

FIRST DIVISION

[A.M. NO. RTJ-05-1968, January 31, 2006]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC-BR. 47, URDANETA CITY,

D E C I S I O N

YNARES-SANTIAGO, J:

In connection with a judicial audit and inventory of cases conducted in the Regional Trial Court of Urdaneta City, Pangasinan, Branch 47, the Office of the Court Administrator (OCA), in a Memorandum dated July 2004, directed Presiding Judge Meliton G. Emuslan:

- (a) to EXPLAIN, within ten (10) days from notice, your failure to decide the following cases submitted for decision which are already beyond the reglementary period to decide, to wit: Criminal Case Nos. U-9639; U-10196 and Civil Cases Nos. U-1709, U-4022, U-4051, U-4235, U-4353, U-4496, U-4567, U-5262, U-5368, U-5465, U-5766, U-5890, U-6023, U-6097, U-6203, U-6475, U-6513, U-6540, U-6643, U-6899, U-7047, U-7202, U-7205, U-7232, U-7246, U-7365, U-7386, U-7458, U-7489, U-7496, U-7536, U-7555, U-7612, U-7631, U-7638, U-7653, U-7662, U-7721, U-7762, U-7767, U-7922; as well as to RESOLVE the motion or incidents in the following cases, to wit: Criminal Cases Nos. U-12221, U-13068; Civil Cases Nos. U-6821, U-6915, U-7184, U-7370 and U-7825; and to decide/resolve the above cases within ninety (90) days from notice.
- (b) to TAKE APPROPRIATE ACTION on the following cases with no further action, to wit: Criminal Cases Nos. U-10020, U-11352, U-11351, U-11362, U-11460; and Civil Case No. U-7674; or with no further settings, to wit: Civil Cases Nos. U-6709, U-6872; as well as the following case, to wit: Criminal Case No. U-10354, with a motion pending action; including the following cases, to wit: Criminal Cases Nos. U-12341 and U-12987, which have not yet been acted upon since the filing thereof; and Criminal Cases Nos. U-12132, U-12549, U-12807 and U-12811, in accordance with Administrative Circular No. 7-A-92, dated 21 June 1993, within ten (10) days from notice.
- (c) to INFORM this Office, thru the Court Management Office whether the decisions in the following cases were promulgated as scheduled, to wit: Criminal Cases Nos. U-11398, U-11629, U-12279, U-8382 and U-8384 and whether the following cases were decided/resolved within

the reglementary period, to wit: Civil Cases Nos. U-7036, U-6293, U-6716, U-6880, U-6773, U-7481, U-7915, U-7953, U-13068. If not, to decide/resolve the same within thirty (30) days from notice.

2. Compliance with the above directives together with copies of the resolutions/orders, etc. in the aforecited cases shall be submitted to the Court, through the Court Management Office, Office of the Court Administrator, within five (5) days from rendition, issuance or action taken thereon. [1]

After requesting for an extension of 10 days, [2] Judge Emuslan informed the OCA on September 2, 2004 that as to items in paragraph (a) of the July 2004 Memorandum:

Criminal Cases

1. Criminal Case No. U-9639 - Decision already drafted and for promulgation this September.
2. Criminal Case No. U-10196 - Decision promulgated last 31 August 2004.

Civil Cases

Drafts of the decisions of many of the civil cases, vintage 1980's yet, had been encoded in the computer x x x however, x x x when the drafts of the decisions were being printed out, the drafts encoded were damaged by unknown virus.

Transcripts of stenographic notes in some of the cases that came from other branches are being collected.

U-4051, CANTILLO V. PADILLA, no TSN.

The following civil cases are still pending:

1. U-7767, LANTANO vs. REGACHO
2. U-6915, SAGAONIT vs. SAGAOINIT
3. U-6709, FAJARDO vs. BENOSA, this case has long been decided, the incident is with respect to contempt of court for failure of the defendants to surrender possession of the property under litigation.
4. U-6293, NPC vs. PAGUYO, partial decision rendered, with respect to the other defendants.
5. U-6716, NARITO vs. LANTANO
6. U-6373, ABANTE vs. QUIZON
7. U-7481, RAMOS vs. SALINA
8. U-7953, GUERRERO vs. BRINGOT

Drafts of the decisions in some of the other cases have already been prepared.

