

## THIRD DIVISION

**[ A.M. No. 00-7-320-RTC, November 17, 2004 ]**

### **REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 136, MAKATI CITY**

#### **D E C I S I O N**

##### **CARPIO MORALES, J.:**

Pursuant to the June 16, 2000 directive of the Court Administrator, a judicial audit team composed of Conrado Molina, Ma. Carina Matammu-Cunanan, Eric S. Fortaleza, Ephraim R. Avanzado and Charito C. Cruz conducted an audit in the Regional Trial Court, Branch 136 of Makati City presided by Judge Jose R. Bautista who was to, as he did, compulsorily retire on July 27, 2000.

The report of the judicial audit team revealed that there were 25 pending incidents<sup>[1]</sup> awaiting resolution and 6 cases<sup>[2]</sup> submitted for decision for more than 90 days. Acting on the report, the Office of the Court Administrator (OCA), by Memorandum of July 5, 2000,<sup>[3]</sup> recommended to this Court the following:

1. Judge Jose R. Bautista, Regional Trial Court, Branch 136, Makati City, be directed to inform the Court through the Office of the Court Administrator whether the cases submitted for decision/resolution were already resolved and/or decided, and EXPLAIN the reason/s for the delay in the resolution thereof, both within ten (10) days from notice;
2. The Branch Clerk of Court, same court be DIRECTED to immediately prepare the reports in the following civil cases:
  - a) 99-131 "BPI Card Corp. v. Sps. Calixto and Evangeline V. Bañez" for Sum of Money. Per Order dated December 1, 1999 the Branch Clerk of Court was directed to adduce evidence ex-parte and submit a report within twenty (20) days.
  - b) 98-795 "Philmetal Products, Inc. v. Maglalang Construction and Development Corp." Per Order dated December 2, 1998, the Branch Clerk of Court was directed to adduce evidence ex-parte and submit a report thereon within twenty (2) days.
  - c) 98-2318 "City Trust Banking Corporation v. J. Feneros, et al." for Sum of Money. Per Order dated November 23, 1999, Branch Clerk of

Court was directed to adduce evidence ex-parte and submit a report thereon within twenty (20) days.

and EXPLAIN the reason/s for the delay in the preparation thereof;

3. The Branch Clerk of Court be DIRECTED to immediately attach the type-written orders to the case records.
4. The Financial Management Office, Office of the Court Administrator, be directed to retain P50,000.00 from the retirements benefits of Judge Bautista to answer for whatever administrative liabilities he may incur if there is any, as a result of this judicial audit and inventory. (Underscoring supplied)

By Resolution<sup>[4]</sup> of August 16, 2000, this Court approved the recommendations of the OCA except for the amount to be retained from Judge Bautista's retirement benefits which was reduced to P20,000.00. In compliance with the directive in said Resolution, Judge Bautista filed on September 13, 2000 his explanation by letter<sup>[5]</sup> of September 11, 2000, the pertinent portions of which read:

x x x

The undersigned respectfully informs that in compliance to (*sic*) the Memorandum Circular of the Court Administrator dated June 26, 2000, he has decided/resolved all the cases listed in the Audit Report, and copies of the decision/resolution were duly attached in (*sic*) his two (2) separate reports the second or last report being dated August 8, 2000 and which was submitted to the OCAD on August 24, 2000, copy of which is hereto attached.

As reflected in the monthly report submitted by the undersigned and the branch clerk of his sala, there were no pending cases submitted for decision and/or resolution as of the end of July 2000, copy of the certification to this effect issued by the Branch Clerk is also attached hereto for reference.

The undersigned respectfully states that whatever deficiency or shortcoming he might have incurred in the management of his sala, he nonetheless succeeded in deciding/resolving the aforementioned cases prior to his retirement date. He likewise wishes to respectfully point out that in more than ten (10) years of service on the Judiciary, the undersigned had not committed any wrongdoing and/or had not been penalized for any misdeeds.

May the undersigned respectfully prays (*sic*) of this Honorable Court to reconsider and/or set aside its previous order (Resolution dated Aug. 16, 2000) "to withhold P20,000.00 from his retirement benefits to answer for whatever administrative liabilities he may incur, if there is any, as a result of this judicial audit and inventory."

Branch Clerk of Court Atty. Teodoro Rey S. Riel, Jr. likewise filed on September 14, 2000 his compliance with the August 16, 2000 Resolution by letter<sup>[6]</sup> of September 8, 2000.

After Judge Bautista had retired on July 27, 2000, or on March 20, 2001, the OCA issued a memorandum<sup>[7]</sup> directing the Branch Clerk of Court to report on the actions taken by Judge Bautista on, and the status of, 39 cases with pending incidents, and when the judge rendered the decisions in 6 civil cases and 2 criminal cases. In compliance with said memorandum, the Branch Clerk of Court submitted a May 4, 2001 report<sup>[8]</sup> to the OCA indicating that almost all of the pending incidents in the cases specified by the OCA in the memorandum had been resolved and that the cases submitted for decision were decided in July 2000, prior to Judge Bautista's retirement.

On February 10, 2004, the OCA submitted its final report to this Court on the present administrative matter by Memorandum<sup>[9]</sup> of February 2, 2004 addressed to Justice Jose C. Vitug, then Chairman of the Third Division, tabulating the cases assigned to Judge Bautista with unresolved incidents and those undecided beyond the reglementary period and indicating therein the period of delay, viz:

I. CIVIL CASES WITH UNRESOLVED MOTIONS BEYOND THE REGLEMENTARY PERIOD

Case No.	Pending Incident	Delay
95-1708	Motion to Dismiss submitted for resolution December 9, 1996	3 yrs. 3 mos.
96-225	Motion to Declare defendant in default submitted for resolution August 25, 1997	2 yrs. 7 mos.
99-074	Motion to defer hearing and to remand case to MeTC for resolution September 17, 1999	
98-757	Submitted for resolution May 10, 1999	11 mos.
94-2112	Motion for reconsideration to order of dismissal filed November 13, 1997	2 yrs. 4 mos.
97-1700	Urgent motion to resolve case October 27, 1999	6 mos.
91-2343	Motion to dismiss submitted for resolution October 20, 1999	1 yr. 2 mos.
93-734	Motion to declare defendant in default submitted for resolution July 30, 1999	8 mos.
98-1241	Motion to file amended complaint February 26, 1999	1 yr. 2 mos.
99-739	Motion for reconsideration submitted for resolution November 12, 1999	1 yr. 2 mos.
16141	Motion for reconsideration to the order denying dismissal of case December 12, 1999	7 mos.
99-1845	Motion to dismiss filed December 13, 1999	4 mos.
98-1397	Motion for reconsideration submitted for resolution February 14, 2000	2 mos.