

THIRD DIVISION

[A.M. NO. RTJ-05-1893 (FORMERLY A.M. NO. 04-10-598-RTC), March 14, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
HON. MARIETTA A. LEGASPI, RTC, BRANCH 165, PASIG CITY,
RESPONDENT**

DECISION

TINGA, J.:

The instant administrative matter stemmed from a judicial audit conducted on April 9 and 10, 2003 at the Regional Trial Court (RTC), Branch 165, Pasay City, presided over by Hon. Marietta A. Legaspi. On September 5, 2003 the Audit Team^[1] submitted a report^[2] to the Deputy Court Administrator Christopher O. Lock (DCA Lock) with the following recommendations.

"In view of the foregoing, it is respectfully recommended for consideration of the Honorable Court that:

1) **HON. MARIETTA A. LEGASPI**, Presiding Judge, Regional Trial Court, Branch 165, Pasig City, be **DIRECTED** to:

(A) **EXPLAIN** within ten (10) days from notice hereof why she should not be disciplinary dealt with for her **FAILURE** to:

(a-1) **DECIDE** within the reglementary period the following cases submitted for decision:

SUBMITTED FOR DECISION

CASE NUMBER	DATE SUBMITTED	DUE DATE
CV-66423	02-15-02	05-16-02
CV-67066	03-23-02	06-20-02
CV-67321	07-03-02	10-01-02
CR-5986	02-12-97	05-13-97

(a-2) SET for trial and arraignment for a considerable length of time the following cases, to wit:

TRIAL

CASE NUMBER	LAST SCHEDULE
11867	07-22-02

8318	11-11-02
9969	12-16-02
9833	02-10-03

ARRAIGNMENT

CASE NUMBER	LAST SCHEDULE
9002	07-30-02
9635	01-05-03
11763	01-20-03

(a-3) **ACT for a considerable length of time on the following cases:**

(a-3.1) wherein after the last order and/or incident of the case, the Court has **no further action/setting**, to wit:

CIVIL CASES

CASE NUMBER	REMARK
1. 66564	Order dated 04-30-01, FOE of defendants admitted
2. LRC-11263 3. LRC-11304 4. LRC1-1305 5. LRC-11303	Order dated 02-18-03, in view of the manifestation of counsel for the appellant that she has still additional evidence to submit consisting of the reports from the different agencies, the resolution of the second written offer of evidence of document evidence is held in abeyance.

CRIMINAL CASES

CASE NUMBER	REMARK
1. 10027	Order dated 11-29-02; court admits Exhibits A to F submitted by the prosecution's FOE and the comment/object[ion] filed by the accused.
2. 11523	Motion of accused to undergo mental examination granted on 02-18-03

(a-3.2) wherein the **parties failed to comply with the directive of the Court:**

CIVIL CASES

CASE NUMBER	REMARK
1. 10966	Order dated 06-25-02, NCMH ordered to examine person and to make report within five (5) days.
2. 6378	Order dated 11-13-02, prosecution to file comment/oppo. to the motion for probation of accuse[d].
3. 11848 4. 11849	Order dated 11-15-02, pros. given five (5) days from receipt of Order to file comment/opposition to the motion for P.I.
5. 8588	Order dated 02-03-03, probation officer ordered to conduct investigation and to submit report within sixty (60) days from receipt.
6. 9199	Order dated 02-11-03; City Prosecutor is ordered to inform this court within ten (10) days the result of the P.I. with respect to accused Lenny Mariano.
7. 7619	Order dated 02-26-03, pros. given fifteen (15) days to submit resolution on the P.I.

(a-3.3) wherein **warrants** were issued by the Court:

WARRANT OF ARREST

CASE NUMBER	ISSUED ON	REMARK
1. 9669	03-08-01	Ret. 01-31-02, accused no longer residing at given address.
2. 9709	03-15-01	Ret. 01-31-02, accused no longer residing at given address.
3. 10971	03-04-02	At large
4. 11512 5. 11513	07-22-02	NR
6. 11775	10-18-02	—
7. 11821	01-21-03	NR

(a-4) ISSUE the appropriate orders in the following cases:

CASE NUMBER	DAFT ORDER	UNSIGNED ORDER	PRE-TRIAL ORDER
1. 8587	12-02-03	05-29-01 07-29-02 03-10-03	None. 08-28-00
2. 11546			None. 11-27-02
3. 11677	02-18-03		
4. 11626			Order 01-28-03 unsigned by judge & counsels
5. 118230			Draft. 03-31-03
6. 9969		10-14-02	
7. 11220			Unsigned. 08-26-02
8. 11221			
9. 11749			Unsigned. 03-17-03
10. 10672		03-10-03	
11. 11878		01-20-03	
12. 11371			Unsigned. 11-25-02
13. 11372			
14. 11373			
15. 8936	04-01-03		
16. 9338	01-27-03		
17. 9339			
18. 9060	08-19-02		
19. 9061			
20. 9062			
21. 9063			
22. 11368			Draft. 03-25-03
23. 11366			
24. 1137			
25. 9038			Draft. 08-05-02
26. 11190			Draft. 10-01-02
27. 8574	03-31-03		
28. 9459		02-11-03	
29. 9460			
30. 11391			Draft. 03-25-03
31. 9963			Draft. 02-17-03
32. 11355			Unsigned.

33. 11356			11-18-02
34. 11261			Unsigned 11-25-02
35. 11500			Unsigned. 01-20-03
36. 9309			Unsigned. 02-10-03
37. 11587 38. 11588			Draft. 01- 27-03
39. 11168 40. 11169			Unsigned. 10-08-02
41. 8458			Unsigned. 08-20-02
42. 10616			Unsigned. 08-05-02
43. 8318			Unsigned. 08-19-02
44. 11113			Unsigned. 08-20-02
45. 10064	04-01-03		
46. 10843			Unsigned. 08-06-02
47. 10051			Unsigned. 11-06-01
48. 11819			Draft. 03- 31-02
49. 11296 50. 11297			Unsigned. 01-14-03
51. 9336			Unsigned. 02-20-01
52. 10289			Unsigned. 10-01-02
53. 11555 54. 11556			Unsigned. 03-24-03
55. 8588			None. 09- 26-00
56. 9926			Unsigned. 01-20-03
57. 11642			Unsigned. 01-20-03
58. 10957			Unsigned. 01-20-03
59. 7243	01-27-03		Unsigned. 10-28-02
60. 9554			Unsigned. 03-18-03
61. 10738			03-25-03
62. 8479		01-13-03	None. 03- 24-03