

SECOND DIVISION

[A.M. No. 02-9-568-RTC, February 11, 2004]

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURT, BRANCHES 3, 5, 7, 60 AND 61, BAGUIO
CITY.**

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

In Administrative Matter OCA IPI No. 02-1435-RTJ which is the complaint of Judge Ruben Ayson against the Regional Trial Court Judges of Baguio City, the Court En Banc issued a Resolution dated March 19, 2002, forming a team to conduct judicial audit and physical inventory of pending cases, including cases submitted for decision and/or cases with motions for resolution in all the Branches of the Regional Trial Court, Baguio City.

In a Memorandum dated September 17, 2002, filed with the Court and docketed as A.M. No. 02-9-568-RTC, the herein administrative matter, Deputy Court Administrator Christopher O. Lock submitted the report of the audit team and endorsed the team's recommendation.

Thus, on December 16, 2002, the Second Division of this Court issued the following Resolution^[1]:

Adm. Matter No. 02-9-568-RTC (Re: Reports on the judicial audit conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61 Baguio City). – Considering the judicial audit and physical inventory of cases in all branches of the RTC, Baguio City, in compliance with the resolution of the Court En Banc dated 19 March 2002 in A.M. No. OCA IPI 02-1435-RTC, the Court Resolves, upon recommendation of Deputy Court Administrator Christopher O. Lock in his Memorandum dated 17 September 2002, to:

BRANCH 3

I. **DIRECT** Judge Fernando Vil Pamintuan to: (a) to ACT IMMEDIATELY and/or INFORM this Court, through the Office of the Court Administrator, of the present status of the following cases which from the time of filing/raffle thereof have not been acted upon for a considerable period, namely: Criminal Case Nos. 17634, 17636, 2000 and Civil Case Nos. 5199, 4542, 4984, LRC 1212, LRC 1206 and LRC 1041, as well as to explain the cause of delay in the movement of the cases within ten (10) days from notice; (b) to IMMEDIATELY TAKE the necessary steps for the disposition of the following cases, in accordance with Circular No. 7-A-92 (Guidelines in the Archiving of Cases) dated June 21, 1993, to wit: Criminal

Case Nos. 19480, 19481, 19482, 19483, 19484, 19500, 19554, 19578, 18954, 18955 and 18800;

II. **DIRECT** the Branch Clerk of Court/Officer-in-Charge, to INFORM this Court through the Office of the Court Administrator within ten (10) days from notice of the present status of the following: (a) cases which were submitted for decision but still within the 90-day reglementary period when the judicial audit was conducted, namely Crim. Case Nos. 17182, 17792, 18030, 18130, 18131, 18132, 18148, 18149 and Civil Case Nos. 1168, 1674, 4347, 4373, 5028 and 5205; and (b) cases with pending matters and incidents for resolution but also within the 90-day reglementary period when the judicial audit was conducted namely, Civil Case Nos. 4741, 4320, 4880, 4735 and LRC 1050.

BRANCH 5

I. **DIRECT** Judge Antonio M. Esteves: (a) to EXPAIN within ten (10) days from notice why he should not be administratively penalized for not deciding/resolving the following cases submitted for decision or with pending incidents/matters for resolution within the reglementary period provided by law, namely: Crim. Case Nos. 13490, 16667, 16290, 16851, 168552, 15667, 19278, 19398, 17123, Civil Case Nos. 5012, 4770, 4269 and 1037; (b) to ACT IMMEDIATELY on the following cases which are ripe for disposition pursuant to Circ. No. 7-A-92, dated 21 June 1992, namely, Crim. Case Nos. 19492, 19493, 19496, 19334, 19341, 19362, 19363, 19386, 19400, 19430, 19460, and 19479; (c) to EXPLAIN within ten (10) days from notice hereof why the following cases were either not active or were not set for hearing, despite the lapse of considerable length of time, namely, Crim. Case Nos. 17128 and 18068, Civil Case Nos. 5170, 5209, 4822, 4630, 4596, 4967, 4989, 4925, 4614, 4586, 4468, 5140, SP 1012, SP 187, SP 380, SP 3825 and LRC-1166. II. **DIRECT** Branch Clerk of Court Nelia A. Amansec to **INFORM** this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases with pending matter or incidents for resolution but still within the ninety (90)-day reglementary period when the judicial audit was conducted, namely: Crim. Case Nos. 19994 and 19995, Civil Case Nos. 5142, 5112, 5125, 5121, 5069, 4959, 4590, 4591, 4730, 4269, 1037, 3732, 3592, 4878, 4941, 4922 and 4755.

