

EN BANC

[A.M. NO. MTJ-06-1661 (FORMERLY A.M. NO. 05-9-250-MCTC), January 25, 2007]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
HON. RAMON R. LEGASPI, JR., PRESIDING JUDGE, 3RD
MUNICIPAL CIRCUIT TRIAL COURT, KINOGUITAN-
SUGBONGCOGON, MISAMIS ORIENTAL, RESPONDENT.**

DECISION

PER CURIAM:

Before us is an administrative complaint for gross inefficiency or gross neglect of duty, dereliction of duty and incompetence against Judge Ramon R. Legaspi, Jr., presiding judge of the 3rd Municipal Circuit Trial Court (MCTC) of Kinoguitan-Sugbongcogon, Misamis Oriental.

On October 1, 2002, the Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of cases in respondent's sala and the Municipal Trial Court (MTC) of Medina, Misamis Oriental, where respondent was also the Acting Presiding Judge.

The audit team found that as of audit date, the MCTC of Kinoguitan-Sugbongcogon had a total caseload of 256 cases consisting of 220 criminal cases and 25 civil cases, with the records of 11 cases missing. There were **51** criminal cases that had remained in the preliminary examination stage despite the lapse of a considerable length of time; **39** criminal cases in the preliminary examination stage had been submitted for resolution but remained unresolved beyond the reglementary period; **14** criminal cases and **1** civil case had pending incidents submitted for resolution but likewise remained unresolved within the reglementary period; and **15** criminal cases and **6** civil cases had not been acted upon for a considerable length of time after the last order or incident in the case. There also had been no setting for a considerable length of time: in **8** criminal cases which were in the preliminary conference or pre-trial stage, in **17** criminal cases and **1** civil case which were at the trial stage, and in **4** criminal cases which were at the arraignment stage. There likewise had been no action for a considerable length of time: in **9** criminal cases, where the parties failed to comply with the directives of the court, in **44** criminal cases, where warrants and alias warrants of arrest were issued, and in **3** criminal cases since the time of their filing. Lastly, there was **1** civil case which had remained undecided beyond the reglementary period.^[1]

The audit team also found that Clerk of Court (COC) Glenda dela Victoria failed to discharge strictly her duties and functions to implement an efficient system of records management and supervision over court personnel. Specifically, the audit team found that the docket books were not up-to-date; that the records of Criminal Cases Nos. 1893, 1898 and 2029 pending in another court were included in the

inventory of the MCTC of Kinoguitan-Sugbongcogon; that 11 case records were missing; and that the daily time records of court personnel do not reflect the correct time out in the afternoon. The audit team later found that COC dela Victoria was suffering from Parkinson's disease after observing that she had difficulty standing still, walking, writing and speaking.

Regarding the MTC of Medina, the team found that the court had a total caseload of 51 criminal cases. There was 1 criminal case which had not been resolved within the reglementary period and another one which was almost beyond it. Also, 3 criminal cases have not been acted upon for a considerable length of time.

On January 8, 2003, the OCA issued a memorandum with the following directives:

(1) Hon Ramon R. Legaspi, Jr., is hereby DIRECTED to:

(A) EXPLAIN within ten (10) days from notice hereof his **FAILURE** to:

(a-1) CONDUCT and **RESOLVE** the preliminary examination for a considerable length of time in the following criminal cases, to wit: 1573, 1592, 1607, 1609, 1706, 1700, 1672, 1749, 1775, 1820, 1831, 1833, 1789, 1840, 1849, 1860, 1885, 1884, 1892, 1890, 1949, 1959, 1986, 2057, 2118, 2122, 2123, 2155, 2177, 2179, 2181, 2187, 2185, 2186, 2207, 2206, 2214, 2228, 2237, 2221, 2250, 2253, 2252, 2248, 2171, 2255, 2257, 2261, 2266, 2267 and 2269;

(a-2) RESOLVE within the reglementary period the: **(a-2.1) preliminary examination** of the following criminal cases: 1597, 1612, 1659, 1728, 1767, 1776, 1779, 1973, 1800, 1838, 1845, 1847, 1878, 1896, 1900, 1899, 1907, 1910, 1918, 1919, 1945, 1952, 2008, 2009, 2010, 2011, 2021, 2092, 2119, 2126, 2176, 2180, 2193, 2194, 2218, 2223, 2258, 2265 and 2168; **(a-2.2) pending incidents** submitted for resolution in Criminal Cases Nos. 1180, 1614, 1661, 1663, 1738, 1768, 1823, 1888, 1937, 1989, 2002, 2065, 2096, and 2198 and Civil Case No. 223;

