

THIRD DIVISION

[A.M. No. RTJ-01-1646, March 11, 2003]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE FRANCISCO C. JOVEN, RESPONDENT.**

D E C I S I O N

PUNO, J.:

The administrative case at bar arose from a judicial audit of the Regional Trial Court of Bislig, Branch 29, Surigao del Sur, presided by respondent Judge Francisco C. Joven. The audit was conducted on April 10-11, 2000 by a team from the Office of the Court Administrator.

The audit team reported the following findings:

(a) respondent failed to decide the following cases within the reglementary period: criminal cases nos. 1504-H and 2004-B, and civil cases nos. 374-B and 715-H;

(b) respondent failed to resolve within the mandatory period the pending incidents in criminal cases nos. 1182-T, 1297-T and 1473-B, and in civil case no. 671-L;

(c) respondent failed to take appropriate action on the following eighteen (18) criminal cases from the time they were filed: criminal cases nos. 1793-B, 2112-B, 2187-B, 2222-T, 2223-T, 2226-B, 2229-B, 2233-L, 2232-L, 2243-B, 2244-L, 2245-B, 2246-B, 2247-T, 2248-B, 2249-T, 2250-T and 2251-T;

(d) respondent failed to act upon or set the following fifty-three (53) cases for further hearing after the lapse of considerable length of time: criminal cases nos. 946-B, 1004-B, 1008-B, 1215-B, 1241-B, 1453-B, 1575-L, 1581-B, 1672-B, 1858-H, 1865-L, 1926-B, 1965-H, 1990-L, 2043-B, 2090-B, 2094-B, 2179-H, 2182-B, 2198-B, 2235-T, 2236-T, 2237-T and 2241-B, and civil/other cases nos., 250-L, 446-B, 509-B, 600-B, 621-H, 629-B, 681-B, 736-B, 755-B, 769-B, 786-B, 788-B, 790-H, 798-B, 800-B, 804-B, SP-707-B, SCA-733-L, SP-712-B, SP-722-B, SP-770-B, SP-780-B, SP-792-B, SP-794-B, SP-797-B, SP-799-B, SP-825-B, LRC-663-B and LRC-674-B;

(e) respondent failed to act in accordance with Administrative Circular No. 7-A-92, dated June 21, 1993 (re: Guidelines in the Archiving of Cases) in the following thirty-one (31) cases: criminal cases nos. 2006-H, 2018-L, 2019-L, 2020-T, 2022-H, 2029-H, 2031-L, 2040-H, 2046-H, 2048-B, 2050-B, 2053-H, 2086-T, 2089-L, 2097-L, 2104-T, 2110-L, 2113-L, 2117-B, 2118-L, 2125-B, 2128-B, 2129-L, 2132-T, 2144-B, 2145-L, 2150-L, 2155-L, 2172-H, 2173-T and 2184-B;

(f) respondent failed to submit to the Court Administrator a monthly report on the condition of the jail and the prisoners within his jurisdiction, pursuant to Rule 114,

Sec. 25, Rules on Criminal Procedure, as amended by Administrative Circular No. 12-94;

(g) respondent granted the accused's motion to post reduced bail of P2,000.00 in criminal case no. 2216-B while the criminal complaint was still under preliminary investigation by the municipal judge who recommended or fixed a bail of P60,000.00; in the same case, respondent also ordered the discharge of one of the accused, Jose Pinados, prior to the latter's posting of the cash bail;

(h) respondent did not apply for a leave of absence for April 13 and 14, 2000;

(i) respondent issued orders dismissing with prejudice some criminal cases on the ground of non-service of subpoena to complainants therein; and

(j) respondent failed to conduct the required monthly visits at the Surigao del Sur Detention and Correctional Center in Bislig, Surigao del Sur, where a number of prisoners escaped from detention.

The Court, in its Resolution dated August 16, 2000,^[1] directed respondent to explain why no administrative sanction should be imposed on him. In addition, it referred the matter regarding the escape of prisoners from the Surigao Correctional Center to the Director of Bureau of Jail Management and Penology for the filing of appropriate charges against the negligent jail personnel.^[2]

In his letter, dated November 6, 2000,^[3] respondent gave the following explanation:

(a) As to the first charge, respondent informed the Court that he had rendered a decision on criminal cases nos. 1504-H and 2004-B on August 8 and June 16, 2000, respectively. The decision on the former case was delayed due to the numerous extensions of time requested by the parties to submit their Memorandum. Anent the civil cases, civil case no. 715-H was still pending as he was awaiting the Memorandum of the parties. In civil case no. 374-B, he issued an order to the municipal assessor on May 4, 2000 to appraise the improvement on the subject lot and was still awaiting the report from the municipal assessor.

