

FIRST DIVISION

[A.M. NO. 06-4-220-RTC, October 19, 2006]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 2, BORONGAN, EASTERN SAMAR

DECISION

PANGANIBAN, CJ:

For so many times, judges and other judicial personnel have been enjoined to abide by three qualities code-named DHL: (1) **dedication** to duty, (2) **honesty** in every way, and (3) **loyalty** to the judiciary. For failing to heed this exhortation, particularly the first tenet, the present respondents are sanctioned by this Court.

The Case and the Facts

This administrative case is rooted in a judicial audit conducted on October 4 to 9, 2004, by the Office of the Court Administrator (OCA) at the Regional Trial Court (RTC), Branch 2 of Borongan, Eastern Samar. Charged are Presiding Judge Arnulfo O. Bugtas, Ernesto C. Quitarro (legal researcher and former officer-in-charge of Branch 2); and Rosalinda L. Obaldo (clerk in charge of civil cases).

Based on documents presented at this Court, the OCA audit team came up with the following findings:

(1) Fourteen cases (11 criminal and 3 civil) were not decided within the 90-day reglementary period. Of the 7 cases in which Motions had been submitted for resolution, 3 -- including a Motion for intervention in Civil Case No. 3554, submitted as far back as August 8, 2003 -- were not resolved within the constitutionally set period.

(2) Ten civil cases remained unacted upon since the time they were filed. Four cases were without further settings.

(3) There were 63 criminal and 60 civil cases, or a total of 123, that remained unacted upon for a considerable length of time.

The audit team also reported that Judge Bugtas had ordered the release of Abraham Elpedes in Criminal Case No. 11071, even prior to the filing of the bail bond of the accused. The release Order was issued despite a standing warrant of arrest against Elpedes in Criminal Case No. 11562 for estafa, which was also pending in the judge's sala. Respondent was also delayed in the issuance of the orders of annotation of the property bond in Criminal Case Nos. 11386, 11488 and 11492.

Further, Judge Bugtas did not conduct hearings on Mondays; he in fact seldom set

civil cases for hearing. Moreover, in his certificates of service, he not only failed to indicate the various dates when no court sessions had been conducted, but he also claimed that he had decided and resolved all cases and incidents within three months from the dates of their submission for resolution.

During the audit, the *expedientes* of 3 criminal and 5 civil cases could not be presented to the audit team. Twenty-three cases (9 criminal and 14 civil) were not included in the semestral inventory for January to June 2004. Pleadings, orders and notices were not properly stitched to their proper case folders.

Upon the recommendation of the OCA, the judicial audit was docketed as an administrative case; and respondents, including Atty. Crisolito A. Tavera, the clerk of court, were required to file their respective comments.

In his explanation, Judge Bugtas states as follows: (1) while he already decided/resolved the matters pending in his sala, he failed to observe the 90-day reglementary period because of his heavy case load; (2) aside from being assigned cases in Branch 2, he was also assigned to preside in RTC Branch 3 in Dolores (Quezon), and in RTC Branch 4 in Guiuan (Eastern Samar); (3) he ordered the release of Abraham Elpedes upon the approval of a property bond and only insofar as Criminal Case No. 11071 was concerned; (4) he issued the Order for the annotation of the property bond in Criminal Case No. 11386, but ordered the arrest of the accused when the latter failed to comply; (5) he allocated the hearing dates to the different RTC branches in Guiuan, Dolores, Oras in Eastern Samar; (6) there were no court sessions on certain dates because of his health problems, although he inadvertently failed to indicate this fact in his certificates of service; and (7) the other cases included in the report of the judicial audit team were already acted upon.

For his part, Atty. Tavera explained that he had assumed office only on August 2, 2004. When he learned about the pending civil cases, he made representations with Judge Bugtas, and the necessary Orders were issued. As for the records of the criminal cases, Atty. Tavera accounted for and presented them all during the judicial audit. The records not presented involved civil cases already disposed of or transferred prior to the audit. While the records of Civil Case No. 3467 had been misplaced, they were later found. The records of Civil Case No. 3370, on the other hand, could not be located despite diligent efforts. These records, according to the clerk in charge, Rosalinda L. Obaldo, had been missing for a long time.

On June 16, 2005, this Court required Obaldo to show cause why she should not be held administratively liable for the loss of the records of Civil Case No. 3370. Believing that the case records might have been inadvertently mixed with others in the stock room, she collated the files from both parties and was successful in compiling a complete record of the proceedings of the case. Moreover, the RTC issued an order directing both parties to reconstruct the lost records.

With regard to the cases that were not included in the Semestral Inventory of Cases for January to June 2004, Ernesto C. Quitorio, the court legal researcher and former officer-in-charge, explained that the matters had been inadvertently omitted. Realizing the omission after the closure of the report, he added that the subject cases had been included in the subsequent July to December 2004 Report of the

docket inventory.

Report and Recommendation of the OCA

The OCA found Judge Bugtas to have failed to decide 13 cases within the reglementary period. While he had requested an extension of time to decide Criminal Case Nos. 10159, 10868, 10418 11099 and 11386, he did so only after the audit had been conducted and the due dates of the Decisions had already lapsed.

With respect to the 123 dormant cases, Judge Bugtas submitted Orders dismissing Civil Case Nos. 3291, 3515, 3628, 3819, 3859 and 3883, as well as a Decision in Civil Case No. 3887. He claimed that the remaining 116 cases had been archived. He failed, though, to submit the pertinent orders for archiving, in spite of constant reminders and follow-ups by the OCA.

The OCA thus opined that the explanation of Judge Bugtas was unsatisfactory. It noted that his inefficiency in the management of his sala led to the loss of the records of Civil Case No. 3370, as well as the failure to include 24 cases in the Semestral Docket Inventory. Accordingly, the OCA recommended his suspension from office for three months without salary and other benefits.

With respect to Clerk of Court Tavera, the OCA said that he had assumed office barely two months before the judicial audit was conducted; hence, he could not have calendared the hearings of 10 special-proceeding cases. It also favorably cited his explanation that, at the time, he was awaiting the orders of Judge Bugtas to fix the dates and places of the hearings.

Legal Researcher and former Officer-in-Charge Quitorio, however, was found by the OCA to be remiss in the performance of his duties. He had failed to submit an accurate Semestral Docket Inventory of Cases for the period January to June 2004. He was also held responsible for the loss of the records of Civil Case No. 3370. For his transgressions, the OCA recommended a fine of P3,000.

Finally, the OCA found that Rosalinda L. Obaldo, as the clerk who was in charge of civil cases in Branch 2, should be made liable for the loss of the records of Civil Case No. 3370 and the misplacement of those of Civil Case Nos. 3467 and 3622. Although the OCA concluded that Obaldo was guilty of simple neglect of duty, it reasoned that a fine of P2,000 was in order, considering that this was her first offense. Moreover, she had exerted utmost effort to reconstitute the records of Civil Case No. 3370 and to locate the two misplaced records.

The Court's Ruling

The Court agrees with the findings of the OCA.

Administrative Liability

In Re: Report on the Financial Audit Conducted at the MCTC-Mabalacat, Pampanga,
[1] this Court declared:

"Time and time again, this Court has stressed that those charged with the dispensation of justice -- from the presiding judge to the lowliest