

EN BANC

[A.M. No. 00-1-10-RTC, September 10, 2004]

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURT, BRANCH 22, MANILA.**

[A.M. NO. RTJ-04-1824(Formerly OCA IPI No. 00-946-RTJ)]

**ATTY. EDDIE U. TAMONDONG, COMPLAINANT, VS. JUDGE
MARINO M. DELA CRUZ, JR., REGIONAL TRIAL COURT, BRANCH
15, MANILA, RESPONDENT.**

D E C I S I O N

CALLEJO, SR., J.:

The instant administrative case is a consolidation^[1] of two cases, both involving Judge Marino M. dela Cruz, Jr., presiding judge of the Regional Trial Court of Manila, Branch 22.

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On October 26, 1999, the Office of the Court Administrator (OCA) directed a team to conduct an on-the-spot audit and physical inventory of cases pending in the *sala* of the respondent judge. The members of the judicial audit team conducted the audit from October 27, 1999 to November 4, 1999, having had difficulty reconciling the records of the court. When confronted about the unsystematic record-keeping and improper management of court records, Branch Clerk of Court Atty. Felix Veridiano, Jr. explained that he himself could not reconcile the records of the cases and complete the reports. According to Atty. Veridiano, the respondent judge brought home the cases submitted for decision or locked them in his drawers, and that no staff member was allowed to touch these cases without his permission. The judicial audit team arrived at its findings through examining unofficial reports, which were verified with the list of raffled cases from the Office of the Clerk of Court and the actual cases presented for audit. The judicial audit team noticed that almost all of the case records, whether criminal or civil, did not contain any page numbers, and that many such records had loose copies of notices, orders or draft decisions. ^[2]

Pursuant to the judicial audit team's report and the Memorandum of then Court Administrator Alfredo Benipayo dated December 16, 1999, the Court issued the following Resolution on February 23, 2000:

(a) Presiding Judge Marino dela Cruz, Jr., Regional Trial Court, Manila, Branch 22, to *EXPLAIN* in writing within ten (10) days from notice hereof why no administrative sanction should be imposed on him for:

(1) failure to decide the following 78 criminal cases and 32 civil cases, within the ninety (90)-day reglementary period:

Criminal Cases	Civil Cases
91-90046	99-92972
94-135548	99-93417
91-97265	86-34398
97-156420	98-88197
95-144007-11	R-81-86911
92-105443	98-86911
94-134270	93-63477
94-138257	97-82718
93-126422	91-59202
97-155030-31	93-68174
92-103538-60	97-86293
84-32464	98-90875
94-139172	98-88357
88-62579	97-84527
93-130096-114	93-66711
94-136816	95-73055
94-133785	90-53942
89-74843-46	95-73413
87-54666	90-53444
92-107757	93-65034
92-108634	96-77102
95-146443-48	95-73016
94-139627	92-63720
95-144693	95-75404
94-131598	91-57931
	95-75449
	93-67720
	86-35031
	95-72792
	93-64390
	92-60127
	88-45762

(2) his actions on the following to wit:

1) promulgation of judgment without written decision in the case of CR No. 97-156420 – People vs. Jariol y Pedo and Crim. Case No. 88-62579 – People vs. Lanzona, *et al.*

2) the order of release of the accused in CR No. 95-144007-11 – People vs. Marilyn Fernandez, although no decision is attached to the record apart from an undated and an unfinished loose order purporting to be a decision .

3) the order of release of accused in G.R. No. 93-126422 – People vs. Dennis Ferrer y Bautista, although no record of decision was attached to the record except an original copy of a one page

"Decision" but it is loose, undated, unsigned and incomplete.

4) several resetttings of promulgation in CR No. 97-155030-31 – People vs. Araceli A. Duran, and on the date of the promulgation of judgment the parties settled the case amicably. The decision found accused guilty of the crime but no mittimus for commitment of accused was issued.

5) there were no Orders attached to several cases to reflect the action of the Court on motions granted. Only notations with the Judge's signature indicate that a particular motion was granted; and

b) Atty. Felix Veridiano, Jr., Branch Clerk of Court, Regional Trial Court, Manila, Branch 22, to: (1) **EXPLAIN** in writing within ten (10) days from notice why no administrative sanction should be imposed on him for the disorderly, unsystematic and ineffective management of court records in that branch; (2) **IMMEDIATELY** conduct an inventory of cases that were decided, dismissed archived, inherited and transferred to other sala, for the purpose of determining the monthly case disposition of the court, then **SUBMIT IMMEDIATELY** a report thereon to the Statistical Reports Division, CMO, Office of the Court Administrator; (3) **APPRISE** the Presiding Judge on the cases which were not further acted upon or included in the court calendar despite the lapse of a considerable length of time; and (4) cause the **UPDATING** of the docket books with **STERN WARNING** that failure to religiously perform the task in the future will be dealt with more severely and, henceforth, **REFLECT** all cases assigned to the branch including subsequent pleadings, documents and other pertinent communications in said books.

