

THIRD DIVISION

[A.M. No. RTJ-02-1737, (Formerly A.M. No. 00-8-354-RTC), September 09, 2004]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE ROBERTO S. JAVELLANA AND JUDGE ABRAHAM D. CAÑA,
RESPONDENTS.**

R E S O L U T I O N

CORONA, J.:

Time and again, this Court has emphasized that any delay in the rendition of judgments diminishes our people's faith in the judiciary. If, for some valid reason, a judge cannot comply with the required deadline, he should seek an extension to avoid administrative sanctions.^[1]

An on-the-spot judicial audit and physical inventory of cases, including cases submitted for decision, were conducted in Branches 57, 58 and 59 of the Regional Trial Court, San Carlos City, Negros Occidental.^[2]

(A). JUDGE ROBERTO S. JAVELLANA

At the time of the audit, respondent Judge Roberto S. Javellana was handling two salas, Branch 57 (in an acting capacity) and Branch 59 (his original station) which was designated as a special court for heinous crimes. He was likewise the incumbent Executive Judge.

Based on the records as of February 28, 2000, Branch 57 had a caseload of 559 cases. This caseload consisted of 398 criminal and 155 civil and other cases.

Branch 59, as of audit date in February 2000, had a caseload of 86 cases consisting of 67 criminal and 19 civil cases.

Consequently, the audit team reported:

It should be noted that aside from handling his regular court Branch 59, Judge Javellana is also handling Branch 57 in concurrent capacity. This situation is further aggravated by the fact that Judge Javellana is also the incumbent Executive Judge and the presiding judge of Branch 59 which is a special court for heinous crime, etc. No wonder, the audit shows how the over all performance of Judge Javellana was affected while handling Branch 57 which has the highest caseload so far compared to the two (2) other branches which are special courts.

Although admittedly, Judge Javellana has so many cases that are submitted for decision which are already beyond the reglementary

period, the above-discussed circumstance are considered mitigating circumstance that should be given due consideration in favor of Judge Javellana.

In fact, during the conversation with Judge Javellana, he suggested the possibility of considering the return of Judge Beldia to his official station or perhaps another acting presiding judge be designated to handle Branch 57 if only to exclusively devote the time in handling all other cases not falling within the designated special courts. The uneven distribution of caseload in the three (3) RTC branches in San Carlos City is a situation that Judge Javellana had reluctantly accepted. The said situation becomes uncontrollable because the two (2) designated special courts are limited to handling specific cases under the directive of the Honorable Court.

Based on the report of the audit team, this Court issued a resolution^[3] dated August 28, 2000, with the following directives:

DIRECT: (1) Acting Presiding Judge Roberto S. Javellana, Regional Trial Court, Branch 57 to: (a) **EXPLAIN** in writing within fifteen (15) days from notice why: (aa) Criminal Case No. 2176; Civil Cases Nos. 246, 445, 613, 514, 633, 524, 5571, 6154, 265, 267, 492, 421, 564, 250, 260, 458, 355, 587, 555, 629; Special Proceeding Nos. 301 and SCA No. 522 have not been decided within the ninety (90) days reglementary period; (b) **DECIDE** with dispatch the above-enumerated cases that are submitted for his decision as well as Civil Case No. X-119 (SP-354) which was submitted for decision before Judge Rolindo Beldia, Jr. and **RESOLVE** with dispatch the pending matters in the above-enumerated cases; (c) **ACT** on: (aa) Criminal Case No. 2297; Civil Cases Nos. 631, 575 and 244; Special Proceeding Nos. 452, 435, 468 and 311 and Cadastral Cases Nos. CAD 488 and CAD-248 which have no action or setting in the court calendar after the lapse of considerable period of time; and (bb) Civil Case No. 669 which has no action taken since the time it was filed; and (d) **INFORM** the Honorable Court through the Office of the Court Administrator within ten (10) days from notice hereof, whether or not: (aa) the judgment in Criminal Cases Nos. 1468 had been promulgated as scheduled; (bb) Civil Cases Nos. 449 and 684 to 689 had been decided within the reglementary period; and (cc) the pending matters or incidents in Criminal Cases Nos. 3373, 1432, 1364, 1367 and 1343 and Civil Case No. 496 had been resolved within the reglementary period;

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(3) **Judge Roberto S. Javellana, Regional Trial Court, San Carlos City, Branch 59, to:** (a) **EXPLAIN** in writing within fifteen (15) days from notice why Civil Case No. 662 had not been decided within the ninety (90) days reglementary period; and (b) **INFORM** the Court whether or not the judgment in Criminal Case No. 514 had been promulgated as scheduled and whether or not Civil Case No. 452 was decided within the reglementary period; and

(B) **AMEND** the provision in the resolution dated February 1, 2000 in A.M. No. 99-11-07-SC to effect an equal distribution of case insofar as the Regional Trial Court of San Carlos City, Negros Occidental is concerned, in such a way that the cases assigned to Branch 58 shall not be limited to family cases under RA 8369 but shall likewise be included in the raffle of ordinary cases.