BRANCH 7

I. **DIRECT** Judge Clarence J. Villanueva to: (a) EXPLAIN why he should no be administratively penalized for his failure to decide within the reglementary period prescribed by law, the following cases, to wit: Criminal Case Nos. 15497, 15620, 15621, 15668, 15728, 15739, 16525, 16526, 16829, 17127, 17686, 17751, 17917, 19348, 19349 and Civil Case Nos. 4947, 5059; (b) EXPLAIN why he should not be administratively penalized for his failure to resolve within the reglementary period prescribed by law, the

pending motions/incidents in Civil Case Nos. 4491 and 4576; (c) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases where no action had been taken despite the lapse of a considerable length of time and to explain why he should not be held administratively accountable for such inaction, namely: Crim. Case Nos. 17637 and 19835 and Civil Case Nos. 1202, 1208, 2586, 3259, 3832, 4953, 4996, 5023, 5194, SP-432 and SP-151; (d) TAKE proper action on the following cases which are ripe for disposition pursuant to Administrative Circ. No. 7-A-92, viz: Crim. Case Nos. 17843, 19547, 19559, 19590, 19600 and 19613 and Civil Case No. 4980.

II. **DIRECT** Ms. Susan U. Bito, Officer-in-Charge, to INFORM this Court through the Office of the Court Administrator: (a) whether the decisions in Crim. Case Nos. 13994 and 16928 have already been promulgated; (b) of the present status of the following cases which were submitted for decision but still within the ninety (90) day reglementary period when the audit was conducted, viz: Crim. Case Nos. 4825, 16860, 17952, 19692 and Civil Case Nos. 1159, 2597, 3983, 4490, 4647, 4649, 4800, 4818, 4896, 5115, 5145; and (c) the present status of the following cases which have pending motions/incidents for resolution but still within the ninety (90)-day reglementary period when the audit was conducted, viz: Crim. Case Nos. 17930 and 19693 and Civil Case Nos. 1423, 4869, 5045, 5054, 5062, 5090, 5165, SP-788 and 445 (3-2000);

BRANCH 60

I. **DIRECT** Judge Edilberto Claraval to: (a) EXPLAIN within ten (10) days from notice why he should not be administratively penalized for his failure to decide Crim. Case Nos. 17199 and 1570, within the reglementary period provided by law; (b) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice, of the present status of the following cases where no action had been taken despite the lapse of considerable length of time and to explain why he should not be held administratively accountable for such inaction, namely: Crim. Case Nos. 17327, 5168, 5189 and 5203; (c) TAKE proper action on the following cases which are ripe for disposition pursuant to Circ. No. 7-A-92 dated 21 June 1992, namely, Crim. Case No. 17327 Civil Case Nos. 5168, 5189 and 5203; and (d) EXPLAIN why no formal orders were issued on the action taken on motions filed by parties in Civil Case Nos. 5037, 5107, 9078, 4907, 5051 and 5128, and SP Nos. 4845, 5116 and 5073. II. **DIRECT** Branch Clerk of Court Remedios Baldfra-Reyes, to: (a) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice whether the decisions in the following cases have already been promulgated, namely, Crim. Case Nos. 15693, 15694, 18158, 18310 to 18316; (b) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which were submitted for decision but

still within the reglementary period when the judicial audit was conducted to wit: Crim. Case Nos. 19382, 18648, 18649, 18435, 18158, 15693, 15694, 18310, 18311, 18312, 18313, 18314, 18315, 18316, 18055 and 18435, Civil Case Nos. 5060, 4376, 4377, 4385, 4386, 4388, 4395, 4396, 4397, 4398, 4403, 4407, 4433, 4421, 4429, 4432, 4437, 4523, 4651, 4562, 4808, 4247, 4871, 5080, 4668, 2863, 4414; (c) INFORM this Court, through the office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which have pending matters/incidents for resolution but still within the ninety (90)-day period when the audit was conducted, namely: Crim. Case Nos. 19915, 19427 and Civil Case Nos. 4907 and 4629; and (d) EXPLAIN why Criminal Case Nos. 16545-49 originally docketed as Criminal Case Nos. 97-6949-53 and raffled to Br. 4 of MeTC, Baguio City, were docketed and transferred to Br. 60 prior to their transfer to the MeTC of Muntinlupa City per AM-99-1-14-MTCC.