(a-3) SET and **ACT** for a considerable length of time after the last order/incident of the case in Criminal Cases Nos. 1632, 1702, 1703, 1705, 1735, 1761, 1806, 1987, 2094, 2117, 2152, 2104, 2233, 2259, and 2260 and in Civil Cases Nos. 217, 216, 218, 234, 207 and 204;

(a-4) SET for a considerable length of time for:

(a-4.1) preliminary conference/pre trial

Criminal Cases Nos. 1880, 2199, 2232, 2234, 2205, 2208, 2256 and 2217; **(a-4.2) trial** Criminal

Cases Nos. 1678, 1692, 1895, 1742, 1333, 1338, 1334, 1337, 2151, 2146, 2161, 2215, 2240, 2188, 2133, 2007 and 1990 and Civil Case No. 219; **(a-4.3) arraignment** Criminal Cases Nos. 1430, 2064, 2076, and 2136;

(a-5) ACT on the: (a-5.1) failure of the parties to comply with the **directive** of the Court for a considerable length of time in Criminal Cases Nos. 1810, 1811, 1908, 1973, 2015, 2077, 2093, 2153, and 2254; **(a-5.2) warrants and alias warrants of arrest** issued by the Court for a considerable length of time in Criminal Cases Nos. 1416, 1449, 1645, 1746, 1815, 1731, 1977, 2019, 2025, 2058, 2142, 2132, 2165, 2139, 2191, 2213, 2211, 2242, 2241, 1724, 2249, and 2224; and Criminal Cases Nos. 1762, 1771, 1674, 1785, 1872, 1902, 1943, 1677, 1985, 1966, 2012, 2005, 2044, 2130, 2175, 2172, 2201, 2204, 2192, 2220, 2219, and 2231, respectively; and **(a-5.3) complaint/s and affidavit/s** filed in Criminal Cases Nos. 1873, 1905, and 2203; and

(a-6) DECIDE Civil Case No. 211 within the reglementary period;

(B) to IMMEDIATELY TAKE APPROPRIATE ACTION on:
[the said cases]

x x x x.

(C) to **DECIDE** with **DISPATCH** Civil Case No. 211 which was submitted for decision on 01 July 1998 and **SUBMIT** copy of the decision within ten (10) days from promulgation thereof.

(2) Hon. Ramon R. Legaspi, Jr., Presiding Judge and **Clerk of Court Glenda F. dela Victoria,** both of the Municipal Circuit Trial Court, Kinoguitan-Sugbon[cogon, Misamis Oriental, are **DIRECTED** to: (2-a) **EXPLAIN** within ten (10) days from notice why the case records of Criminal Cases Nos. 1898, 1893 and 2029, pending in the Municipal Circuit Trial Court of Salay-Binuangan, Misamis Oriental are in the possession of said Court and eleven (11) case records were not presented to the audit team; **(2-b) RETURN** the aforecited criminal cases to the court of origin; and **(2-c) SUBMIT** compliance therewith, both within ten (10) days from notice hereof;

(3) Clerk of Court Glenda F. dela Victoria, same Court, is **DIRECTED** to: **(3-a) TAKE APPROPRIATE ACTION** to make the personnel log book and the daily time records reflective of the correct and accurate time in and out of court personnel; and **(3-b) REGULARLY UPDATE** the entries in the docket books; and **(3-c) SUBMIT: (3-c.1)** compliance with this directive; and **(3-c.2)** herself for a medical examination to the

Supreme Court Medical Services, Manila, to determine whether or not she is still capable of performing the functions of her office, both within thirty (30) days from notice hereof;

(4) Hon. Ramon R. Legaspi, Jr., as Acting Presiding Judge, Municipal Trial Court, Medina, Misamis Oriental is: (4-a) **DIRECTED** to: (4-a.1) **EXPLAIN** within ten (10) days from notice his failure to resolve the pending incident in Criminal Case No. 08-60-99 within the mandatory period and to **RESOLVE** the same within twenty (20) days from notice; (4-a.2) **INFORM** the Office of the Court Administrator, through the Court Management Office, within ten (10) days from notice, whether or not the pending incident in Criminal Case No. 03-36-02 was resolved within the reglementary period; and (4-a.3) **IMMEDIATELY TAKE APPROPRIATE ACTION** on Criminal Cases Nos. 06-54-02, 10-36-01 and 08-61-02 which have not been acted upon nor further set in the calendar for a considerable length of time; and

(5) Hon. Ramon R. Legaspi, Jr., is **DIRECTED** to **SUBMIT COMPLIANCE** with all the above directives to this Office through the Court Management Office, by submitting copies of the decisions, resolutions and orders issued in the above-mentioned cases within ten (10) days from rendition thereof.^[2]

Respondent's designation as Acting Presiding Judge of the MTC of Medina was also revoked by this Court to help him resolve his cases.