In compliance with the aforesaid directive, two separate letter-reports dated October 16 and 18, 2000, respectively, were submitted by acting Judge Javellana to the Office of the Court Administrator (OCA, for brevity). In his first letter, he informed OCA of the action taken by his court in the following cases:

Case No.	Court Action
CRIMINAL	
1. 2297	Decided and promulgated on June 16, 2000
2. 1468	Decided and promulgated on March 31, 2000
3. 1432	Resolve the Pending Incident within the reglementary period
4. 1364	-do-
5. 1367	-do-
6. 1343	-do-

Case No.	Court Action
CIVIL	
1. 524	Decided on October 2, 2000
2. 587	Decided on October 6, 2000
3. 555	Decided on August 31, 2000
4. 449	Decided within the 90-day period
5. 684	-do-
6. 689	-do-
7. 631	Archived on October 2, 2000
8. 575	Archived on October 4, 2000
9.	Pre-trial set on November 11, 2000

669	
10. 496	Resolve the pending incident within the reglementary period. Pre-trial set on October 3, 2000

Case No.	Court Action
SPECIAL PROCEEDINGS	
1. 435	Case dismissed per order dated October 4, 2000
2. 468	Petition granted per Order dated August 16, 2000
3. 311	Archived per order dated October 6, 2000

Case No.	Court Action
CADASTRAL CASES	
1. 488	Case dismissed per order October 4, 2000
2. 248	Denied the Motion for Contempt per Order dated October 4, 1999

Acting Presiding Judge Javellana likewise admitted that he failed to decide criminal case no. 2176, civil case nos. 246, 633, 524, 492, 256, 355, X-260, 555, 629, 587 and SCA No. 522 despite the lapse of the 90-day period due to the following reasons:

(a) The incumbent Officer-in-Charge, Mr. Guillermo Bora, who is also the Legal Researcher, and former Branch Clerks of Court, Attys. Winston Villegas and Riah Debulgado-Credo, failed to call his attention on the aforesaid cases which were all due for his decision;

(b)The court experienced frequent power failure/electrical brown-outs which left the court employees with no choice but to leave the office early as it is already dark and warm;

(c)During the time the position of the Branch Clerk of Court would be vacant or the Branch Clerk of Court physically unable to perform her job (such as the case of Atty. Credo who went on sick leave from February 3, 1999 until her death on March 19, 1999), the court had no recourse but to appoint an Officer-in-Charge who is not a lawyer and who lacks the ability to properly manage the daily court activities and records of cases;

(d)Inadequate books and research materials such as SCRA, Quick Index

Digest, etc;

(e)He is also acting judge of Branch 57 aside from being regular judge of Branch 59 (a special court for heinous crimes) and is an Executive Judge;

(d)He suffers from physical inability to perform his duties due to hypertension and other illnesses.

Judge Javellana further claimed that, per verification of the criminal case docket book, he found out that criminal case no. 3373 was not assigned to Branch 57.

Moreover, in his compliance-report dated October 18, 2000, Judge Javellana informed this court of the actions he took on the following cases, viz:

1. Civil Case No. 662 is still subject for his decision despite the lapse of the 90 day reglementary period. The record of this case is voluminous that requires further study. Because of his concurrent duty as Acting Judge in Branch 57 and Executive Judge, he has no enough time to devote to this case.
2. For failure of the accused to appear during the scheduled promulgation on May 2, 2000, the judgment in Criminal Case No. 514 was promulgated only on May 23, 2000.
3. A decision was rendered in Civil Case No. 452 on April 7, 2000 which is still within the 90-day reglementary period to decide.

In a resolution dated November 29, 2000,^[4] this Court noted the letters submitted by respondent and required OCA to make an evaluation, report and recommendation on the matter.

In its report^[5], the OCA stated:

After a careful review of the worksheet of the audit team and the Docket Inventory Report ending December 31, 1999, it was discovered that Criminal Case No. 1784 was erroneously written as No. 3373. Criminal Case No. 1784 is entitled "People vs. Marcella" for Violation of P.D. 1866. The pending incident is Demurrer to Evidence filed on March 6, 2000.

However, contrary to the allegation of Acting Judge Javellana, there is not a single copy of the decision or order of the cases referred to in his letter-compliance that were attached.

In summary, the following enumerated cases appear to have remained undecided or unacted upon by Acting Judge Javellana as of the date of this report despite the submission of compliance dated October 16 and 18, 2000, to wit: Criminal Case No. 2176 and 1784; Civil Cases Nos. 246, 445, 613, 514, 633, 5571, 6154, 265, 267, 492, 421, 564, 250, 260, 458, 355, 629, 638, 266, 244 and X-119 (SP-354); Special Proceeding No. 301 and 452; and SCA No. 522.

For the speedy disposition of cases, the directive in the 28 August 2000 resolution must be reiterated so that Acting Judge Javellana will