

EN BANC

[A.M. No. 00-3-48-MeTC, August 12, 2003]

REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF CASES IN THE METROPOLITAN TRIAL COURT OF MANILA, BRANCH 2.

D E C I S I O N

PER CURIAM:

This administrative matter is a consequence of the judicial audit and physical inventory conducted from January 17-21, 2000, by an audit team from the Office of the Court Administrator (OCA) in response to the delay in the submission of monthly reports of cases for the whole of 1999 and the semestral docket inventory ending June 1999 of the respondent, Judge Rolando B. de Guzman, Presiding Judge of the Metropolitan Trial Court of Manila, Branch 2.

Judge de Guzman failed to submit his court's monthly reports of cases from January to December 1999 and semestral docket inventory ending June 1999. Due to his repeated failure to submit said reports, the OCA, on February 5, 1999, issued a Memorandum directing Mrs. Antonina Soria, Officer-in-Charge, Financial Management Office, OCA, to withhold the salaries of the respondent and Branch Clerk of Court Rosario C. de Guzman.^[1]

On January 14, 2000, the OCA organized an audit team to conduct a judicial audit and physical inventory of pending cases, including those submitted for decision or resolution and to look into the delay of the required reports.^[2] The judicial audit team found that the court's case records were mismanaged and there was no effective records management procedure. Some civil cases were mixed with criminal cases. Disposed or decided cases were in the same bundle as pending cases. Pending cases were mingled with cases to be archived. Cases were clogging the docket due to the non-observance of proper archiving procedures, pursuant to Administrative Circular No. 7-92^[3] dated October 12, 1992. At the time of the audit, the caseload of said court was 3,410 cases, 2,872 criminal cases and 538 civil cases.^[4]

The audit team also reported that docket books were not properly maintained and updated. The docket book for criminal cases was not the prescribed book. Moreover, the record book contained only the number, title, nature, filing date of the case, and the date the case was terminated; other pertinent data in the proceedings of the cases were not recorded at all. Orders made in open court, when reduced to writing, remained unsigned by the respondent. Warrants of Arrest had been issued but no action had been taken thereon.^[5]

The team summarized its findings^[6] as follows:

CASE STATUS/STAGE OF	TOTAL	CRIMINAL	CIVIL
PROCEEDINGS	CASES	CASES	CASES
I. For promulgation	1	1	0
II. Submitted for decision	76	15	61
III. Submitted for resolution	95	38	57
IV. On trial/set for hearing	604	576	28
V. For pre-trial	19	10	9
VI. With matter for compliance	25	11	14
VII. For arraignment of accused	75	75	0
VIII. Ex-parte proceedings	1	0	1
IX. Unacted upon after lapse of considerable length of time	454	364	90
X. For preliminary examination	2	2	0
XI. Held in abeyance	1	0	1
XII. Warrants/summons	1,864	1,644	220
XIII. Newly filed cases	7	0	7
XIV. Decided/dismissed cases	169	133	36
XV. Archived cases	3	3	0
XVI. With writ of execution	14	0	14
T o t a l	3,410	2,872	538

Adopting the recommendation of the audit team, this Court issued on May 10, 2000 a Resolution^[7] which read as follows:

Adm. Matter No. 00-3-48-MeTC (*Re: Report on the Judicial Audit and Physical Inventories of Cases in the Metropolitan Trial Court, Branch 2, Manila*). -Considering the memorandum dated 16 March 2000 of Court Administrator Alfredo L. Benipayo on the judicial audit and physical inventory of cases in the Metropolitan Trial Court of Manila, Branch 2, the Court RESOLVES to DIRECT:

^[1] Judge Rolando B. de Guzman, Metropolitan Trial Court, Branch 2, Manila, to (a) INFORM this Court, through the Office of the Court Administrator, within five (5) days from notice hereof, whether or not the decision in Criminal Case No. 317151 was promulgated as scheduled; (b) EXPLAIN, within ten (10) days from notice hereof, why no administrative sanction should be imposed upon him for his failure to decide within the reglementary period the following cases, to wit: Criminal Case Nos. 293764, 307882, 308017 and 310903, Civil Cases Nos. 151789, 152259, 152348, 152814, 153298, 153504, 153865, 154244, 154576, 154673, 154679, 154681, 154685, 154687, 155354, 155481, 155503, 156453, 156528, 157311, 157508, 157516, 157637, 157725, 157788, 158263, 158350, 158566, 159510, 159589, 160357, 160655, 160855, 161058, 161176, 161225, 161576, 161952, 162211, 162765, 163524 and 163663 and Election Case No. 97-001270; for his failure to resolve within the mandatory period the pending incidents in the following cases, to wit: Criminal Cases Nos. 121616, 243206, 243207, 243208, 243209, 243210, 243211, 275232, 275233, 275234, 275235, 275236, 275237, 282515,

