

FIRST DIVISION

[**A.M. No. 02-6-142-MCTC, September 20, 2004**]

RE: REQUEST FOR THE TRANSFER OF STATION OF THE 10TH MCTC, MERIDA-ISABEL, LEYTE FROM MERIDA TO ISABEL, LEYTE.

DECISION

YNARES-SANTIAGO, J.:

In a Resolution dated July 31, 2002, the Court granted the request of the Sangguniang Bayan of the Municipality of Isabel, Leyte for the transfer of the official station of the 10th Municipal Circuit Trial Court of Merida-Isabel from Merida to Isabel but directed Judge Delia Bertulfo and the personnel of the same court to explain within 10 days from notice why they actually transferred their office and began holding court sessions in Isabel prior to the grant of permission therefor.

In compliance therewith, the court personnel of MCTC, Merida-Isabel, admitting that they have been holding office in Isabel, Leyte, reasoned that: (1) almost all the records of the cases of the court are already kept in Isabel, Leyte because of the poor condition of the courthouse in Merida, Leyte; (2) there are 46 criminal cases and 14 civil cases pending at Isabel while there are only 8 criminal cases and 1 civil case pending at Merida; and (3) all Isabel cases are heard in Isabel and Merida cases in Merida.

On November 18, 2002, the Court referred the matter to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In a Memorandum dated January 24, 2003, the Office of the Court Administrator made the following recommendations:^[1]

a) Acting Presiding Judge Delia N. Bertulfo be FINED Three Thousand Pesos (P3,000.00) and the personnel of MCTC, Merida-Isabel, Leyte be REPRIMANDED for their failure to seek first permission from the Court prior to holding office and court sessions at Isabel, Leyte; and

b) Judge Bertulfo be REPRIMANDED for not complying with the directive of the Court that she explain why she was holding Court sessions in Isabel without the Court's prior permission, with a STERN WARNING that repetition of the same or similar act in the future will be dealt with more severely.

On July 2, 2003, the Court required Judge Bertulfo to show cause why she should not be disciplinarily dealt with for failing to explain, as directed in the Resolution of July 31, 2002, why she was already holding office and court sessions at Isabel, Leyte, instead of at Merida, Leyte, even before the Court authorized the transfer from Merida to Isabel.