

SECOND DIVISION

[A.M. No. 02-8-471-RTC, March 14, 2003]

RE: JUDICIAL AUDIT REPORT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 17, KIDAPAWAN CITY JUDGE RODOLFO M. SERRANO, REGIONAL TRIAL COURT, BRANCH 17, KIDAPAWAN CITY, NORTH COTABATO, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

Near the date of his retirement on August 20, 2002, an audit and physical inventory of the cases in the Regional Trial Court, Branch 17, Kidapawan City, North Cotabato, of which Judge Rodolfo M. Serrano was presiding judge, was made. Based on the records of the RTC, Branch 17 of Kidapawan City, the audit showed that he had a total caseload of 453 cases, consisting of 310 criminal cases and 143 civil cases. The nature of the cases, their status, and their number are as follows:

CASE STATUS OF PROCEEDINGS	TOTAL NUMBER OF CASES	CRIMINAL CASES	CIVIL CASES
I. Submitted for decision	97	72	25
II. Submitted for resolution	21	10	11
III. On trial/set for hearing	182	121	61
IV. For ex-parte proceedings	3	--	3
V. For pre-trial	49	35	14
VI. For arraignment of accused	49	49	--
VII. With matter for compliance	23	12	11
VIII. With no action taken since filing	3	0	3
IX. Held in abeyance	2	1	1
X. Warrants/Subpoenas/Summons	13	2	11
XI. For reinvestigation	6	6	--
XII. Decided/Dismissed/Terminated	4	2	2
XIII. For writ of execution	1	--	1
Total	453	310	143

To the 97 cases submitted for decision, eight more were added, bringing the total number of cases submitted for decision to 105. The eight cases are as follows:

CASE NUMBER	DATE SUBMITTED FOR DECISION	DUE DATE OF DECISION	REMARKS
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CIVIL CASES:

1. 97-32	04-23-02	07-22-02	Within	
2. 2002-08	05-21-02	08-19-02	Within	
3. 2001-11	11-20-01	02-18-02	Beyond	
4. 2001-17	01-10-02	04-10-02	Beyond	
5. MISC 38-2001	07-09-02	10-07-02	Submitted Judge	before Narisma;
			Within	
6. MISC 29-2001	06-24-02	09-22-02	Submitted Judge	before Narisma;
			Within	
7. SP 24-2000	07-01-02	09-29-02	Submitted Judge	before Narisma;
			Within	
8. SP 40-2000	06-26-02	09-24-02	Submitted Judge	before Narisma;
			Within	

Still later, 12 additional cases with pending incidents were submitted for resolution:

CASE NUMBER	DATE SUBMITTED FOR DECISION	DUE DATE OF DECISION	REMARKS
CRIMINAL CASES:			
1. 171-01	02-18-02	05-19-02	Beyond
2. 131-97	03-21-01	06-19-01	Beyond
3. 132-97	03-21-01	06-19-01	Beyond
4. 43-96	06-29-99	09-27-99	Beyond
CIVIL CASES:			
5. 02-99	11-09-00	02-07-01	Beyond
6. 2001-10	05-17-02	08-15-02	Within
7. 611	02-10-02	05-11-02	Beyond
8. 2000-27	04-04-02	07-02-02	Beyond
9. 97-17	09-21-00	12-20-00	Beyond
10. 98-01	06-26-00	09-24-00	Beyond
11. 848	08-29-01	11-27-01	Beyond
12. SP 50-2000	06-28-02	09-26-02	Submitted before Judge Narisma; Within

The audit team found that the following cases had not been acted upon since they were filed: Criminal Case Nos. 220-01, 105-02, 106-02, 107-02, 108-02, 112-02, 122-02, and 124-02, Special Proceedings Case Nos. 22-02, 19-02, and 19-99, and Miscellaneous Case Nos. 03-2002, 06-2002, 14-2002, 17-2002, 18-2002, and 19-2002; and that in the meantime, Civil Case Nos. 98-17, 27-99, 2001-14, 2001-15, and SC 01-2001 may be ordered archived pursuant to the guidelines set forth in Administrative Circular No. 7-A-92, as amended, dated June 21, 1993.

Thus, in its initial audit and inventory of the cases in the RTC, Branch 17, the judicial audit team found that Judge Serrano had failed to decide 150 cases and to resolve pending incidents/motions in 25 cases. In its follow-up audit conducted on July 10, 2002, the team found that of the 150 cases submitted for decision, Judge Serrano was able to decide only 52 cases, thus leaving 98 undecided cases and pending

incidents in about 14 cases. After his retirement on August 20, 2002, the number of undecided cases was reduced to 82, while the number of cases with pending incidents was reduced to 21. The details of the report were as follows:

150 cases	—	reported by the previous audit team as submitted for decision
less: 2 cases	—	found by the present team to be still on the trial stage
less: 52 cases	—	already decided
less: 19 cases	—	decided after follow-up audit
add: 1 case	—	found to be already submitted for decision not with motion submitted for resolution
add 4 cases	—	additional cases submitted for decision (2 cases still within the mandatory period as of audit date)
<hr/> 82 cases	—	still to be decided
25 cases	—	reported by the previous audit team as with motion submitted for resolution
less: 1 case	—	found to be already submitted for decision not with motion submitted for resolution
less: 14 cases	—	already resolved
add: 11 cases	—	additional cases with motion submitted for resolution, all beyond the mandatory period
<hr/> 21 cases	—	with motion still to be resolved

Earlier, Judge Rogelio R. Narisma of the Regional Trial Court, Branch 23, Kidapawan City, was designated Assisting Judge in the RTC, Branch 17 of Kidapawan City to try and decide the pending and newly filed cases in that court. Judge Serrano was directed to stop trying cases in his court and instead concentrate on resolving all cases submitted to him for decision before his retirement on August 20, 2002.^[1]

In view of the report, dated August 19, 2002, submitted by the judicial audit team, the Court directed Judge Serrano to explain why he failed to decide all cases and resolve all motions submitted to him for decision and/or resolution during the previous audit conducted. Meanwhile, the amount of ₱100,000.00 was withheld from his retirement benefits to answer for any administrative liability which may be imposed on him. Judge Narisma, Assisting Judge of Branch 17, was directed to: (a) inform this Court whether or not Civil Case No. 40-2000 [should be Special Proceedings Case No. 40-2000], Special Proceedings Case No. 24-2000, and Miscellaneous Case Nos. 29-2001 and 38-2001 had been decided and the pending incident in Special Proceedings Case No. 50-2000 resolved within the mandatory period; and (b) immediately take appropriate action on the cases which had not been acted upon since their filing^[2] and on the other cases,^[3] pursuant to Adm. Circ. No. 7-A-92, dated June 21, 1993, as amended.