

THIRD DIVISION

[A.M. No. 00-3-50-MTC, July 21, 2003]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE MUNICIPAL TRIAL COURT, BOCAUE, BULACAN

D E C I S I O N

CARPIO MORALES, J.:

On account of an anonymous letter^[1] dated January 3, 2000 received by the Office of the Court Administrator (OCA) complaining against Judge Lauro G. Bernardo (respondent), presiding judge of the Municipal Trial Court (MTC) of Bocaue, Bulacan, about his deplorable attitude and inefficiency in the disposition of cases, the Judicial Audit Team of the OCA conducted on February 8-11, 2000 an audit in the said court.

The report^[2] dated March 3, 2000 submitted by the audit team showed that 963 cases (847 criminal and 116 civil/other) were pending in the court as of February 8, 2000, the status of which are shown in the following tabulation:

CASE STATUS/STAGE OF PROCEEDINGS	TOTAL	CRIMINAL	CIVIL
With decisions for promulgation	2	2	-
Submitted for decision	126	86	40
With incidents for resolution	8	5	3
On trial/Set for hearing	504	446	58
Set for pre-trial	39	34	5
For arraignment of accused	71	71	-
Set for preliminary conference	6	4	2
For preliminary investigation	126	126	0
For ex parte reception of evidence	7	7	0
With orders for compliance by parties	7	6	1
Subject of inhibition of Judge Bernardo	3	3	0
Without further action or setting despite the lapse of considerable length of time	12	5	7
With warrants of arrest/summons	52	52	0
TOTAL	963	847	116

In light of the report, and on recommendation of the OCA, this Court, by Resolution of May 2, 2000, directed:

- (a) [respondent] (1) to *EXPLAIN* within ten (10) days from notice, why no administrative sanction should be imposed on him for his failure to decide/resolve within the reglementary period reckoned from February 11, 2000 (last day of audit) the following one hundred and three (103)

cases submitted for his decision, to wit: Criminal Cases Nos. 90-333, 92-215, 93-013, 93-208, 93-210, 94-067, 070-94, 94-202, 94-210 to 94-212, 94-218, 94-227, 94-234, 94-282, 94-283, 94-399, 94-403, 94-438, 94-441, 94-461, 94-503, 94-508, 94-553, 94-595, 94-602, 94-652, 94-659, 95-001, 95-002, 95-051, 94-052, 95-170 to 95-172, 95-189, 95-218, 95-431, 95-505, 95-749 to 95-752, 96-268, 96-417 to 96-420, 96-431, 96-437 to 96-440, 96-489, 96-761, 97-258, 97-259, and Civil/other Cases Nos. 94-2294, 95-2357, 96-2513, 96-2541, 96-2602 to 96-2613, 96-2615, 96-2616, 96-2619 to 96-2625, 96-2671, 97-2678, 97-2716, 97-2730, 98-2882, 98-2899, 98-2907, 98-2924, 98-2941, 98-2942, 99-2953, 2960, LRC-P-98-05 and LRC-P-98-06, and the pending motion in Civil Case No. 95-2466; (2) to *DECIDE* immediately the aforementioned one hundred and three (103) cases and the pending motion in Civil Case No. 95-2466, including the following twenty-three (23) cases submitted for his decision, to wit[:] Criminal Cases Nos. 94-120, 94-174 to 94-179, 95-035, 95-069 to 95-071, 95-092 to 95-096, 95-281, 97-397, 97-640, 97-872, 98-544 and 99-220 and Civil Case No. 96-2497, and the following seven (7) cases with motions for resolution, to wit: Criminal Cases Nos. 99-360, 99-654, 99-678, MM-039 and MM-075 and Civil Cases Nos. 94-2191 and 99-3073, although these cases were still within the period to decide/resolve as of audit, otherwise his salaries will be *WITHHELD* effective May, 2000, and will be released only upon showing proof that he has rendered his decisions and/or resolutions in the aforestated cases; (3) to *EXPLAIN* within ten (10) days from notice, why no court sessions are scheduled on Tuesdays, in the afternoon of Mondays and Thursdays, and in the morning of Wednesdays; (4) to immediately *TAKE APPROPRIATE ACTION* on the following twelve (12) cases which were not further acted on or without further setting, to wit: Criminal Cases Nos. 98-803, 99-693, MM-024, MM-033 and MM-034, and Civil Cases Nos. 98-2922, 99-2964, 99-3074, 99-3075, 99-3076, 99-3077 and 99-3081, and on the following eleven (11) criminal cases in accordance with Administrative Circular No. 7-A-92 dated June 21, 1993, re: Guidelines in the Archiving of Cases, to wit: Criminal Cases Nos. 99-246, 99-339, 99-259, 99-269, 99-336, 99-367, 99-368, 99-369, 99-380, 99-421 and 99-428; (5) to *AVOID* unnecessary delay in the issuance of writs of execution of final judgments; (6) to *REFRAIN* from conducting lengthy preliminary investigation of cases cognizable by his court; and (7) to *SUBMIT* within fifteen (15) days from notice corresponding reports of his compliance with the preceding directives; and

- (b) Clerk of Court Ma. Fe O. Dimagiba, same court, (1) to *INFORM* this Court, through the Office of the Court Administrator, within five (5) days from notice, whether or not the joint decision in Criminal Cases Nos. 95-179 and 95-180 [has] been promulgated as scheduled on February