Atty. Veridiano complied with the Court's directive on April 13, 2000 and averred that he submitted the monthly reports and inventories filed on January 31, 2000 and February 11, 2000 to the OCA, Statistical Reports Division. He explained that he had recently figured in an accident, and that he had only one clerk assisting him in managing the court dockets. He prayed for the Court's understanding and indulgence and promised to do his best to comply with the Court's requirements.

On March 31, 2000, the respondent filed a motion for extension of thirty (30) days within which to comply with the directive, which the Court granted. Upon his failure to comply with the said resolution, he was directed to show cause why he should not be disciplinarily dealt with or held in contempt for such failure.^[3] The respondent, thereafter, filed a motion^[4] for extension of thirty (30) days from receipt of a copy of the memorandum within which to submit his compliance, and further requested an extension of thirty (30) days, which the Court again granted in a Resolution dated February 20, 2002. Thereafter, succeeding motions were filed on the following dates:

Date Filed	Extension requested	Action of the Court

1. January 31, 2002	30 days	Granted 30 days extension (Resolution [dated] April 10, 2002)
2. April 3, 2002	30 days	Granted with warning that the same shall be the last and no further extension will be given (Resolution dated May 29, 2002)
3. April 15, 2002	30 days	Granted, definitely the last extension that will be allowed as he had already been warned that no further extension would be granted (Resolution dated September 9, 2002)
4. June 3, 2002	30 days	
5. July 1, 2002	30 days	DENIED (Resolution dated October 9, 2002)
6. September 2, 2002 ^[5]		

The respondent judge was, thus, given a total of two hundred forty (240) days within which to comply with the Resolution of February 23, 2000. To determine whether the respondent judge had complied with the directives of the Court in the said resolution, the OCA conducted a second audit of the pending cases in the respondent judge's *salas*. The judicial audit team found that out of seventy-eight (78) criminal cases, twenty-two (22) cases had been decided, while there were unfinished draft decisions in four (4) criminal cases; out of thirty-two (32) civil cases, eleven (11) had been decided, with five (5) other unfinished or draft decisions.^[6] Pursuant to the recommendation of the Court Administrator in his Report dated January 27, 2003, the Court issued a Resolution on March 5, 2003, resolving as follows:

(a) to **DIRECT** Officer-in-Charge Nestor A. Malabigan, Regional Trial Court, Branch 22, Manila: (1) to **EXPLAIN** in writing, within ten (10) days from notice, why no disciplinary action should be taken against him for a) inefficiency, gross neglect of duty and for disorderly, unsystematic and ineffective management of court records: and b) his failure to apprise/remind the Presiding Judge on cases which were not acted upon or no further setting in the court calendar after a lapse of considerable length of time; and (2) to **REPORT** to the Court through the Office of the Court Administrator, within ten (10) days from notice hereof the status of the following cases:

Criminal Cases

92-197757	99-179369	00-185269
94-139610	00179588	00-175858
95-140963	00-179947	00-186758
97-161040	00-180278	00-187668
99-172245	00-18160	00-187669
99-173861	00-18161	00-187894
99-175497	00-182667	95-144007

99-175498	00-184864	95-144008
99-175666	00-185285	95-144009
99-175787	00-185399	95-144010
99-175788	00-185537	95-144011
99-176565	00-185931	
99-176566	00-185670	
	99-176567	00-186233
	99-176568	00-186184
	99-176569	00-186732
	99-176926	00-186787
	99-177955	00-186873
	99-178048	00-186874
	99-178573	00-187478

Civil Cases

90-54608	00-97249	01101171
91-58176	00-97821	01-101761
98-90288	00-97892	00-96038
98-90875	00-98459	00-96178
92-63477	00-99051	00-96178
95-75449	00-99126	00-96975
98-88724	00-99557	00-97092
96-76825	1-100282	01-102207
	01-102393; and	

(b) Clerks Liza Arcega (*sic*) and Riza Pueca, Regional Trial Court, Branch 22, Manila: (1) to **EXPLAIN** in writing, within ten (10) days from notice, why no disciplinary action should be taken against them for inefficiency, gross neglect of duty and for disorderly, unsystematic and ineffective management of civil and criminal docket books; and (2) to **UPDATE** their respective assigned docket books within thirty (30) days from notice hereof submitting proof of compliance with this directive within ten (10) days from the expiration of the thirty (30) day period.

In the meantime, Atty. Fatima A. Farrales was appointed as Branch Clerk of Court and assumed office on November 22, 2002.^[7]

In his Compliance dated May 8, 2003, Officer-in-Charge (OIC) Nestor Magabilin pointed out that the disorderly, unsystematic and ineffective management of court records in the office was an inherited problem and that at the time of the audit, he had been designated as OIC barely more than a year. In their Joint Compliance dated June 9, 2003, Clerks Liza C. Alcera and Riza C. Pueca alleged that it was never their intention to disregard their duties of maintaining and recording their respective assigned docket books; their voluminous work loads prevented them from updating their records. Several other factors were mentioned, foremost of which was the miserable condition of the court at the then Napocor Building which also served as the storeroom for both active and disposed records.

In the meantime, on March 7, 2003, the respondent submitted a supplemental report dated February 28, 2003, specifying therein the action taken on the cases and the respective promulgation dates of the decisions he had already rendered. The respondent expressed his commitment to dispose of the other cases submitted