286637, 289582, 289583, 295717, 296635, 299717, 299284, 303252, 304426, 309181, 311067, 312113, 312459, 312460, 312461, and 312462 and Civil Cases Nos. 151912, 152019, 152866, 153588, 153593, 153600, 153858, 153861, 153957, 154124, 154349, 154439, 154594, 154803, 154934, 154965, 154966, 155320, 155445, 155637, 155862, 156023, 156122, 156264, 156272, 156558, 156916, 157411, 157570, 158075, 158101, 158677, 158936, 159000, 159413, 160161, 160546, 160706, 160719, 160998, 161086, 151506, 161734, 161978, 162014, 162099, 162329, 162587, 162971, 163548, 163615, 163881, 164142, and 165015; and for his failure to sign his orders of dismissals given in open court in the following cases, to wit: Criminal Cases Nos. 044629, 044706, 044707, 044708, 044795, 045238, 045286, 045460, 045471, 081753, 231629, 231630, 234248, 241001, 241002, 241003, 241004, 241005, 241006, 247578, 247579, 247580, 247581, 253698, 262533, 285201, 289714, 289715, 289716, 293511, 293512, 293513, 301227, 301257, 304545, 304889, 305308, 306766, 307338, 307775, 307904, 308650, 309430, 309637, 309750, 309751, 311419, 311969, 312149, 312150, 312151, 312152, 312976, 312977, 312978, 313328, 314205, 314206, 314207, 314208, 314209, 314210, 314211, 314212, 314213, 314419, 315686, 315985, 316006, 316461, 321978, 321980, 322044, 322045, 322046, 322048, 322049, 322060, 322061, 322062, 322063, 322064, 322065, 322066, 322067, 322068, 322069, 322070, 322071, 322072, 322073, 322074, 322075, 322076, 322077, 322078, 323101, 323223, 323265, 323330, 323573, 323597, 323621, 324039, 324066, 324209, 324538, 324631, 324932, 325297, 325421, 325650, 325900, 325924, 326343, 327041, 327756, 327858 and 329319 and Civil Cases Nos. 153873, 153884, 155240, 157741, 157893, 159353, 159537, 159810, 159886, 163160, 163250, 163500, 163904, 164120, 164296, 164339, 164417, 164522, 164544, 164626, 164809, 164921, 164941, 165339 and 165474; (c) DECIDE/RESOLVE and/or SIGN his orders of dismissals with dispatch in the above enumerated cases contained in directive No. 1(b) and thereafter SUBMIT a report to this Court, through the Office of the Court Administrator, compliance with this directive within ten (10) days from rendition of the decisions/resolutions; (d) DECIDE Criminal Cases Nos. 108900, 108901, 145700, 145701, 171368, 179606, 192101, 195708, 289294, 292778, Civil Cases Nos. 141634, 141788, 141899, 142471, 142547, 142948, 151459, 151609, 152368, 153244 and Election Case No. 96-0180 within thirty (30) days from notice and to SUBMIT a report to this Court, through the Office of the Court Administrator, compliance with this directive within ten (10) days from rendition of the decisions; (e) INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice whether or not Civil Cases Nos. 160310, 163386 and 165392 were decided within the mandatory period and whether or not the pending incidents in Civil Cases Nos. 154124, 158936 and 165015 were resolved within the reglementary period; (f) TAKE APPROPRIATE ACTION on Criminal Cases Nos. 045495, 045548, 045556, 045573, 045594, 045605, 045624, 045664, 045679, 045687, 045703, 045736, 045745, 045755, 045758, 314962, 317775, 317776, 317777, 317778, 318356, 318357, 318358, 318525, 318967, 319679, 319680, 319887, 320274, 320441, 320442, 320443, 320531, 320575, 320731, 320733, 320745, 321181, 321182, 321411, 321483, 321557, 321625, 321626, 321627, 321628, 321650, 321711, 321726,