21, 2000; and (2) to *CAUSE* the proper accomplishment of certificates of arraignment of the accused in criminal cases and the attachment thereof to the corresponding records of cases.^[3]

Complying with paragraph (b) of the above directive-resolution of this Court, the MTC of Bocaue Clerk of Court Ma. Fe O. Dimagiba, by 1st Indorsement^[4] dated May 30, 2000, informed that the joint decision in Criminal Case Nos. 95-179 and 95-180, which was scheduled for promulgation on February 21, 2000, was reset to February 28, 2000 in view of the absence of Public Prosecutor Frederick F. Malapit; was again reset to April 10, 2000 in the absence of proof of service of the subpoena and notice sent to the accused and her counsel;^[5] and was finally ordered entered into the docket of the court on April 10, 2000 in view of the absence of the accused and her counsel despite due notice.^[6]

For his part, respondent filed on August 7, 2000 a motion for extension of time^[7] to submit his explanation and comment on the matters subject of this Court's May 2, 2000 Resolution. To the motion respondent attached a status report^[8] of the cases mentioned in the resolution and his alleged "written request for further extension of time to resolve/decide the pending cases audited as of February 2000 which was included in his Certificate of Service [for February, March and April 2000] and for which [he] is still awaiting approval." By resolution^[9] of July 3, 2000, this Court granted the motion for extension.

On August 1, 2000, respondent filed a motion for additional extension of time^[10] to comply with this Court's May 2, 2000 Resolution. To the motion he attached his Certificate of Service for June 2000 wherein he claimed that "a request was made x x x for extension of time to render decision on the cases therein listed."

By Resolution^[11] of August 21, 2000, this Court granted the second motion for extension, with warning that no further extension would be allowed.

On October 30, 2000, respondent again filed a "motion for last and ultimate extension of time"^[12] to comply with the May 2, 2000 Resolution which was, by Resolution^[13] of November 22, 2000, granted with warning that it would definitely be the last extension.

Respondent finally filed on February 1, 2001 an undated **Manifestation of Compliance**^[14] to the May 2, 2000 Resolution wherein he stated that the 103 cases enumerated in paragraph (a) (1) thereof have been decided except for Civil Case Nos. 97-2716, 98-2882, 98-2942 and 98-2953,^[15] and that he had already decided the 23 cases submitted for decision and resolved the 7 cases with motion for resolution mentioned in paragraph (a) (2) of the same resolution.^[16] As to the 23 cases mentioned in paragraph (a) (4) of the resolution, he stated that appropriate action had already been taken and the therein listed 11 cases had been archived in accordance with Administrative Circular No. 7-A-92 (Guidelines in the Archiving of Cases).^[17]

Complying with paragraph (a) (3) of still the same resolution, respondent explained

that no court sessions were held on Tuesdays, Monday afternoons, Wednesday and Thursday mornings because with respect to criminal cases, no prosecutor is available on said days and time,^[18] and with respect to civil cases, only one day sufficed for hearing them.^[19] Respondent hastened to add, however, that when the court is not in session, he conducts preliminary examination of witnesses for purposes of issuing warrants of arrest and preliminary investigation of cases cognizable by the Regional Trial Court; solemnizes marriages; and resolves pending motions and writes decisions of cases.^[20] Further, respondent informed that in compliance with this Court's Resolution, he has avoided delays in the issuance of writs of execution on final judgments and refrained from conducting lengthy preliminary investigations/examinations.^[21]

By Memorandum^[22] of May 4, 2001, the OCA recommended that respondent be:

x x x

(a) **DIRECTED** to

(a-1) SUBMIT within ten (10) days from notice copies of the decisions promulgated/rendered in the following cases: Criminal Cases Nos. 95-001, 95-002, 95-051, 95-052, 95-431 and 95-505 and Civil Cases Nos. 97-2678, 95-092 to 096, 97-640, 97-782 and the resolutions in Criminal Nos. 99-360, 99-654, 99-678, MM-039, MM-075 and Civil Cases Nos. 94-219 and 99-3073, and

(b-1) INFORM this Court through the Office of the Court Administrator within ten (10) days from notice, the actual dates when the decisions in the following cases were promulgated/rendered: Criminal cases Nos. 94-202, 94-282, 94-283, 94-339, 94-403, 94-461, 94-553, 94-595, 96-431, 96-489, 96-761 and 97-258 to 259; and Civil Cases Nos. 95-2357, 97-2730, 98-2907, 98-2941, 94-120, 95-035, 97-397 and 98-544.

(b) **ADVISED** that he should file a formal request for extension of time for approval of the Court and not just indicate in his Certificate of Service said request; and

(2) the 1st Indorsement dated 30 May 2000 of Clerk of Court Ma. Fe Dimagiba be considered satisfactory compliance with the resolution dated 2 May 2000. (Emphasis and underscoring supplied)

which this Court approved by Resolution dated July 11, 2001.

On August 27, 2001, respondent submitted another undated **Manifestation of Compliance**^[23] to this Court's July 11, 2001 Resolution to which he attached duplicate original/photocopies of his decisions in the cases mentioned therein except