In due time and within the period granted, the civil cases submitted for decision would be resolved. [3]

Regarding the items in paragraph (b) of the July 2004 Memorandum, he declared that:

Criminal Cases

1. U-10020- PP vs. EDWIN MORALES – the prosecution was given 10 days to formally offer its exhibits.
2. U-11352, PP vs. MIGUEL DE GUZMAN – allegedly accused died already pending trial. Counsel for the accused was directed to submit authenticated death certificate.
3. U-11351, PP vs. MIGUEL DE GUZMAN (same as above)
4. U-11262, PP vs. EPIFANIO SORIANO – accused given 10 days to file demurrer to evidence. Prosecution given the same period to file opposition/comment.
5. U-11460, PP vs. ALEXIS RIVERA, case was dismissed 8-3-04.
6. U-10354, PP vs. EXPRECION, allegedly accused died already pending trial. Counsel for the accused was directed to submit authenticated death certificate.
7. U-12341, PP vs. BERNARDO RIVERA. Case was archived on July 15, 2004.
8. U-12987, PP vs. CRISTY GALINATO ET AL. The City Prosecutor issued a resolution asking for the dismissal of the Information.
9. U-12132, PP vs. LETECIA GANADEN, warrant of arrest issued for the apprehension of the accused on August 2, 2004.
10. U-12549, PP v. FRANCISCO EUGENIO, JR. Accused was ordered to be confined at National Center of Mental Health, Mandaluyong City.
11. U-12807, PP vs. CLAYFORD DAVE. Case was archived on May 27, 2004.
12. U-12811, PP vs. AMADO TERRADO, JR. Case was archived on May 27, 2004. [4]

As to items in paragraph (c) of the July 2004 Memorandum, he alleged that:

Criminal Cases

1. U-11398, PP vs. MACOY MAKAPADO and KAREN MAKAPADO – Decision promulgated on June 22, 2004. Accused were acquitted.
2. U-11629, PP vs. PRUDENCIO LEGASPI – Decision promulgated on May 17, 2004. Accused was acquitted.
3. U-12279 – Decision promulgated on April 29, 2004. Accused was convicted.
4. U-8382 U-8384, PP vs. FRANCISCO TUCAY – Joint Decision promulgated on April 19, 2004. Accused was convicted of the crimes of murder and violation of the Omnibus Election Code. [5]

On November 26, 2004, Judge Emuslan was instructed to *fully* comply and to inform the OCA of the actions taken on the pending cases and to attach proofs of such actions. He was also warned of possible disciplinary action in case of failure to fully comply. [6]

Judge Emuslan complied by informing the OCA on February 16, 2005 on the status of the pending cases and incidents, to wit:

CRIMINAL CASES:

1. Crim. Case No. U-9639 (PP vs. Ricky Contaoe, et al.) – Decision promulgated on September 27, 2004;
2. Crim. Case No. U-10196 (PP vs. Cesar Ubaldo) – Decision promulgated on August 31, 2004;
3. Crim. Case No. U-10020 (PP vs. Edwin Morales) – Presentation of Defense Evidence set on February 2 & 17, 2005;
4. Crim. Case Nos. 11351 & 11352 (PP vs. Miguel de Guzman) & Crim. Case No. U-10354 (PP vs. Esprecion) – accused died pending trial, accused's counsel required to submit the respective Death Certificates of the accused;
5. Crim. Case Nos. U-12807 (PP vs. Clayford Dave) & U-12811 (PP vs. Amado Terrado, Jr.) – cases were archived as per Order of the Court dated May 27, 2004;
6. Crim. Case No. U-12549 (PP vs. Francisco Eugenio) – accused was discharged from the National Center for Mental Health, Mandaluyong City on November 20, 2004. Pre-trial set on January 20, 2005;
7. Crim. Case No. U-12987 (PP vs. Cristy Galinato, et al.) – dismissed as per Order of the Court dated September 8, 2004;
8. Crim. Case No. U-12341 (PP vs. Bernardino Rivera) – case was archived as per Order of the Court dated July 15, 2004;
9. Crim. Case No. U-11460 (PP vs. Alexis Rivera) – case was dismissed as per Order of the Court dated September 3, 2004;
10. Crim. Case No. U-12132 (PP vs. Letecia Ganaden) – Warrant of Arrest issued on August 2, 2004;
11. Crim. Case No. U-11262 (PP vs. Epifanio Soriano) – presentation of defense set on February 24, 2005;
12. Crim. Case No. U-11398 (PP vs. Macoy & Karen Makapado) – Decision promulgated on June 22, 2004. Accused were acquitted.
13. Crim. Case No. U-11629 (PP vs. Prudencio Legaspi) – Decision promulgated on May 17, 2004. Accused was acquitted.
14. Crim. Case No. U-12279 (PP vs. Michael Dy) – Decision promulgated on April 29, 2004. Accused was convicted.
15. Crim. Case No. U-8382 & 8384 (PP vs. Francisco Tucay) – Joint Decision promulgated on April 19, 2004. Accused was convicted of murder & violation of the Omnibus Election Code.

