records. She stated that the cases listed were filed long before she was designated as OIC and that despite diligent efforts by the entire staff, they could not locate the records of the listed cases.

On 25 July 2006, Judge Soriano compulsorily retired from service. In his letter dated 28 July 2006, Judge Soriano submitted an inventory of pending cases and the cases submitted for decision at the MTC, Naguilian, La Union.

In a Resolution dated 1 August 2007, the Court resolved to:

1. TREAT the Report of the Judicial Audit Team as an administrative complaint, and to RE-DOCKET the same as a regular administrative matter against respondent Judge;
2. DEEM AS SATISFACTORY the explanation of Ms. Rosie M. Novencido, then OIC Clerk of Court, MTC, Naguilian, La Union, and consider the matter under consideration CLOSED and TERMINATED insofar as Ms. Novencido is concerned;
3. DIRECT Hon. Asuncion F. Mandia, Acting Presiding Judge, MTC, Naguilian, La Union, and the Clerk of Court thereof to inform the Court, thru the Office of DCA Perez, of the STATUS of the following cases, to wit: Crim. Case Nos. 2345-B, 2169, 2188, 2203, 2211, 2217, 2218, 2240, 2251, 2257, 2345, 2365, 2366, 2526, 2590, 2768, 2801, 2849, 3367, 3378 and 3988, found during the audit conducted of the MTC, Naguilian, La Union (from 22 March to 5 April 2004) as "cannot be located" and to cause the reconstitution of the missing records, if any, and submit proof of the reconstitution thereof, all within sixty (60) days from notice; and
4. REQUIRE Judge Santiago E. Soriano to comment on the Report of the Judicial Audit Team within ten (10) days from notice.^[3]

In his letter dated 4 October 2007, Judge Soriano stated that he had already decided most of the cases enumerated in the Resolution, except those cases which were missing during the term of Clerk of Court Teresita Bravo. Judge Soriano requested for one month to verify the cases still undecided, which the Court granted

in a Resolution dated 5 December 2007.

Meanwhile, in a letter dated 15 November 2007, incumbent Presiding Judge Romeo M. Atillo, Jr., of MTC, Naguilian, La Union, informed the Court that aside from Criminal Case No. 2211, reconstitution was no longer possible for the other missing records.

On 9 November 2009, Judge Soriano wrote a letter to the Deputy Court Administrator, requesting for the release of his retirement benefits. Judge Soriano stated that the Court could withhold a portion of his retirement benefits to answer for whatever administrative penalty he might incur in the administrative matter against him.

The Court, in a Resolution dated 24 March 2010, allowed the release of Judge Soriano's retirement benefits provided that the amount of P40,000 be withheld pending resolution of this administrative matter. The Court also directed Judge Soriano to show cause why he should not be held in contempt of court for his failure to submit his report on the undecided cases as directed in the Resolutions dated 5 December 2007 and 6 October 2008.

Judge Soriano apologized to the Court through his letter dated 21 May 2010, explaining that he neglected to submit the report on the undecided cases because he knew that his branch clerk of court already submitted to the OCA copies of the decided cases.

The Court, in a Resolution dated 21 July 2010, noted Judge Soriano's explanation and required him to submit the report on the undecided cases within ten days from notice.

Judge Soriano requested for an extension of 15 days to submit the required report, which the Court granted. Judge Soriano eventually submitted to the Court the required report, with the request that the contempt charge against him be dismissed and the P40,000 deducted from his retirement benefits be returned.

In a Resolution dated 14 September 2011, the Court resolved to:

1. DIRECT the OCA to: (a) VERIFY the present status of the cases left undecided, the incidents or motions left unresolved, and the dormant cases left unacted upon, all by Judge Santiago E. Soriano at the MTC, Naguilian and MTCC, San Fernando City, both in the province of La Union; and (b) SUBMIT to the Court a report thereon within fifteen (15) days from receipt of the information required; and
2. NOTE the letter dated 15 November 2007 of Judge Romeo M. Atillo, Jr., MTC, Naguilian, La Union, and DIRECT Judge Atillo to SUBMIT within fifteen (15) days from notice a written report to the Court, through the OCA, on any further development regarding the reported missing case records.^[4]

Meanwhile, in a letter dated 3 September 2012, Judge Soriano prayed for the early resolution of this administrative matter and requested that his monthly pension be released, considering that he should have received his monthly pension beginning

25 July 2011, five years after he compulsorily retired on 25 July 2006 at the age of 70 years old.

The OCA's Report and Recommendation

In its Memorandum dated 3 January 2013, the OCA stated its findings as reported in its Memorandum dated 9 July 2012, thus:

Municipal Trial Court, Naguilian, La Union

1. Of the sixteen (16) undecided cases listed above, four (4) cases, namely, Criminal Case No. 4289, Civil Case Nos. 286 and 287, and LRC No. 002-02, were actually decided by Judge Santiago E. Soriano before he retired compulsorily on July 25, 2006, but all beyond the mandated period; four (4) cases namely, Criminal Case Nos. 3300, 3361, 3927 and 4274, remain undecided up to the present and the respective records thereof are missing and could no longer be found; two (2) cases, namely, Criminal Case Nos. 3663 and 3664, were decided jointly by Acting Presiding Judge Asuncion F. Mandia; five (5) cases, namely, Criminal Case Nos. 2834, 4001, 4002, 4149 and 4154, were decided by Judge Romeo M. Atillo, Jr.; and Criminal Case No. 3922 was reported to have been decided on July 11, 2006, but no copy of the decision was attached to the letter-report;

2. Of the five (5) cases with unresolved incidents or motions listed above, the incidents in four (4) cases, namely, Criminal Case Nos. 3347 and 3351, SP No. 01-03 and Civil Case No. 192, were resolved by Judge Soriano before his compulsory retirement; and the incident, i.e., motion for new trial, in Civil Case No. 282 remains unresolved up to the present; and

3. The records of two (2) of the dormant cases listed above, namely, Criminal Case No. 4117 and Civil Case No. 210, are missing and could no longer be found. All the other dormant cases have already been disposed of by Judge Atillo, Jr.

Municipal Trial Court in Cities, Branch 2, San Fernando City, La Union

1. Of the twenty-seven (27) undecided cases listed above, two (2) cases, namely, Criminal Case No. 31268 and Civil Case No. 3864, were actually decided by Judge Soriano before his compulsory retirement but beyond the mandated period, and the remaining cases were decided or disposed of by Judge Corpuz;

2. With respect to the two (2) cases with unresolved incidents or motions listed above, Civil Case No. 3851 was decided by Judge Corpuz on October 28, 2008, but it was not reported whether the subject motion for reconsideration of the July 10, 2003 Order declaring defendant in default, which was submitted for resolution on September 24, 2003, was resolved; and the motion for reconsideration of the June 26, 2003 Order in LRC No. N-95-04, which was submitted for resolution on January 21, 2004, was ordered denied by Judge Corpuz on September 15, 2006; and