

THIRD DIVISION

[A.M. No. MTJ-11-1787 [Formerly A.M. No. 08-5-146-MeTC], October 11, 2012]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
MARIANITO C. SANTOS, PRESIDING JUDGE, METROPOLITAN
TRIAL COURT, BRANCH 57, SAN JUAN CITY, RESPONDENT.**

DECISION

MENDOZA, J.:

The matter before this Court is an administrative case against Judge Marianito C. Santos (*Judge Santos*), Presiding Judge of Metropolitan Trial Court, San Juan City, Branch 57 (*MeTC*), who accumulated 294 undecided cases outside the required period of disposition.

In a Letter, dated May 5, 2008,^[1] Judge Santos requested from the Office of the Court Administrator (OCA) additional time to try and decide two election cases, namely: (a) Special Proceedings No. 2007-02 (*Election Protest No. 2007-02*) filed by a certain Felicisimo Gavino against Raymundo Jucutan; and (b) Special Proceedings No. 2007-03 (*Election Protest No. 2007-03*) initiated by Angel Marinas against Edgardo Corre.

The OCA, in its Report,^[2] dated May 22, 2008, favorably recommended the extension requested by Judge Santos which was adopted by the Court in its July 21, 2008 Resolution.^[3] Judge Santos was granted an extension of thirty (30) days or until June 7, 2008 to decide both election cases and was directed to furnish the Court with copies of his decisions on said cases within ten (10) days from the promulgation of judgment.

Thereafter, in a Letter,^[4] dated March 03, 2009, Judge Santos provided the Court with a copy of his February 16, 2009 Decision^[5] in Election Protest No. 2007-03. The OCA, however, noticed that the said decision was rendered eight (8) months beyond the extension granted to Judge Santos. In its March 11, 2009 Report,^[6] the OCA recommended:

IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Court that: (1) the letter, dated 2 March 2009 of Presiding Judge Marianito C. Santos of the Metropolitan Trial Court, Branch 57, San Juan City, be NOTED; (2) the submission of a copy of the decision in Election Protest No. 2007-03 be treated as PARTIAL COMPLIANCE with the resolution dated 21 July 2008; (3) Judge Santos be ADVISED to decide cases within the period as requested by him with WARNING that repetition of the same infraction in the future shall be

dealt with more severely; and (4) Judge Santos be REQUIRED to submit to the Court, through the Office of the Court Administrator, a copy of the decision in Election Protest No. 2007-02 within ten (10) days from notice hereof.

Accordingly, on June 1, 2009, the Court resolved to (1) note the March 2, 2009 Letter of Judge Santos; (2) treat the submission of a copy of the decision in Election Protest No. 2007-03 as partial compliance with the July 21, 2008 Resolution; (3) advise Judge Santos to decide cases within the period as requested by him with warning that a repetition of the same infraction in the future would be dealt with more severely; and (4) require Judge Santos to submit to the Court, through the OCA, a copy of his decision in Election Protest No. 2007-02 within ten (10) days from this notice.^[7]

In a letter, dated July 10, 2009, Judge Santos sought another extension of thirty (30) days or until August 10, 2009 to decide Special Proceedings No. 2007-02 as he apparently needed more time to evaluate the voluminous records of the case.^[8]

The OCA, in its Memorandum,^[9] dated July 22, 2009, recommended that (1) the Letter, dated July 10, 2009, be noted; (2) Judge Santos be directed to explain within ten (10) days from notice why he failed to decide, Election Protest No. 2007-02 within the requested period; (3) Judge Santos be granted a period until August 10, 2009 within which to decide on Election Protest No. 2007-02 and to submit to the Court, through the OCA, a copy of the decision in Election Protest No. 2007-02 within ten (10) days from rendition thereof.

