

SECOND DIVISION

[A.M. No. MTJ-02-1397, September 17, 2002]

REPORT ON THE ON-THE-SPOT JUDICIAL AUDIT CONDUCTED IN THE MUNICIPAL CIRCUIT TRIAL COURT, TERESA-BARAS, RIZAL.

D E C I S I O N

QUISUMBING, J.:

On September 23, 1999, the Office of the Court Administrator conducted an on-the-spot judicial audit in the Municipal Circuit Trial Court (MCTC), Teresa-Baras, Rizal,^[1] in view of the retirement of presiding judge Ricardo P. Angeles.

Based on the actual records presented by the court personnel, the audit team found that there were 662 cases pending in said court, consisting of 613 criminal cases and 49 civil cases. Of the criminal cases, 11 had been decided by Judge Angeles but were not promulgated due to the absence of the accused on the date of promulgation; 24 had been submitted for resolution; 39 had pending incidents; and 70 were the subject of preliminary investigations that had been resolved but whose records had not been forwarded to the Office of the Provincial Prosecutor. As regards this last batch of cases, Adelina R. Garrovillas, clerk of court, explained that the provincial prosecutor refused to accept the records unless they were reproduced into six copies, all certified as true copies. But Garrovillas said there was no budget for such additional expense. Thus, the audit team advised Garrovillas to pass on the expense to private complainants.

The audit team also found that proceedings were suspended in one criminal case due to the existence of a prejudicial question; 19 cases remained unacted upon despite the lapse of a considerable length of time; and 227 cases showed that warrants of arrest were pending.

Of the 49 civil cases audited, four had been submitted for decision, all of which had gone beyond the reglementary period; and seven had pending matters or incidents for resolution.

As a result of the audit and per recommendation of the OCA dated November 5, 1999, this Court issued the following resolution on February 23, 2000:

... the Court Resolved to require the following to comply with the DIRECTIVES as specified below:

(1) MS. ADELINA R. GARROVILLAS, Clerk of Court II, MCTC, Teresa-Baras, Rizal:

(1-a) to EXPLAIN in writing within fifteen (15) days from notice why no administrative sanction shall be imposed upon her for:

(1-a-1) failure to effect the transmittal of the records of the following criminal cases to the Office of the Provincial Prosecutor pursuant to Section 5, Rule 112, Revised Rules on Criminal Procedure, to wit: Criminal Case Nos. 6531-T, 6343-T, 6361-T, 6358-T, 6354-T, 6352-T, 6084-B, 6260-T, 6238-B, 6280-B, 6301-T, 6258-B, 6265-B, 6255-B, 6281-B, 6300-T, 5906, 6272-T, 6166-T, 6240-B, 5996-T, 6241-B, 6322-T, 6320-T, 6321-T, 6285-B, 6293-B, 6364-B, 6088-B, 6263-B, 6288-T, 6289-T, 6290-T, 6372-T, 6373-T, 6365-T, 6340-T, 6297-T, 6382-T, 6039-B, 6178-B, 5563-B, 5405-T, 5406-T, 5145-B, 5139-T, 5620-T, 6051, 6052, 6053, 6288, 6289, 6333-T, 6330-T, 6332-T, 6353-T, 6305-B, 6374-T, 6111-B, 6394-T, 6397-T, 5797-T, 6064-T, 5870-B, 5613-T, 3588-B, 5061-B, 5837-B, 6151-B, and 6210-T;

(1-a-2) failure to act or set in the court calendar the following criminal cases with no further action or setting after lapse of considerable period of time, to wit: Criminal Cases Nos. 6400-B, 6328-T, 6371-B, 6094-B, 5775-B, 5828-B, 5921-B, 5577-B, 6095-T, 5487-B, 6096-B, 5844-T, 6200-B, 6201-B, 6067-T, 6233-B, 4967-B, 4968-B, and 4990-B.

(1-b) to EFFECT the posting outside the court premises [of] the list of cases submitted for decision or resolution, as mandated under Administrative Circular No. 10-94 dated June 29, 1994.

(1-c) to REQUIRE the stenographers who took down the stenographic notes to (1-c-1) EXPLAIN within ten (10) days from notice why no administrative action should be taken against them for failure to transcribe their stenographic notes on the following cases left undecided by Retired Judge Ricardo P. Angeles, to wit: Criminal Cases Nos. 5573, 5723-B, 6046-B, 5946-B, 5575-B, 5595-B, 5849-T, 4854 to 4863, 5549-T, 5548-T, 5174-T, 5775-T, 5832-T, 6186-B, 5656 and Civil Cases Nos. 864-T, 863-T, 865-T, and 843-B; (1-c-2) SUBMIT to the court through the designated Acting Presiding Judge the transcripts of stenographic notes of the above-enumerated cases within fifteen (15) days from notice; (1-c-3) SUBMIT thereafter to the Honorable Court, through the Office of the Court Administrator, proof of compliance with the above directives within ten (10) days from compliance therewith.

