

SECOND DIVISION

[A.M. No. RTJ-11-2291, February 08, 2012]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE CELSO L. MANTUA, REGIONAL TRIAL COURT, BRANCH 17,
PALOMPON, LEYTE, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

A.M. No. RTJ-11-2291 originates from a judicial audit of the case records of Branch 17, Regional Trial Court, Palompon, Leyte (Branch 17) conducted from 25 to 27 November 2008 by the Office of the Court Administrator (OCA). At the time of audit, the presiding judge of Branch 17, Hon. Celso L. Mantua (Judge Mantua), was on official leave in Manila. Judge Mantua retired on 9 January 2009.

The Facts

Travel Order No. 103-2008 dated 11 November 2008 ordered the conduct of a judicial audit in Branch 17 from 24 to 25 November 2008. The judicial audit team^[1] submitted a memorandum^[2] dated 14 January 2009, five days after Judge Mantua's retirement, to Deputy Court Administrator Nimfa C. Vilches (DCA Vilches). The judicial audit team quantified Branch 17's caseload as follows:

As of audit date, the Court has a total caseload of **356** cases consisting of **230** criminal cases and **126** civil cases based on the records actually presented to and examined by the team which are classified hereunder according to the status/stages of proceeding as shown by the table below:

STATUS/STAGES OF PROCEEDINGS	CRIMINAL	CIVIL	TOTAL
Warrants/Summons	21	1	22
Arraignment	22	0	22
Preliminary Conference / Pre-Trial / Mediation	25	23	48
Trial	71	38	109
For Compliance	3	2	5
No Action Taken	20	7	27
No Further Action / Setting	41	27	68
Submitted for Resolution	12	11	23
Submitted for Decision	3[sic]	8	11

Inhibited	0	1	1
Suspended Proceedings	0	1	1
Decided	1	2	3
Dismissed / Withdrawn	1	3	4
Archived	1	0	1
Newly Filed	9	2	11
TOTAL	230	126	356^[3]

The judicial audit team further highlighted items in Branch 17's caseload using tables^[4] which detailed the case number, parties, nature of the case, and last court action before the conduct of the audit. There were 20 criminal cases wherein the court failed to take any action from the time of filing, 41 criminal cases without further action or setting for a considerable length of time, 12 criminal cases with pending incidents or motions submitted for resolution, and two criminal cases submitted for decision. There were 7 civil cases that remained unacted upon from the time of filing, 27 civil cases without further setting or setting for a considerable length of time, 11 civil cases with pending incidents or motions submitted for resolution, and 8 cases submitted for decision.

The judicial audit team also found that Branch 17's case records were not in order.

The team noted that the case records are stitched together with pagination. However, the criminal records are not chronologically arranged. Also, the records attached to criminal cases jointly tried are incomplete (Crim. Cases 1129, 1131, 1189, 1190, 1185, 1186, 1033, 1205, among a few). The court's docket books are not updated. There are no log book[s] on arrest and search warrants, exhibits, disposed/decided/archived cases and incoming documents. There is no order on payment of postponement fee in proper cases.

It was also noticed that alias warrants of arrest were issued without archiving cases.^[5]

The judicial audit team recommended that Atty. Elmer P. Mape (Atty. Mape), as Officer-in-Charge (Legal Researcher II) of Branch 17, be directed to: (1) inform the OCA within 15 days of the status of Branch 17's caseload and submit a copy of the pertinent order, resolution and notice of hearing issued; (2) apprise the Acting Presiding Judge from time to time of cases submitted for resolution or decision and those cases that require immediate action; (3) implement the provisions of Memorandum Circular No. 01-2008 dated 17 January 2008 on the wearing of office uniform; (4) observe the flag raising and flag lowering ceremonies as mandated by Circular No. 62-2001 dated 27 September 2001; (5) order the stitching of all orders issued, minutes taken, notices of hearing issued, certificates of arraignment in all criminal case folders especially those cases jointly tried including their chronological arrangement and pagination and the updating of both the criminal and civil docket books; and (6) maintain separate log books for the recording of arrest and search warrants, exhibits, disposed/decided/archived cases and all incoming documents. The judicial audit team also recommended that Judge Crescente F. Maraya (Judge Maraya), who replaced retired Judge Mantua, be directed to take appropriate action

on the cases where the court failed to take appropriate action, to resolve pending motions and to decide cases submitted for decision.

