

EN BANC

[**A.M. No. RTJ-09-2171 (Formerly A.M. No. 09-94-RTC), March 17, 2009**]

RE: JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 6, TACLOBAN CITY.

RESOLUTION

NACHURA, J.:

A judicial audit was conducted in the Regional Trial Court (RTC), Branch 6, of Tacloban City on November 28 and 29, 2008. Judge Santos T. Gil was Presiding Judge of the court until his retirement on August 20, 2008.

On May 14, 2008, prior to Judge Gil's retirement, Chief Justice Reynato S. Puno designated Judge Alphinor C. Serrano, Presiding Judge of RTC, Branch 38, Gamay, Northern Samar, as Assisting Judge of RTC, Branch 6, Tacloban City. He was directed to hear and decide newly filed cases raffled to the said *sala* to give Judge Gil the time to decide all cases submitted for decision within four months. Judge Serrano assumed office on July 1, 2008.^[1]

In its Report dated February 9, 2009, the Office of the Court Administrator (OCA) found that prior to his retirement, Judge Gil—

1. Failed to take action on **sixteen (16)** criminal cases [05-02-59, 05-02-60, 07-01-14, 08-03-127, 08-05-245, 08-03-153, 07-05-285, 08-05-228, 08-05-229, 08-06-301, 08-06-302, 08-06-310, 08-07-326, 08-07-332, 08-07-333 and 08-08-429] from the time of their filing;
2. Failed to take further action or to set for hearing **seventy-six (76)** criminal cases [94-06-315, 06-02-132, 05-11-668, 06-01-39, 06-02-75, 06-02-82, 06-02-100, 06-02-114, 06-02-126, 06-04-230, 05-11-670, 06-07-415, 06-86-376, 06-05-327, 06-04-242, 06-04-259, 06-05-313, 06-05-314, 06-06-349, 06-09-552, 06-09-512, 06-8-473, 06-12-665, 07-12-675, 96-10-340, 97-08-343, 06-12-664, 06-07-404, 06-08-455, 06-09-350, 06-09-540, 06-09-555, 06-10-594, 06-11-619, 06-11-645, 07-06-357, 07-06-356, 07-06-355, 06-07-431, 06-08-485, 06-12-671, 06-09-502, 06-09-536, 06-10-607, 07-03-177, 07-02-106, 07-01-38, 07-01-46, 07-02-105, 07-01-82, 07-3-154, 07-04-228, 07-05-308, 06-08-457, 07-06-362, 07-06-368, 06-10-573, 06-10-574, 07-06-361, 07-07-393, 07-07-398, 07-07-406, 07-07-407, 07-08-428, 07-08-457, 07-08-460, 07-11-629, 07-11-630, 07-11-631, 07-11-632, 07-11-633, 07-10-560, 07-10-561, 07-11-606, 07-12-649, and 07-12-652] and **seven (7)** civil cases [92-07-15, CAD 99-04-14, 99-09-136,

05-03-38, CAD 96-09-01, 06-10-125 and CAD 98-08-35] for a considerable length of time;

3. Failed to resolve the pending incidents/motions in **four (4)** criminal cases [93-10-639, 94-01-015, 04-11-701, 04-11-702] and **five (5)** civil cases [93-12-241, 95-11-145, CAD 06-06-21, 05-01-07 and 07-12-124];
4. Failed to decide **thirty-four (34)** criminal cases [93-01-38, 93-01-39, 92-05-216, 97-02-82, 89-06-261, 89-06-262, 98-09-392, 98-12-540, 98-09-400, 97-06-301, 92-03-119, 93-08-505, 98-05-230, 98-05-231, 98-08-339, 01-11-727, 00-01-01, 00-01-27, 01-09-646, 99-06-249, 02-10-582, 02-11-629, 99-04-158, 02-12-670, 02-12-671, 01-10-673, 01-10-675, 00-08-435, 00-08-454, 00-03-200, 02-04-174, 01-01-34, 99-01-40 and 99-01-42] and **four (4)** civil cases [05-11-124, 92-02-36, 95-08-105 and CAD 03-08-38]; and
5. Failed to promulgate the decision in **five (5)** criminal cases (97-01-07, 89-06-262, 92-05-214, 2001-11-727 and 2000-01-01).