(1-d) to APPRISE the designated Acting Presiding Judge of the MCTC, Teresa-Baras, Rizal, on the following cases, to wit:

(1-d-1) of the 24 criminal and 4 civil cases which are submitted for decision, to wit: Criminal Cases Nos. 5573, 5723-B, 6046-T, 5946, 5575-B, 5595-B, 5849-T, 4854 to 4863, 5549-T, 5548-T, 5174-T, 5175-T, 5832-T, 6186-B, 5656; and Civil Cases Nos. 864-T, 863-T, 865-T and 843-B;

(1-d-2) of the 39 criminal and 7 civil cases with pending matters or incident for resolution, to wit: Criminal Cases Nos. 5998-B, 6294-T, 6381-T, 5423-B, 6442-B, 6221-B, 6403, 6410-B, 6362-B, 6438-B, 6426-T, 6437-T, 6427-T, 6443, 6444, 6408-B, 6452-T, 6457-T, 6303-T, 6350-T, 6401-T, 6357-T, 6395-B, 6396-B, 6397-T, 6082-B, 6299-T, 5943-T, 6224-B, 5948-B, 5962-T, 6023-T, 5811-B, 6259-T, 6276-T, 6292-B, 6271-T, 6239-B, 5856-T; and Civil Cases Nos. 845-T, 846-T, 881-T, LRC 015, 871-B, 867-B, and 848-T;

(1-d-3) of the records of the 70 criminal cases to be forwarded to the Office of the Provincial Prosecutor, to wit: Criminal Cases Nos. 6531-T, 6343-T, 6361-T, 6358-T, 6354-T, 6352-T, 6084-B, 6260-T, 6238-B, 6280-B, 6301-T, 6258-B, 6265-B, 6255-B, 6281-B, 6300-T, 5906, 6272-T, 6166-T, 6240-B, 5996-T, 6241-B, 6322-T, 6320-T, 6321-T, 6285-B, 6293-B, 6364-B, 6088-B, 6263-B, 6288-T, 6289-T, 6290-T, 6372-T, 6373-T, 6365-T, 6340-T, 6297-T, 6382-T, 6039-B, 6178-B, 5563-B, 5405-T, 5406-T, 5145-B, 5139-T, 5620-T, 6051, 6052, 6053, 6288, 6289, 6333-T, 6330-T, 6332-T, 6353-T, 6305-B, 6374-T, 6111-B, 6394-T, 6397-T, 5797-T, 6064-T, 5870-B, 5613-T, 3588-B, 5061-B, 5837-B, 6151-B, and 6210-T;

(1-d-4) of the 19 criminal cases with no further action or setting after lapse of considerable period of time, to wit: Criminal Cases Nos. 6400-B, 6328-T, 6371-B, 6094-B, 5775-B, 5828-B, 5921-B, 5577-B, 6095-T, 5487-B, 6096-B, 5844-T, 6200-B, 6201-B, 6067-T, 6233-B, 4967-B, 4968-B and 4990-B; and

