

SECOND DIVISION

[A.M. NO. 05-4-213-RTC, March 06, 2006]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 55, HIMAMAYLAN CITY, NEGROS OCCIDENTAL

D E C I S I O N

GARCIA, J.:

In anticipation of the compulsory retirement on November 1, 2004 of Judge Jose Y. Aguirre, Jr., then the presiding judge of the Regional Trial Court (RTC), Branch 55, Himamaylan, Negros Occidental, a judicial audit and physical inventory of the cases in said court were made on August 2-3, 2004 by an audit team formed by the Court Management Office, Office of the Court Administrator (OCA), Supreme Court.^[1] As of the date of audit, the team found that RTC, Branch 55, has a total caseload of 269 cases, of which 190 are criminal and 79 civil. The status of the cases, their nature and number are as follows:

CASE STATUS	CRIMINAL CASES	CIVIL CASES	TOTAL
I. Case Submitted for Decision	2	5	7
II. Case with Pending Motion/ Incidents for Resolution	1	9	10
III. For Issuance of Warrant of Arrest/Summons	40	3	43
IV. For Arraignment	8	---	8
V. For Pre-Trial Conference	13	8	21
VI. On Trial	117	19	136
VII. Suspended Proceedings	3	3	6
VIII. For Compliance	3	15	18
IX. Cases with No further Action	1	15	16
XI. Cases where PJ Inhibited himself from hearing the case	---	2	2
TOTAL	190	79	269

The team's audit Report^[2] disclosed a more thorough and detailed inventory of Judge Aguirre's caseload, as follows:

I. Cases Submitted For Decision:

CASE NO.	TITLE	DATE SUBMITTED FOR DECISION	DUE DATE OF SUBMISSION	REMARKS
Criminal Case				
1230	F. Madalag	7-20-03	10-18-03	Beyond
1152	V. Arapoc N. Barcenilla	12-04-03	3-03-04	Beyond
Civil Case				
894	Tabitha Liongzon vs. Sps. Gayoso	7-19-04	10-18-04	Within
899	H. Genosa vs. G. Titong	4-30-04	7-29-04	Beyond
888	A. Arroyo vs. J. Marie Javellana	06-07-04	9-05-04	Within
900	A. Genosa vs. R. Sevilla	04-30-04	7-29-04	Beyond (Appealed Case)
877	A. Garanganao vs. Sps. Arac	02-05-04	5-05-04	Beyond (Appealed Case)

II. Cases With Pending Motions/Incidents For Resolution:

CASE NO.	TITLE	DATE SUBMITTED FOR DECISION	PENDING MOTION	REMARKS
Criminal Case				
1634	A. Secapuri	07-07-04	Motion for Preliminary Investigation	Within
Civil Case				
921	Linda Sailo,	07-23-04	Motion to	Within

	et al. vs. Ma. Socorro Tuvilla		Dismiss	
902	Concepcion Ledesma vs. Sps. Lima	07-23-04	Omnibus Motion-entry of appearance	Within
SP 51 SP 105	Intestate of R. Angodong, Jr. vs. Ana Matibonez	08-02-04	Motion to approve sale of intestate property	Within
866	C. Mapagay vs. A Secoral	03-29-04	Motion for reconsideration of the Decision rendered on 12-17-03	Beyond
886	Sps. Chiong vs. Sps. Lagtapon	05-07-04	Motion to declare defendant in default Motion to Expunge Answer from the Record and suspend the running of the period to reply and to answer counterclaim	Within
847	E. Aragon vs. A Ordaniel	01-30-04	Motion for reconsideration of the Decision	Beyond
852	P. Yulo vs. R. Cainap	03-25-04	Motion for reconsideration of the Decision	Beyond
SP 242	Intestate Estate of the Late Miguel Gatuslao and Espectacion Gatuslao	11-28-03	Motion for authority to sell	Beyond

III. Cases With No Further Action For A Considerable Length Of Time

CASE NO	TITLE	DATE OF LAST COURT ACTION	ACTION TAKEN
Criminal Case			
1556	F. Gamosa	10-08-03	For reinvestigation (Accused is a detention prisoner)
Civil Case			

873	Feliza Arroz vs. Zaldy Arros	11-10-03	Government prosecutor to conduct investigation and submit report to determine that no collusion exists between parties
830	Mary Ann Medel vs. Leonardo Medel	03-04-039	AFP directed to release monthly pension to respondent
917	Michael Tumado vs. Daryle Tumado	05-19-04	Deputized government prosecutor directed to conduct an investigation and submit a report to determine that no collusion exist between the parties
883	M. Gatuslao vs. Paul Ramos	2-10-04	Parties to make peace with one another and directed to formally submit their withdrawal of complaint and counterclaim, respectively
SP 294	In the Matter of Probate of Will of Delfina Tabalac Tortosa and Simplicio Tortosa	07-30-03	Petitioner manifested that probate of will has already been allowed in its Order of 2-28-02- Revival of case sufficient
SP 323	Petition for Guardianship of Minor Kirk Alvin Genosa	07-08-03	Judicial guardian directed to account for the proceeds of the sale and to submit report within 30 days. No compliance as of audit
SP 243	Petition for Declare Absence and Administration of Properties	07-11-00	Administrator to render an accounting as to the proper disposal of proceeds of ½

	of Letecia Gatuslao		portion of subject property. No compliance as of audit
SP 235	Intestate Estate of Remegio Limsiaco	12-04-00	Letters of Administration issued. Appointed Special Administrator took his oath of office
SP 125	Intestate Estate of the Late Milagros Ramos	12-19-02	Motion for authority to withdraw deposit and sell Land Bank Bonds granted. Administrator to submit report as to disposition. No compliance
SP 88	Intestate Estate of the Late Amalia Nava	04-04-03	Motion for authority to have lots surveyed by movant granted. Movant to engage the services of a Geodetic Engineer
SP 90	Intestate Estate of the Late Abraham Mangente	03-19-04	Motion for authority to secure loan and approval of loan contract granted. Administratrix to submit report as to proper disposal. No compliance as of audit
SP 126	In the Matter of the Guardianship of Incompetent Andrea Ramos	12-19-02	Motion for authority to withdraw deposit and sell Land Bank Bonds granted. Judicial Guardian directed to submit a report as to the proper disposition of the withdrawn deposit and proceeds from the sale. No compliance as of audit
SP 108	Intestate Estate of the	03-13-01	Motion to sell properties of