Through a Letter,^[10] dated August 19, 2009, Judge Santos submitted a copy of the promulgated decision^[11] in Election Protest No. 2007-02, dated August 10, 2009. In its September 4, 2009 Report,^[12] the OCA recommended that the letters dated July 10, 2009 and August 19, 2009 from Judge Santos be noted and that he be required to explain within ten (10) days from notice why he failed to dispose of the case within the requested period. Acting thereon, the Court, in its September 23, 2009 Resolution,^[13] noted Judge Santos' letters and ordered him to explain within ten (10) days from notice why he failed to decide the case within the period requested.

In his Letter,^[14] dated October 29, 2009, Judge Santos explained that although he only requested for a period until August 9, 2009 to submit the decision in Election Protest No. 2007-02, he miscalculated the period he originally asked as there were other cases due for decision while acting as Pairing Judge of Branch 58, MeTC, also in San Juan City, after the death of its Presiding Judge, Judge Philip G. Labastiada. This was in addition to his regular duties as Executive Judge of MeTC, San Juan City. He also had to monitor the administrative supervision of the Office of the Clerk of Court because the Officer-in-Charge was only performing it in an acting capacity. As such, he likewise had to occasionally check the flow of funds in the said office.

In its Resolution,^[15] dated February 1, 2010, the Court took note of Judge Santos' October 29, 2009 Letter and referred it to the OCA for evaluation, report and recommendation within sixty (60) days from notice.

In its Memorandum,^[16] dated December 13, 2010, the OCA found that, as of September 2010, Branch 57, had a total of 708 pending cases with 304 pending cases already submitted for decision. Of these 304 cases, 294 were already beyond the reglementary period. Of the 294 cases, 143 were left by previous judges while 151 cases had been submitted for decision before Judge Santos. The OCA recommended that the matter be re-docketed as a regular administrative matter, among others.

Hence, in its February 28, 2011 Resolution,^[17] the Court resolved to:

1. RE-DOCKET this administrative matter as a regular administrative matter;
2. DIRECT Presiding Judge Marianito C. Santos, MeTC, Br. 57, San Juan City, to: (a) SHOW CAUSE within twenty (20) days from receipt hereof why no administrative sanction shall be imposed on him for failure to decide within the reglementary period some 151 cases that have been submitted for decision before him and some 143 cases that have been submitted for decision before the other judges previously assigned at the said court, all of which cases had been listed in the court's Monthly Report of Cases for September 2010, (b) TAKE APPROPRIATE ACTION within ten (10) days from receipt hereof on the cases submitted for decision before Presiding Judge Marilou D. Runes-Tamang, MeTC, Br. 73, Pateros, in accordance with the Resolution of the Court dated 08 June 2004 in A.M. No. 04-5-19-SC, (c) DECIDE within four (4) months from receipt hereof all the said cases submitted to him for decision and those of his predecessors (many BP 22 cases with several counts), and (d) CEASE AND DESIST from conducting trial at Branch 57 during the said four (4)-month period when he will be deciding the cases; and
3. DIRECT Ms. Nelita R. de Dumo, Branch Clerk of Court, same court, to SUBMIT to the OCA a report on the status of the aforementioned undecided cases within the first ten (10) days of each month.

x x x^[18]

Nelita R. de Dumo, Clerk of Court III, MeTC, Branch 58, San Juan City, submitted her Manifestation and Comment^[19] to clarify that the Court's February 28, 2011 Resolution erroneously named her as the Branch Clerk of Court of Branch 57, MeTC, San Juan City. She informed the Court that Melissa Perez (*Perez*) was the Branch Clerk of Court of Branch 57. She prayed that she be relieved from complying with the Court's Resolution and that Perez be directed to comply with the resolution instead.

Thus, in its Resolution,^[20] dated June 6, 2011, the Court ordered the correction of paragraph 3 of the February 28, 2011 Resolution so it would read as follows: "DIRECT Ms. Melissa B. Perez, Branch Clerk of Court, Metropolitan Trial Court, Br. 57, San Juan City, to SUBMIT to the OCA a report on the status of the