(1-d-5) of the 241 criminal cases with pending warrant of arrest, to wit: Criminal Cases Nos. 6466, 5841-B, 6316-B, 6428-T, 5265-T, 5457-B, 4842-T, 5514-T, 5332-T, 4728-T, 4951-B, 5324-T, 5013-T, 5107-T, 5030-B, 5179-B, 4934-B, 5097-B, 5099-B, 5256-T, 4905-T, 5196-T, 5140-T, 5424-T, 5470-T, 5136-B, 5410-B, 5341-T, 5425-T, 5218-B, 5012-T, 5011-T, 5271-B, 5095-B, 4834-T, 5588-B, 5727-T, 5663-T, 5632-T, 5633-T, 5045-B, 5246-T, 5063-T, 5303-T, 4913-B, 5629-T, 5552-B, 5529-T, 5640-B, 4827-T, 5376-T, 4807, 5093, 5469-T, 4912-B, 5417-B, 5802, 5567, 5188-T, 5431-T, 5421-B, 4965-T, 5598-B, 5093-B, 5475-T, 5455-B, 5453-B, 5721, 5102-B, 5578-T, 5504-B, 5510-T, 5451-T, 6278, 6279, 6275-B, 5305-T, 528-T, 5738-T, 5739-T, 5809-T, 5490-T, 5473-T, 5717-B, 5682-T, 5491-T, 5589-B, 5551-T, 5666-B, 5224-T, 4836-T, 5564-T, 5649, 5331-T, 4850-B, 4781-T, 5416-B, 4916-T, 5216-B, 5550-T, 5647-B, 5603, 5486-T, 5261-T, 5495-T, 5080, 5069-T, 5165-T, 5178-T, 6306-T, 5979-T, 5876-T, 5842-B, 6203, 6204, 5952-T, 5941-T, 5791, 5732, 5733, 5817-B, 5942-T, 5835-B, 5931-T, 6086-T, 4914-B, 4915-B, 5648-B, 5617-B, 5618-B, 5951, 6041, 6172, 6188, 6102, 6048, 5980, 6173, 6167-T, 6334-B, 6022-T, 5982-T, 6089-B, 6158-B, 6074-T, 5974-T, 5973-T, 6012-B, 6186, 6189, 6282, 6283, 6284, 5894-T, 5922-T, 6228-B, 6334-B, 5826-B, 5893-T, 5963-T, 6008-T, 6009-T, 6010-T, 5992-T, 6202-B, 5828-T, 6250-T, 5740-B, 5662-B, 5774-B, 5916-B, 5959-B, 5892-T, 5896-T, 5874-B, 5915-B, 6081-T, 5945-T, 5693-T, 5694-T, 5939-T, 5799-B, 5796-T, 5798-B, 6339-T, 6404-T, 6926-T, 6062-T, 6383 to 6388-T, 6323-T, 6180-B, 6195-B, 6002-T, 6042 to 6044, 6194, 5803-T, 5971-T, 5988-B, 5964-T, 5734-T, 5596-T, 5788 to 5789-B, 5950-T, 5867-T, 6187-T, 6179-B, 6097-T, 5977-T, 5978-T, 5993-T, 6209, 6220-T, 6087-T, 5968-B, 6249-B, 6063-T, 6234, 6244, 6245, 5819, 5782, 5399-B, 5400-B, 5699-B, 5700-B, 6157, 5526, 5917, 5909, 5880, 5895-T, 6045, 5911, 5231-B and 5578-T;

(1-e) to immediately verify and check the status of Civil Case No. 406-M pending before RTC, Branch 78, Morong, Rizal. Thereafter to apprise the acting presiding judge on the status thereof and immediately to set Criminal Case No. 4777-T for hearing for the acting presiding judge to undertake the appropriate action thereon.

(1-f) to submit thereafter to the Honorable Court, through the Office of the Court Administrator proof of compliance with the above-enumerated directive in paragraph 1-b to 1-e within fifteen (15) days from compliance therewith.

2) RETIRED JUDGE RICARDO P. ANGELES, Teresa-Baras, Rizal, to explain in writing within fifteen (15) days from notice why no administrative sanction shall be imposed on him for:

(2-a) failure to decide within the reglementary period the following cases which were submitted for his decision, to wit: Criminal Case Nos. 5573, 5723-B, 6046-T, 5946-B, 5575-B, 5595-B, 5849-T, 4854 to 4863, 5549-T, 5548-T, 5174-T, 5175-T, 5832-T, 6186-B, 5656, and Civil Cases Nos. 863-T, 865-T and 843-B;

(2-b) failure to resolve the following cases with pending incident or matter for his resolution within the reglementary period, to wit: Criminal Case Nos. 5998-B, 6294-T, 6381-T, 5423-B, 6442-B, 6221-B, 6403, 6410-B, 6362-B, 6438-B, 6426-T, 6437-T, 6427-T, 6443, 6444, 6408-B, 6303-T, 6350-T, 6401-T, 6357-T, 6395-B, 6396-B, 6397-T, 6082-B, 6299-T, 5943-T, 6224-B, 5948-B, 5962-T, 6023-T, 5811-B, 6259-T, 6276-T, 6292-B, 6271-T, 6239-B, 5856-T and Civil Cases Nos. 845-T and 846-T;