In a letter^[6] dated 27 April 2009 addressed to DCA Vilches, Atty. Mape informed the OCA of the status of the cases enumerated in the report of the judicial audit team and submitted the Orders, Resolutions and Notices of Hearing issued by Branch 17. Atty. Mape also stated that Branch 17 already complied with all other items mentioned by the judicial audit team in their recommendation. However, the wearing of uniform was considered optional starting 1 April 2009 in view of a memorandum issued by the OCA. Atty. Mape begged for the OCA's indulgence and explained that the delay in the submission of his reply was brought about by two substitutions of the judge assigned to Branch 17. At the time of audit, Judge Mantua presided over the court. Pursuant to Judge Mantua's retirement on 9 January 2009, Administrative Order No. 180-2008 designated Judge Maraya, Presiding Judge of Branch 11, Regional Trial Court, Calubian, Leyte, as Acting Presiding Judge of Branch 17 to replace Judge Mantua. Administrative Order No. 23-2009 dated 3 March 2009 revoked Judge Maraya's designation and Judge Rogelio R. Joboco (Judge Joboco), Presiding Judge of Branch 27, Catbalogan, Samar, took over as acting presiding judge of Branch 17.

The OCA's Recommendation

On 12 May 2009, the OCA issued a Memorandum^[7] addressed to then Chief Justice Reynato S. Puno (CJ Puno). The memorandum based its findings and recommendations on the 14 January 2009 report of the judicial audit team and Atty. Mape's submissions dated 19 January 2009 and 27 April 2009.

In its Memorandum to CJ Puno, the OCA added an "Action Taken" column to the tables initially submitted by the judicial audit team. The "Action Taken" column specified the action and the date of action, but made no mention who among Judge Mantua, Judge Maraya or Judge Joboco acted upon the enumerated items. Instead, the OCA merely stated that there are only two cases, one civil and one criminal, that still needed Judge Joboco's action. There are also two motions that remained unresolved. We reproduce the OCA's findings and recommendations below:

From the above submissions, there are only a few cases that [are] needed to be acted upon by Acting Presiding Judge Joboco. One case is Crim. Case No. 1432, People vs. Juanito Dalut for Rape which was filed on 6-30-08 wherein the court failed to take action thereon from the time of its filing. Another case is Civil Case PN 0354, Mingasca vs. [Omega-]Reyes, et al. for Accion Reinvidicatoria wherein the court failed to take further action from the filing of the Reply on March 27, 2008.

However, there are two (2) motions that remain unresolved. These are the Motion to Reduce Bail Bond filed on July 24, 2008 in Crim. Case No. P-0768, People vs. Capic[i]ño, et al. for Qualified Theft and the implied motion contained in the Social Worker Report received on 10-16-06 recommending the dismissal of [the] case against minor accused and the Manifestation of Atty. Opeña that accused Lubiano, a minor, should be dismissed. These were considered submitted for resolution in an Order dated September 11, 2008. There is no record that Judge Mantua

requested for any extension of time to resolve these motions.

Resolution of these motions should have been made on or before October 22, 2008 and December 230 [sic], 2008, respectively. The inaction of Judge Mantua created delay in the administration of justice and constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases and manifested his gross inefficiency in the performance of his official duties (*A.M. No. RTJ-05-1917 (Dee C. Chuan & Sons, Inc. vs. Judge William Simon P. Peralta, Presiding Judge, Regional Trial Court, Manila, Branch 50*, promulgated April 16, 2009).

Lower courts are mandated to decide or resolve all cases or matters within three months from date of their submission (Article VIII, Section 15 of the 1987 Constitution). A matter is deemed submitted for resolution upon the filing of the last pleading (Constitution, Art. VIII, Sec. 15[2]).

Rule 3.05 of Canon 3 of the Code of Judicial Conduct directs all judges to dispose of the court's business promptly and decide cases within the period fixed by law and Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary provides that judges shall perform all judicial duties efficiently and with reasonable promptness.

The Court, however, is not unmindful of the caseloads of judges and ordinarily grants reasonable request[s] for extension. This is not true as to Judge Mantua.

Undue delay in rendering a decision or order is, under Section 9, Rule 140 of the Rules of Court, a less serious charge and punishable by either suspension from office without salary and other benefits but not less than one month nor more than three months or a fine of more than P10,000.00 but nor [sic] exceeding P20,000.00.

In view of the foregoing, the Report is respectfully submitted for the consideration of the Honorable Court with the following recommendations:

1. This judicial audit report including the submissions of RTC 17, Palompon, Leyte in compliance with Memorandum dated January 14, 2009 be docketed as an administrative complaint against Retired Judge Celso L. Mantua for gross incompetency and inefficiency and that he be FINED the amount of TEN THOUSAND (P10,000.00) to be deducted from the retirement benefits due him; and
2. Acting Presiding Judge Rogelio R. [Joboco], Regional Trial Court, Branch 17, Palompon, Leyte, be DIRECTED to immediately take appropriate action on Crim. Case No. 1432, entitled People vs. Juanito Dal[u]t for Rape and Civil Case No. PN 0354 entitled Mingasca vs. [Omega-]Reyes, et al., for Accion Reinvidicatoria and to resolve with dispatch the pending motions in Crim. Case No. P-