322260, 322592, 322593, 322594, 322595, 322596, 322597, 322598, 322599, 322600, 322601, 322602, 322603, 322604, 322605, 322606, 322607, 329360, 329361, 329362, 329363, 329364, 329365, 329366, 329367, 329368, 329369, 329370, 329371, 329396, 329419, 329656, 329713, 330068, 330085, 330086, 330145, 330221, 330222, 330223, 330224, 330225, 330226, 330227, 330228, 330229, 330230, 330231, 330232, 330233, 330234, 330235, 330236, 330237, 330238, 330239, 330240, 330241, 330242, 330243, 330244, 330245, 330246, 330247, 330248, 330249, 330250, 330251, 330252, 330253, 330254, 330255, 330214, 330338, 330539, 330540, 330541, 330542, 330543, 330544, 330603, 330694, 330913, 330960, 330961, 331070, 331130, 331131, 331132, 331183, 331184, 331307, 331330, 331383, 331430, 331431, 331526, 331527, 331528, 331627, 331628, 331675, 331780, 331788, 331993, 331994, 331995, 331996, 332179, 332273, 332328, 332394, 332414, 332496, 332516, 332551, 332615, 332635, 332642, 332699, 332719, 332742, 332753, 332754, 332777, 332797, 332839, 332856, 332859, 333050, 333051, 333084, 333085, 333086, 333190, 333226, 333253, 333317, 333318, 333319, 333320, 333409, 333441, 333523, 333542, 333561, 333562, 333563, 333582, 333583, 333584, 333585, 333586, 333587, 333588, 333589, 333590, 333621, 333644, 333656, 333693, 333757, 333794, 333795, 333802, 333832, 333853, 333932, 333952, 333978, 334009, 334085, 334112, 334131, 334151, 334152, 334216, 334239, 334262, 334327, 334390, 334410, 334477, 334518, 334568, 334587, 334684, 334699, 334740, 334741, 334742, 334743, 334744, 334745, 334746, 334747, 334748, 334749, 334750, 334751, 334752, 334753, 334785, 334800, 334801, 334864, 334907, 334934, 335071, 335094, 335109, 335172, 335182, 335183, 335184, 335185, 335186, 335187, 335188, 335189, 335190, 335191, 335192, 335193, 335194, 335195, 335196, 335197, 335198, 335199, 335256, 335263, 335269, 335270, 335312, 335313, 335366, 335367, 335368, 335369, 335370, 335414, 335415, 335439, 335487, 335539, 335563, 335592, 335616, 335621, 335641, 335659, 335660, 335661, 335662, 335717, 335771, 335772, 335773, 335774, 335775, 335942, 335943, 335944, 335945 and 335946 and Civil Cases Nos. 165440 and 165460 which were not acted upon since they were filed; on Criminal Cases Nos. 044946, 145700, 145701, 172312, 184869, 238168, 238169, 242810, 302038, 302039, 303367, 303368, 303369, 303370, 303371, 303372, 303373, 303374, 307578, 307781, 307782, 308301, 308302, 308303, 310486, 314558, 314559, 316928, 323438, 323439, 323440, 323441, 323442, 323443, 323444, 323445, 323446, 327689, 327690, 329160, 329565, 329566, 330005, 330006, 330007, 330008, 332798, 333288 and 333289 and Civil Cases Nos. 058395, 137265, 142353, 151390, 151662, 152830, 153262, 153591, 153598, 153599, 153857, 154200, 154377, 154446, 154647, 154750, 154934, 154975, 155020, 155583, 155717, 155763, 155915, 155924, 156085, 156189, 156341, 156657, 157226, 157260, 157542, 157604, 157663, 157918, 158046, 158175, 158540, 158650, 158690, 159026, 159180, 159563, 159624, 159673, 159779, 159984, 160187, 160264, 160766, 160923, 160945, 161306, 161322, 161365, 161678, 161736, 162142, 162388, 162510, 162705, 162866, 162914, 162974, 163227, 163418, 163428, 163452, 163736, 163927, 163950, 164173, 164318, 164388, 164465, 164566, 164595, 164605, 164691, 164768, 164995, 165035, 165045, 165067, 165074,

