

## **THIRD DIVISION**

**[ A.M. No. RTJ-05-1892 (formerly A.M. No. 04-9-494-RTC), January 24, 2008 ]**

**OFFICE OF THE COURT ADMINISTRATOR, Petitioner, vs. JUDGE ERNESTO A. REYES and Acting Clerk of Court RICARDO R. ADOLFO, both of the Regional Trial Court, Branch 111, Pasay City, Respondents.**

### **R E S O L U T I O N**

**REYES, R.T., J.:**

AFTER his application for optional retirement was approved by the Court in a Resolution dated August 2, 2004, respondent Judge Ernesto A. Reyes of the Regional Trial Court (RTC), Branch 111, Pasay City, applied with the Office of the Court Administrator (OCA) for a Certificate of Clearance.

A verification from the Statistical Reports Division, Court Management Office, OCA, however, showed that, per Monthly Report of Cases as of April 2004 and Docket Inventory of Cases as of February 2004, there were thirty-six (36) cases submitted for decision before respondent Judge, twenty-three (23) of which were beyond the reglementary period to decide. The verification further revealed that RTC, Branch 111, Pasay City, was not submitting regularly its Monthly Report of Cases and Docket Inventory of Cases.

On May 25, 2004, the OCA sent a Memorandum to respondent Ricardo R. Adolfo, Acting Clerk of Court, RTC, Branch 111, Pasay City, directing him to (1) explain the delay in the submission of the Monthly Report of Cases from October 2004 to April 2004 and the Docket Inventory of Cases for the 2nd Semester of 2003, and (2) submit the same to the OCA, through the Court Management Office, within ten (10) days from notice.

In his Compliance dated June 17, 2004, respondent Clerk of Court stated, among others, that he was unable to closely monitor the preparation of the monthly reports and inventory because he was requested by respondent Judge to prepare draft decisions and resolutions to lessen the court's backlog in preparation for the latter's retirement. He also averred that his recurring poor health due to diabetes accentuated by hypertension contributed to the delay in the submission of the monthly reports and inventory.

A perusal of the Monthly Report of Cases submitted by respondent Clerk of Court for the period October 2003 to November 2003, however, showed that the actual number of cases submitted for decision was not faithfully reflected in the report, to wit:

Month	Number of	Remarks
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## Cases

October 2003	Two (2) cases	Already beyond the period
November 2003	Two (2) cases	Already beyond the period
December 2003	One (1) case	Already beyond the period
January 2004	One (1) case	Already beyond the period
February 2004	Five (5) cases	Four (4) cases beyond One (1) case within
March 2004	Thirty-six (36) cases	Twenty-three (23) cases Beyond

It was also found out that, on March 18, 2004, respondent Clerk of Court issued a certification that "no pending case submitted for decision has remained unresolved by the Hon. Ernesto A. Reyes."

In a letter dated September 7, 2004, respondent Judge admitted that he had left behind undecided cases which were already submitted for decision. But, according to him, the undecided cases were an off-shoot of his candidacy for the mayoral position in Cardona, Rizal. He also asserted that the cases were inadvertently overlooked due to the awesome caseload he had, not to mention the criminal cases (with detention prisoners) assigned to him. He further requested that, if feasible under the circumstances, he be allowed to resolve the undecided cases within an appropriate period of time.

On September 14, 2004, the OCA, in its report, found respondent Judge liable for undue delay in rendering judgment on twenty-three (23) cases prior to his optional retirement. It also recommended that:

- (a) the letter dated September 7, 2004 of Judge Ernesto A. Reyes (ret.) be NOTED;
- (b) this matter be docketed as a regular Administrative Matter against Judge Ernesto A. Reyes for failure to decide the twenty-three (23) cases submitted for decision within the reglementary period;
- (c) **Judge Ernesto A. Reyes (ret.) be FINED in the amount of twenty thousand pesos (P20,000.00);** and
- (d) **Officer-In-Charge, Mr. Ricardo R. Adolfo, RTC, Branch 111, Pasay City, be DIRECTED to EXPLAIN why no administrative charge shall be filed against him for not faithfully reflecting in the Monthly Report of Cases for the last quarter of the year 2003 the list of cases submitted for decision before Judge Ernesto A. Reyes and for having issued a Certification dated 18 March 2004 to the effect that no pending case submitted for decision has remained unresolved by Judge Reyes.**

In a Resolution dated December 13, 2004, the Court resolved to re-docket the case as a regular administrative matter against respondent Judge for failure to decide the twenty-three (23) cases within the reglementary period, and to withhold the amount of P20,000.00 from his retirement benefits to answer for any penalty that may be imposed against him. In the same resolution, the Court also directed respondent Clerk of Court to explain why no administrative charge should be filed against him for not faithfully reflecting in the Monthly Report of Cases for the last quarter of the year 2003 the list of cases submitted for decision before respondent Judge, and for having issued a Certification dated March 18, 2004 to the effect that no pending case submitted for decision had remained unresolved by respondent Judge.

In his Comment dated January 4, 2005, respondent Clerk of Court stated that he was instructed by respondent Judge not to reflect their overdue cases for decision in the monthly report. According to him, since respondent Judge was his boss, he was torn between two loyalties – “the man and my current duty as Acting Clerk of Court.”

Anent the certification he issued, respondent Clerk of Court claimed that respondent Judge had personally asked him to sign the already prepared Certification dated March 18, 2004, so that the processing of his retirement papers would move. He further stated that he acquiesced only to avoid “any rupture of that friendship and respect we have had especially in the parting hours of our working relationships.”

On February 16, 2005, the Court issued a resolution referring to the OCA the comment of respondent Clerk of Court.

In its Memorandum dated June 17, 2005, the OCA recommended that the administrative complaint be re-docketed as a regular administrative matter against respondent Clerk of Court and that a fine of P20,000.00 be imposed on him for dishonesty and gross misconduct.

On August 3, 2005, the Court issued a resolution resolving to (a) include respondent Clerk of Court as one of the respondents in Adm. Matter No. RTJ-05-1892, and (b) require respondents to manifest within ten (10) days from notice whether they were willing to submit the case for resolution on the basis of the pleadings filed.

Both respondents, however, failed to comply with the above resolution.

In a Resolution dated March 15, 2006, the Court resolved to (a) resend a copy of the August 3, 2005 Resolution to respondent Judge at his address at *Barangay Patunhay, Cardona, Rizal*, and (b) require respondent Clerk of Court to show cause within ten (10) days from notice why he should not be disciplinarily dealt with or held in contempt for his failure to comply with the August 3, 2005 Resolution.

On May 10, 2006, respondent Clerk of Court submitted his comment, apologizing for his failure to comply on time and praying that the administrative case against him be dismissed.

On June 28, 2006, the Court issued a Resolution resolving to (a) note the comment of respondent Clerk of Court, (b) admonish respondent Clerk of Court, his explanation being not fully satisfactory, and (c) await the manifestation of