CIVIL CASES:

1. Civil Case No. U-4022 (Feliciano Torres vs. Severo Aduan) – Submitted for Decision;
2. Civil Case No. U-4051 (Quirino Cantillo vs. Benjamin Padilla) – Incomplete TSN. Stenographer died already.
3. Civil Case No. U-4235 (Maura Antonio vda. de Gonzales vs. Bibiano Sarmiento) – Submitted for Decision;
4. Civil Case No. U-4353 (Francisco Roy vs. Bonifacio Francisco) – Submitted for Decision;
5. Civil Case No. 4496 (Jose Fortunato vs. Manaoag Utility Co.) – Decided, December 29, 2004.

6. Civil Case No. U-4567 (Ricardo Abriam vs. Emilio ABriam) – Submitted for Decision;
7. Civil Case No. U-5262 (Bernardina Mendoza vs. Catalina Dorion) – Submitted for Decision;
8. Civil Case No. U-5368 (Maria Pasag vs. Ildefonso Balanag) – Submitted for Decision;
9. Civil Case No. U-5465 (Sps. Felimon Reyes vs. Myrna Bautista) – Submitted for Decision;
10. Civil Case No. U-5766 (Kaunlaran Savings vs. Benedicto Alhambra) – Submitted for Decision;
11. Civil Case No. U-5890 (Anita Vinluan vs. Mercedes Cano vda. de Generosa) – Submitted for Decision; Draft already prepared;
12. Civil Case No. U-6023 (Sps. Guillermo de Venecia vs. Gualberto Orpilla) – Decision already prepared;
13. Civil Case No. U-6097 (Manuel Racimo vs. Moises Tinio, Jr.) – Decision already drafted;
14. Civil Case No. U-6203 (Agaton Hugo, et al. vs. Felix Bermudez) – Decision already drafted
15. Civil Case No. U-6293 (NPC vs. Paguyo, et. al.) – Decision rendered for several defendants;
16. Civil Case No. U-6373 (Elsa Abante vs. Sps. Reynaldo Quizon) – Submitted for Decision;
17. Civil Case No. U-6475 (Sps. Reynaldo Linsangan vs. PNB, et. al.) – Submitted for Decision;
18. Civil Case No. U-6540 (Ignacio Benito vs. Macaria Bautista) – Submitted for Decision;
19. Civil Case No. U-6643 (Donata Lucero vs. Francisco Natividad) – Submitted for Decision;
20. Civil Case No. U-6709 (Florencio Fajardo vs. Benito Benosa, et. al.) – Decision issued on June 28, 2000. Contempt proceedings on appeal to Court of Appeals.
21. Civil Case No. U-6716 (Sps. Alejandro Narito vs. Michelle Lantano) – Submitted for Decision;
22. Civil Case No. U-6821 (NPC vs. Francisco Domingo, et. al.) "Motion for Intervention granted;
23. Civil Case No. U-6872 (Manuel R. Sison vs. Pablo Tan, et. al.) – Formal Offer admitted on 1-04-05;
24. Civil Case No. 6880 (Bernabe Sta. Maria, Sr. vs. Sps. Bernabe Sta. Maria, Jr.) – Plaintiff's counsel filed a Notice of Substitution which was noted by the Court. Decision being drafted.
25. Civil Case No. U-6899 (Consuelo Tabayocycoc vs. Pacita Cosme, et. al.) – Submitted for Decision;
26. Civil Case No. 6915 (Florencio Sagaoinit vs. Dan Sagaoinit) – Review Conference set on February 18, 2005;
27. Civil Case No. U-7036 – Adelina De Vera vs. Paulino De Vera) – Submitted for Decision;
28. Civil Case No. U-7047 (Ireneo Magno, Sr. vs. Juliana Pascua); Draft of Decision already prepared.
29. Civil Case No. 7184 (Mylene dela Paz vs. Dolores Moster, et. al) – Pre-trial set on January 18, 2005;
30. Civil Case No. 7190 (NPC vs. HiHipolito Lopez, et al) Archived 1-30-03;