The OCA disclosed that the audit team likewise discovered that several warrants of arrest were in the possession of the Process Server and were not properly indorsed to the concerned police officers; some certificates of detention were signed by Atty. Edna V. Maceda, Branch Clerk of Court; there were no orders directing the payment of postponement fees in civil cases; some motions were not properly received (without stamp of the date of receipt) as in the motion to set bail hearing in Criminal Cases Nos. 04-01-16 and 04-01-62; Pre-Trial Orders (PTOs) were signed only by the judge; records of cases jointly tried are incomplete; there were typographical errors found in several orders; the January to June Semestral Docket Inventory for 2008 manifested wrong case numbers; and the case records were not paginated. There were also firearms, ammunition and illegal drugs, and evidence in decided criminal cases that were still in the possession of the court.

Thus, the OCA made the following recommendations:

- I. That this judicial audit report **be redocketed** as an administrative complaint against Retired Judge Santos T. Gil, Presiding Judge, Regional Trial Court, Branch 6, Tacloban City, for gross incompetence, inefficiency, negligence and dereliction of duty;
- II. That **RETIRED JUDGE SANTOS T. GIL** be **FINED** the amount of **Fifty Thousand Pesos (P50,000.00)** to be deducted from his retirement benefits or terminal leave benefits for his failure to:
 1. To take appropriate action on sixteen (16) criminal cases from the time of their filing and seventy-six (76) criminal and seven (7) civil cases without further action or setting for considerable length of time;
 2. To resolve motions in four (4) criminal and five (5) civil cases;
 3. To decide thirty-four (34) criminal and four (4) civil cases; and
 4. To promulgate the decisions in five (5) criminal cases.

III. **HON. ALPHINOR C. SERRANO**, Assisting Judge, Regional Trial Court, Branch 6, Tacloban City, be directed to :

1. **Take appropriate action**, within thirty (30) days from notice, on the following cases: Criminal Case[s] Nos. 05-02-59; 05-02-60; 07-01-14, 08-03-127, 08-05-245, 08-03-153, 07-05-285, 08-05-228, 08-05-229, 08-06-301, 08-06-302, 08-06-310, 08-07-326, 08-07-332, 08-07-333, 08-08-429, 08-08-453, 08-08-459, 08-08-470, 08-08-471, 08-08-473, 08-09-487, 08-10-536, 08-10-537, 08-10-538, 08-10-539, 08-10-540, and 08-10-541; Criminal Case[s] Nos. 94-06-315, 06-02-132, 05-11-668, 06-01-39, 06-02-75, 06-02-82, 06-02-100, 06-02-114, 06-02-126, 06-04-230, 05-11-670, 06-07-415, 06-86-376, 06-05-327, 06-04-242, 06-04-259, 06-05-313, 06-05-314, 06-06-349, 06-09-552, 06-09-512, 06-8-473, 06-12-665, 07-12-675, 96-10-340, 97-08-343, 06-12-664, 06-07-404, 06-08-455, 06-09-350, 06-09-540, 06-09-555, 06-10-594, 06-11-619, 06-11-645, 07-06-357, 07-06-356, 07-06-355, 06-07-431, 06-08-485, 06-12-671, 06-09-502, 06-09-536, 06-10-607, 07-03-177, 07-02-106, 07-01-38, 07-01-46, 07-02-105, 07-01-82, 07-3-154, 07-04-228, 07-05-308, 06-08-457, 07-06-362, 07-06-368, 06-10-573, 06-10-574, 07-06-361, 07-07-393, 07-07-398, 07-07-406, 07-07-407, 07-08-428, 07-08-457, 07-08-460, 07-11-629, 07-11-630, 07-11-631, 07-11-632, 07-11-633, 07-10-560, 07-10-561, 07-11-606, 07-12-649, 07-12-652, 00-11-642, 08-01-07, 08-01-15, 08-01-16, 08-01-18, 08-01-19, 08-01-40, 07-10-562, 08-04-205, 08-04-217, 07-04-199, and 94-06-324; Civil Cases Nos. 92-07-15, CAD 99-04-14, 99-09-136, 05-03-38, CAD 96-09-01, 06-10-125, CAD 98-08-35, SP 07-02-14, 08-05-45, and 08-04-42; and Civil Case[s] Nos. 08-03-26, 08-04-40, 08-06-62 (appeal), 08-07-77 (appeal) and 08-10-105 (appeal);
2. **Resolve** the pending incidents with dispatch, giving priority to those earlier filed, in the following cases and submit a copy of each resolution within ten (10) days from their issuance: Criminal Case[s] Nos. 93-10-639, 94-01-015, 04-11-701, 04-11-702, 03-03-186, 03-03-087, 06-08-497, 04-01-61, 04-01-62, 99-11-603, 08-10-567, 08-05-244, 08-11-620 and 08-10-543; and Civil Case[s] Nos. 93-12-241, 95-11-145, CAD 06-06-21, 05-01-07, 07-12-124, 06-02-16, SP 05-11-62, 08-07-67, 07-03-24, 00-02-11, 08-02-16 (appeal), 05-03-37, CAD 07-11-56, 08-10-102, 06-08-100, 00-11-148, 00-02-19 and CAD 06-03-11;
3. **Decide** with dispatch, giving priority to those cases earlier submitted for decision, and submit a copy of each decision to this Office within ten (10) days from their rendition: Criminal Case[s] Nos. 93-01-38, 93-01-39, 92-05-216, 97-02-82, 89-06-261, 89-06-262, 98-09-392, 98-12-540, 98-09-400, 97-

