

EN BANC

[A.M. No. MTJ-07-1667, April 10, 2012]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE JAMES V. GO AND CLERK OF COURT MA. ELMER M.
ROSALES, MUNICIPAL TRIAL COURT IN CITIES (MTCC), BRANCH
2, BUTUAN CITY, RESPONDENTS.**

DECISION

PER CURIAM:

Once again, in this administrative case, the Court is called to rule on the question of whether respondent Judge James V. Go, presiding judge of the Municipal Trial Court in Cities (MTCC), Branch 2, Butuan City, is still fit to continue as a member of the bench. The Court takes upon this matter again in light of the violations Judge Go subsequently committed after he was found administratively liable by this Court on September 27, 2007.

This administrative case stemmed from a judicial audit and physical inventory of pending cases conducted from September 25, 2006 to October 2, 2006 by the Office of the Court Administrator (OCA) in the said court.

The audit team found that as of audit date, Judge Go failed to immediately arraign the accused in 632 criminal cases, to archive 140 criminal cases, to act on summons (should be subpoenas) issued in 477 criminal cases, to act on 13 cases which had not been acted upon for a considerable length of time, to resolve the pending incidents or motions in 15 criminal cases, to act on 17 civil cases from the time of their filing, to take further action on 32 civil cases, and to resolve motions or incidents in 88 civil cases. The audit team also noted the reports of some court officials and employees that Judge Go would always leave the court in the morning after finishing all hearings scheduled for the day and would return only on the following day. When the audit team confronted the judge, he replied that he leaves early to rest as he suffered a stroke before, and that being a judge, he is not required to render eight hours of service a day. The OCA recommended that the judicial audit report be treated as an administrative complaint against Judge Go.^[1]

On October 4, 2006, the Integrated Bar of the Philippines, Butuan City and Agusan del Norte Chapter, likewise issued Resolution No. 2, Series of 2006,^[2] expressing disappointment over Judge Go's inefficiency and incompetence, which has caused undue delay in the disposition of cases pending before his court. The Resolution was submitted to the OCA and was docketed as A.M. No. 07-9-221-MTCC.

In a Memorandum^[3] dated December 29, 2006, the OCA required Judge Go to take appropriate action on 1262 criminal cases and 32 civil cases that have not been acted upon for a considerable length of time, to take appropriate action on 17 civil cases which have not been acted upon since their filing, to resolve the pending

incidents or motions in 15 criminal cases and 88 civil cases that have remained unresolved beyond the reglementary period, and to decide with dispatch 21 civil cases that have remained undecided beyond the reglementary period. The OCA likewise directed Judge Go to resolve the pending motions or incidents in 30 cases and to decide 17 cases submitted for decision, all within the reglementary period, and to furnish the OCA with copies of his orders, resolutions and decisions on the said cases. Judge Go was additionally ordered (1) to render eight hours of service every working day pursuant to various circulars^[4] of the Court; (2) to conduct the raffle of cases every Monday and/or Thursday pursuant to A.M. No. 03-8-02-SC and to submit compliance within 15 days from notice. Lastly, the OCA directed him to immediately issue orders on newly filed cases indicating whether the cases are being tried under the regular procedure or under the summary procedure as mandated by Section 2 of the Rules on Summary Procedure.

On January 29, 2007, the Court resolved to treat the judicial audit report as an administrative complaint for gross inefficiency and gross neglect of duty against Judge Go and his clerk of court, Ma. Elmer M. Rosales, and required them to comment within 15 days from notice.^[5] The audit report, which was formerly docketed as A.M. No. 07-1-02-MTCC, was also re-docketed as A.M. No. MTJ-07-1667.

Instead of filing a comment, Judge Go wrote a letter^[6] dated March 12, 2007 addressed to the Court Administrator, as follows:

Sir:

I hereby deny all the allegations in the judicial audit report.

I am electing formal hearing.

Thank you.

Very truly yours,

(Sgd.)
JAMES V. GO
Judge

Nonetheless, Judge Go transmitted copies of *constancia*, orders and decisions^[7] but did not act on the remaining cases. Neither did he respond to the issue of rendering eight hours of service every working day.

On September 27, 2007, the Court rendered a decision^[8] finding Judge Go and his clerk of court administratively liable. The Court held:

ACCORDINGLY, we find:

x x x x

2. Clerk of Court Ma. Elmer M. Rosales guilty of manifest negligence in

the performance of her duties and is ordered to pay a **FINE** in the amount of P5,000.00, with **WARNING** that a repetition of the same or similar act will be dealt with more severely. She is also **DIRECTED** to inform the Court, through the Office of the Court Administrator, of the status of Civil Case Nos. 8141 and 8142;

3. Judge James V. Go guilty of undue delay in rendering decision or order and is hereby **SUSPENDED** from office for three months without salary or other benefits effective upon receipt of this Resolution. He is also **FINED** in the amount of P10,000.00 for his display of manifest indifference to the Resolution of this Court and further **REPRIMANDED** for his failure to strictly observe office hours. He is **WARNED** that a repetition of the same or similar act/acts will be dealt with more severely. He is also **DIRECTED** to fully comply with the directives of the Memorandum dated December 29, 2006, within sixty (60) days from receipt of this Resolution.

Clerk of Court Rosales and Judge Go are **DIRECTED** to inform this Court of the respective dates of receipt of this Resolution.

The Office of the Court Administrator is likewise **DIRECTED** to conduct an investigation on the allegation that some court personnel in Butuan City do not observe the eight-hour working day service requirement and to submit a Report thereon to this Court.

SO ORDERED.^[9]

On October 15, 2007, the Court, upon the recommendation of the OCA, resolved to consolidate A.M. No. 07-9-221-MTCC with A.M. No. MTJ-07-1667.^[10] Subsequently, on December 3, 2007, the Court resolved to consider A.M. No. 07-9-221-MTCC closed and terminated considering that this Court's September 27, 2007 Decision in A.M. No. MTJ-07-1667 has resolved the issues raised by the IBP, Butuan City and Agusan del Norte Chapter, on the delay in the disposition of cases in the subject court.^[11]

Judge Go paid the imposed fine and served the penalty of suspension from October 22, 2007 to January 22, 2008. On three separate occasions, he also submitted matrices of the action taken on the cases subject of the audit without, however, attaching any notice of hearing, order, resolution or decision. He submitted (1) a 17-page matrix attached to a letter dated May 20, 2009;^[12] (2) a 2-page matrix annexed to his letter dated August 24, 2009;^[13] and (3) an 11-page matrix attached to a letter dated September 1, 2009.^[14] In the said letters, he stated that the attached matrices were his and his co-respondent's comments.

In a Resolution^[15] dated March 9, 2009, the Court directed Judge Go to (1) fully comply with the directives regarding the remaining cases that require his immediate action and submit compliance therewith within 60 days from notice; (2) resolve the pending incidents or motions which remained unresolved despite the lapse of the reglementary period to resolve the same and to furnish the OCA copies of the resolutions within 10 days from date of rendition; (3) decide with dispatch the civil