165093, 165116, 165138 and 165723 which have not been acted upon nor further set in the court calendar after the lapse of considerable length of time; and on Criminal Cases Nos. 043017, 043029, 043052, 043130, 043146, 043158, 043211, 043225, 043241, 043273, 043300, 043400, 043411, 043455, 043468, 043488, 043510, 043517, 043564, 043617, 043641, 043683, 043706, 043766, 043791, 043807, 043845, 043952, 044033, 044058, 044077, 044186, 044331, 044420, 044435, 044458, 044468, 044489, 044493, 044544, 044579, 044643, 044658, 044659, 044731, 044852, 044920, 186717, 192344, 202047, 202048, 236412, 243714, 243715, 244558, 244703, 244765, 244850, 244851, 244852, 244853, 244854, 244855, 244979, 244980, 244981, 245154, 245370, 245371, 245372, 245373, 245374, 245375, 245376, 245377, 245378, 245379, 245380, 245381, 245382, 245500, 245501, 245502, 245503, 245504, 245505, 245506, 245506-A, 245713, 245714, 245715, 245716, 245717, 245718, 245891, 245892, 245893, 245920, 246178, 246179, 246180, 246181, 246182, 246183, 246184, 246311, 246312, 246313, 246487, 246488, 246489, 246541, 246542, 246543, 246890, 246891, 251548, 251549, 252046, 252255, 252256, 252390, 252391, 252392, 252393, 252394, 252395, 252396, 252397, 252398, 252399, 252543, 252544, 252633, 252634, 252635, 252988, 252989, 252990, 252991, 252992, 252993, 252994, 252995, 253062, 253090, 253224, 253281, 253309, 253310, 253374, 253375, 253376, 253587, 253618, 253726, 253846, 253928, 254365, 254513, 254514, 254515, 254516, 254517, 254518, 254519, 254520, 254521, 254657, 254658, 254659, 254660, 254661, 254662, 254663, 254664, 254742, 254743, 254744, 254820, 254821, 254966, 254967, 255136, 255800, 255801, 255802, 255803, 255804, 255805, 256520, 256521, 256522, 256523, 256524, 256525, 256526, 256527, 256528, 256529, 256530, 256679, 256680, 256681, 256682, 256683, 256684, 256685, 256686, 256687, 256688, 256689, 256690, 256691, 256692, 256782, 256871, 256872, 256873, 256971, 257305, 257306, 257307, 257308, 257309, 257310, 257311, 257312, 257468, 257469, 257470, 257471, 257472, 257473, 257474, 257593, 257701, 257702, 257703, 257704, 257705, 257706, 257707, 257708, 257709, 257710, 257864, 257977, 257978, 257979, 257980, 258198, 258199, 258200, 258201, 258368, 258369, 258370, 258371, 258372, 258373, 258485, 258486, 258487, 258488, 258489, 258490, 258491, 258492, 258567, 258810, 258899, 258900, 258958, 259294, 259432, 259555, 259556, 259670, 259671, 259672, 259673, 259674, 259675, 259676, 259677, 259678, 259679, 259680, 259681, 259682, 259682, 259683, 259683, 259684, 259684, 259685, 259685, 259686, 259686, 259687, 259687, 259688, 259688, 259689, 259689, 259690, 259691, 259692, 259693, 259694, 259695, 259696, 259697, 259698, 259699, 259700, 259701, 259702, 259703, 259704, 259705, 259706, 259707, 259708, 259709, 259710, 259711, 259712, 259713, 259714, 259715, 259716, 259908, 259995, 260047, 260451, 260580, 260620, 260621, 260622, 260623, 261094, 261121, 261401, 261402, 261454, 261557, 261558, 261711, 261712, 261713, 262044, 262045, 262180, 262181, 262285, 262618, 262619, 262620, 262621, 262622, 262623, 262804, 262999, 263000, 263001, 263002, 263120, 263121, 263122, 263123, 263124, 263125, 263126, 263127, 263128, 263201, 263202, 263203, 263204, 263411, 263412, 263413, 263414, 263415, 263540, 263659, 263660, 263661, 263662, 263663, 263664, 263736, 263737, 263738,