On February 28, 2003, respondent asked for an extension of twenty days to comply with the directives.^[3]

COC dela Victoria, for her part, sought to be excused from the directive to submit herself for medical examination in Manila. She denied that her disease had impaired her ability to perform in her job and added that she was in financial difficulty and could not afford the trip.^[4]

The Court sent a medical team to Misamis Oriental, which examined COC dela Victoria along with several other court personnel on June 24 and July 29, 2003. Dr. Prudencio Banzon, Jr., Senior Chief Staff Officer, Medical and Dental Services, Supreme Court, reported that COC dela Victoria was suffering from "Organic Mental Syndrome, moderate in proportion, ... permanent and irreversible." Her condition was progressively debilitating and rendered it physically and mentally difficult for her to perform her duties and responsibilities efficiently as clerk of court. Thus, upon Dr. Banzon's recommendation, the OCA advised COC dela Victoria to avail of disability retirement.^[5]

COC dela Victoria complied fully with the directives to her in the January 8, 2003 memorandum, then filed her application for optional retirement on January 5, 2005.^[6]

Meanwhile, respondent Judge Legaspi continually failed to make full compliance with the January 8, 2003 memorandum. The OCA again ordered him on October 17, 2003, to comply strictly with the directives within a non-extendible period of 15

days.^[7] Respondent replied that he has already started sending the Court Management Office, OCA, copies of orders and resolutions issued in some of the cases mentioned in the memorandum. He also asked for an indefinite period of extension, alleging that it was impossible to comply fully with all the directives within the allotted time.^[8]

The OCA noted that respondent's alleged partial compliance consisted merely of attaching copies of the orders and resolutions to his monthly reports without the required explanation as directed. Thus, the OCA once again ordered respondent to comply strictly with the January 8, 2003 memorandum, and to make his compliance in chronological order. In its memorandum dated December 16, 2003, the OCA gave respondent a non-extendible period of 30 days.^[9] Respondent still failed to comply.

On November 9, 2004, the OCA conducted a follow-up audit in the 3rd MCTC of Kinoguitan-Sugbongcogon. The audit revealed that the revocation of respondent's designation as Acting Presiding Judge of the MTC of Medina and the lapse of more than two years from the time of the first audit made little difference in improving the case flow and resolution of cases in respondent's sala. As of audit date, the MCTC of Kinoguitan-Sugbongcogon had 228 pending cases, consisting of 194 criminal cases and 34 civil cases. The audit team reported that of the 194 criminal cases, **114** cases had no further setting for a considerable length of time, **5** cases had no setting at all from the time of their filing, **10** cases had unresolved motions or pending incidents submitted for resolution beyond the reglementary period, and **2** cases had not been decided despite the lapse of the reglementary period. The audit team also reported that of the 34 civil cases, **18** cases were without further setting or action and 2 cases were with unresolved motions beyond the reglementary period.

On February 1, 2005, the OCA issued a memorandum directing respondent to:

a. TAKE APPROPRIATE ACTION on the following criminal and civil cases wherein the court failed to take any action from the time of their filing and those cases without further setting or action for a considerable length of time: [Criminal Case Nos. 1597, 1873, 1823, 2203 and 1738, wherein the court failed to take any action from the time of their filing; and Criminal Case Nos. 1416, 1412, 1573, 1605, 1640, 1659, 1612, 1661, 1706, 1700, 1632, 1728, 1731, 1672, 1746, 1749, 1767, 1761, 1775, 1776, 1707, 1703, 1702, 1678, 1768, 1692, 1800, 1806, 1671, 1785, 1833, 1831, 1742, 1789, 1838, 1849, 1860, 1884, 1885, 1896, 1890, 1899, 1907, 1910, 1878, 1918, 1919, 1949, 1945, 1943, 1677, 1705, 1900, 1977, 1872, 2192, 1985, 2008, 2009, 2010, 2011, 1966, 2015, 01-07-99, 2044, 2049, 1973, 2119, 2177, 2092, 2176, 2187, 2096, 2186, 2193, 2250, 2218, 2266, 1770, 2275, 03-0004, 2255, 03-0005, 03-0001, 2271, 03-0008, 2277, 2098, 03-0018, 03-0038, 03-0029, 2199, 2214, 03-0034, 03-0048, 03-0007, 03-0051, 1663, 03-0060, 04-0002, 03-0056, 03-0057, 03-0058, 03-0059, 03-0053, 03-0054, 03-0055, 2002, 03-0068, 04-0004, 04-0005, 04-0012, 04-0011, 2007; and in Civil Case Nos. SP Case No. 203, Brgy. Case 4, 204, 215, 216, 218, 217, 237, 234, 219, SP Civil Cases 03-01 and 03-02, 03-01, 243, 246, 247, 245, 244 which had no further setting for a considerable length of time.]