06-301, 92-03-119, 93-08-505, 98-05-230, 98-05-231, 98-08-339, 01-11-727, 00-01-01, 00-01-27, 01-09-646, 99-06-249, 02-10-582, 02-11-629, 99-04-158, 02-12-670, 02-12-671, 01-10-673, 01-10-675, 00-08-435, 00-08-454, 00-03-200, 02-04-174, 01-01-34, 99-01-40 and 99-01-42, 08-09-522, 01-01-31 and 08-10-573; Criminal Case[s] Nos. 97-01-07, 89-06-262, 92-05-214, 2001-11-727 and 2000-01-01; and Civil Case[s] Nos. 92-02-36, 95-08-105, CAD 03-08-38 and 05-11-124;

4. Issue orders requiring the payment of postponement fees in proper cases;

IV. **ATTY. EDNA V. MACEDA**, Branch Clerk of Court, be directed to:

1. **APPRISE** the Assisting/Presiding Judge from time to time of cases submitted for resolution/decision and those cases that require immediate action;
2. **CONDUCT** the required **actual inventory of cases** with the Acting/Assisting/Presiding Judge as provided for in Administrative Circular No. 1 dated January 28, 1988, as amended by Administrative Circular No. 10-94 dated June 29, 1994 and Administrative Circular No. 2-2001 dated January 2, 2001 with emphasis on the actual examination of each case records (sic) as well as its accurate reporting;
3. **SUPERVISE** the periodic updating of the court's docket books, the proofreading of all orders, minutes and notices issued by the court as well as the pagination of all court records;
4. **PERMANENTLY REFRAIN** from issuing certificate of detention, the function of which pertains to members of the Bench;
5. **INDORSE** to the proper **government agency** the firearms. Ammunitions and drug[s] confiscate[d] in decided/disposed criminal cases;
6. **MAINTAIN** separate log books for all incoming pleadings and documents and warrants of arrest and to keep abreast of the status thereof; and
7. **SUBMIT** compliance therewith within thirty (30) days from notice.

The Court re-docketed the case as an administrative complaint against Judge Gil pursuant to the OCA's recommendation.

The OCA recommendations are well taken.