(b) He heard criminal cases nos. 1182-T, 1297-T and 1473-B jointly. The delay on his ruling on the pending incident (motion for reconsideration of his Order) was due to the prosecution's failure to conduct a reinvestigation as per his Order and the failure of accused's counsel to file an opposition.

With respect to civil case no. 671-L, the pending incident therein is the motion to dismiss filed by the defendants. He set it for hearing on November 6, 2000 and December 8, 2000 after he gave plaintiff's counsel one last chance to file his Comment to the motion.

(c) He has already taken appropriate action on the following cases, *viz*:

He ordered the dismissal of criminal cases nos. 1793 and 2243 on August 31, 2000 and August 17, 2000, respectively, while criminal cases nos. 2112, 2233 and 2242 were archived. As there was no return of the arrest warrants in criminal cases nos. 2222, 2223, 2229 and 2244, he ordered that tracer-letters be sent to the PNP

concerned. In criminal cases nos. 2187, 2226, 2246, 2247 and 2249, the accused were arraigned and the cases were set for trial. The prosecution was ordered to conduct a reinvestigation in criminal cases nos. 2245 and 2250. In criminal cases nos. 2248 and 2251, accused were arraigned and pled guilty.

(d) After the audit, respondent also acted on the following cases:

He ordered the following cases archived: criminal cases nos. 1004, 1008, 1215, 1241, 1926, 2090 and civil cases nos. 712, 780 and 663. He rendered a decision in criminal case no. 1965 and civil case no. 825. He dismissed criminal cases nos. 2043 and 946 and civil cases nos. 509, 629, 736, 707 and 794. He ordered the setting of the following cases for hearing: criminal cases nos. 2094, 2179, 2198, 2235, 2236, 2237, 2241, 1581, 2182, 1858 and civil cases nos. 600, 681, 770, 797, 446 and 800. He ordered civil cases nos. 798, 804, 733 and 722 to be set for pre-trial. He approved the compromise agreements in civil cases nos. 755, 768 and 769 and ordered the suspension of hearing in criminal case no. 1865 and civil case no. 786. Finally, respondent reported that he has issued the necessary orders in criminal cases nos. 1453, 1575, 1672 and civil cases nos. 250, 621, 788, 790, 792, 799 and 674.

(e) As to the other cases reported by the audit team, respondent issued the necessary orders to archive them.

(f) He regularly conducted the monthly inspection of the jail and prisoners within his jurisdiction as the jail was right in front of his residence.^[4] However, he admitted his failure to submit the reports regarding his monthly visits but claimed that this was due to inadvertence, not negligence. He attached to his letter-explanation the aforesaid monthly inspection reports.^[5]

(g) As to his grant of reduced bail of P2,000.00 in criminal case no. 2216-B, he explained that he found the amount reasonable as the case involved only a violation of the Forestry Law. The bail was posted late in the afternoon of August 6, 1999, a Friday, but the official receipt was issued only on August 9, 1999.

(h) He did not file a leave of absence for April 13 and 14, 2000 because he reported for work on said days, as evidenced by the orders he dictated in open court on said dates which he attached to his letter-explanation.

Respondent offered no explanation regarding his order of provisional dismissal of criminal case no. 2141-B (People vs. Julito Villamater, accused in a frustrated murder case) for failure of complainant and his witnesses to appear despite the fact that the records showed that complainant's address was incorrectly stated in the subpoena, hence, complainant's non-appearance during the scheduled hearings.

Thereafter, respondent's clerk of court informed the Court that respondent has already resolved all the undecided cases reported by the audit team, except civil case no. 374, the decision of which was deferred pending the submission of the appraisal report by the Bislig City Assessor's Office.

In its Resolution, dated July 1, 2002, the Court resolved to refer the case to Justice Perlita J. Tria Tirona of the Court of Appeals for investigation, report and