BRANCH 61

I. **DIRECT** Judge Antonio C. Reyes to: (a) to EXPLAIN within ten (10) days from notice why he should not be administratively penalized for his failure to resolve within the ninety (90)-day reglementary period the following cases, to wit: Civil Case Nos. 4932, 4710, 4520 and 4547; (b) INFORM this Court through the Office of the Court Administrator, of the causes for the delay in the movement of some fifty-three (53) cases which have not been acted upon or have no further action or setting in the court calendar despite the lapse of considerable length of time, and EXPLAIN within ten (10) days from notice why he should not be held administratively accountable for such inaction, to wit: Criminal Case Nos. 18133, 18134, 16292, 16326, 18937, 18718, 18719, 19033, 19410, 19411, 18553, 18554, 17966, 17967, 18526, 18527, 18636, 18720, 19557, 19737, 19738, 19739, 18936, 19499, 18476, 18477, 14520, 18665, 17945, 17946, 17975, Civil Case Nos. 4807, 4919, 2107, 1784, 2123, 3191, 3538, 3598, 3127, 4278, 4053, 4115, 4553, 5110, 5122, 4929, 4726, 3766, 4418, 5167, 4427 and LRC No. 1061; and (c) EXPLAIN why he does not issue formal orders when setting the case for hearing as well as on actions taken on the motions filed by the parties, particularly in Criminal Case Nos. 15742-43, 17796-97 and 17965.

II. **DIRECT** Branch Clerk of Court Mayflor L. Heo to: (a) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice of the present status of Crim. Case No.18414, Civil Case Nos. 4059, 4219 and 4262, which cases were submitted for decision but were still within the ninety (90)-day reglementary period when the audit was conducted; (b) INFORM this Court, through the office of the Court Administrator, within ten (10) days from notice of the present status of the following cases which, when the judicial audit was conducted, have pending motions or incidents for resolution but still within the ninety (90)-day reglementary period, namely, Criminal Case Nos. 18421,

15742, 15743, 17965, 16551, 16552, 4365, 5026, 5135 and SP 884; (c) strictly **COMPLY** with the prescribed dress code pursuant to CSC Memorandum Circular No. 19 S 2000 (Revised Dress Code Prescribed for all Government Officials and Employees in the Workplace) and Administrative Circular No. 19-2001 dated 15 February 2001; and (d) EXPLAIN why, prior to the audit, the logbook of attendance does not contain the time when employees arrive and leave the court per 1973 Memo. Circular No. 4.

All the aforementioned Judges and branch clerks of court or officers-in-charge submitted their respective explanations or reports in compliance with the aforequoted Resolution. In a Memorandum^[2] dated November 19, 2003, DCA Lock submitted his evaluation thereof together with his findings and recommendations, to wit:

ON BRANCH 3 –

We find the letter/manifestation of **Judge Pamintuan** sufficient compliance with the Resolution of the Court.

However, as regards the cases subject of directive II (a)^[3] we noted that the Clerk of Court failed to indicate in her report the dates when the subject cases were decided. Thus, in order for us to determine whether these cases were decided during the 90-day reglementary period, Atty. Bacbac should submit to the Court, through the Court Management Office copies of the decisions.^[4]

ON BRANCH 5 –

It is noteworthy that of the 14 cases submitted for decision at the time of the audit, eleven (11)^[5] were beyond the 90-day period within which to decide. Likewise, among the cases with pending motions or incidents for resolution which were still within the reglementary period to resolve at the time of the audit, the following have been resolved beyond the 90-day period, to wit:

	CIVIL CASES NOS.	DATE OF MOTION	DUE DATE	DATE RESOLVED
1.	5121	02-19-02	05-19-02	10-20-02
2.	4959	04-25-02	07-25-02	12-20-02
3.	4730	02-15-02	05-15-02	06-20-02
4.	4878	05-30-02	08-30-02	11-20-02
5.	4755	04-24-02	07-24-02	13-03-02

From the foregoing, it is evident that **Judge Esteves** has been remiss in his duty and responsibility as an officer of the court. He violated Rule 3.05, Canon 3 of the Code of Judicial Conduct requiring a judge to dispose of the Court's business promptly and decide cases within the required periods.

Judge Esteves admitted having failed to decide cases submitted for decision or resolution on time but attributed the delay to the case filed