(2-c) for failure to transmit the records of the following criminal cases with the Office of the Provincial Prosecutor in accordance with first paragraph, Sec. 5, Rule 112, to wit: Criminal Case Nos. 6531-T, 6343-T, 6361-T, 6358-T, 6354-T, 6352-T, 6084-B, 6260-T, 6238-B, 6280-B, 6301-T, 6258-B, 6265-B, 6255-B, 6281-B, 6300-T, 5906, 6272-T, 6166-T, 6240-B, 5996-T, 6241-B, 6322-T, 6320-T, 6321-T, 6285-B, 6293-B, 6364-B, 6088-B, 6263-B, 6288-T, 6289-T, 6290-T, 6372-T, 6373-T, 6365-T, 6340-T, 6297-T, 6382-T, 6039-B, 6178-B, 5563-B, 5405-T, 5406-T, 5145-B, 5139-T, 5620-T, 6051, 6052, 6053, 6288, 6289, 6333-T, 6330-T, 6332-T, 6353-T, 6305-B, 6374-T, 6111-B, 6394-T, 6397-T, 5797-T, 6064-T, 5870-B, 5613-T, 3588-B, 5061-B, 5837-B, 6151-B, 6210-T;

(2-d) for failure to set in the court calendar the following 19 criminal cases with no further action or setting in the court calendar after lapse of considerable period of time, to wit: Criminal Case Nos. 6400-B, 6368-T, 6371-B, 6094-B, 5775-B, 5828-B, 5921-B, 5577-B, 6095-T, 5487-B, 6096-B, 5844-T, 6200-B, 6201-B, 6067-T, 6233-B, 4967-B, 4968-B, 4990-B; and

(2-e) failure to act on the following 241 criminal cases with pending warrants of arrests after lapse of considerable period of time, to wit: Criminal Case Nos. 6466, 5841-B, 6316-B, 6428-T, 5265-T, 5457-B, 4842-T, 5514-T, 5332-T, 4728-T, 4951-B, 5324-T, 5013-T, 5107-T, 5030-B, 5179-B, 4934-B, 5097-B, 5099-B, 5256-T, 4905-T, 5196-T, 5140-T, 5424-T, 5470-T, 5136-B, 5410-B, 5341-T, 5425-T, 5218-B, 5012-T, 5011-T, 5271-B, 5095-B, 4834-T, 5588-B, 5727-T, 5663-T, 5632-T, 5633-T, 5045-B, 5246-T, 5063-T, 5303-T, 4913-B, 5629-T, 5552-B, 5529-T, 5640-B, 4827-T, 5376-T, 4807, 5093, 5469-T, 4912-B, 5417-B, 5802, 5567, 5188-T, 5431-T, 5421-B, 4965-T, 5598-B, 5093-B, 5475-T, 5455-B, 5453-B, 5721, 5102-B, 5578-T, 5504-B, 5510-T, 5451-T, 6278, 6279, 6275-B, 5305-T, 528-T, 5738-T, 5739-T, 5809-T, 5490-T, 5473-T, 5717-B,

5682-T, 5491-T, 5589-B, 5551-T, 5666-B, 5224-T, 4836-T, 5564-T, 5649, 5331-T, 4850-B, 4781-T, 5416-B, 4916-T, 5216-B, 5550-T, 5647-B, 5603, 5486-T, 5261-T, 5495-T, 5080, 5069-T, 5165-T, 5178-T, 6306-T, 5979-T, 5876-T, 5842-B, 6203, 6204, 5952-T, 5941-T, 5791, 5732, 5733, 5817-B, 5942-T, 5835-B, 5931-T, 6086-T, 4914-B, 4915-B, 5648-B, 5617-B, 5618-B, 5951, 6041, 6172, 6188, 6102, 6048, 5980, 6173, 6167-T, 6334-B, 6022-T, 5982-T, 6089-B, 6158-B, 6074-T, 5974-T, 5973-T, 6012-B, 6186, 6189, 6282, 6283, 6284, 5894-T, 922-T, 6228-B, 6334-B, 5826-B, 5893-T, 5963-T, 6008-T, 6009-T, 6010-T, 5992-T, 6202-B, 5828-T, 6250-T, 5740-B, 5662-B, 5774-B, 5916-B, 5959-B, 5892-T, 5896-T, 5874-B, 5915-B, 6081-T, 5945-T, 5693-T, 5694-T, 5939-T, 5799-B, 5796-T, 5798-B, 6339-T, 6404-T, 6926-T, 6062-T, 6383-T to 6388-T, 6323-T, 6180-B, 6195-B, 6002-T, 6042 to 6044, 6194, 5803-T, 5971-T, 5988-B, 5964-T, 5734-T, 5596-T, 5788 to 5789-B, 5950-T, 5867-T, 6187-T, 6179-B, 6097-T, 5977-T, 5978-T, 5993-T, 6209, 6220-T, 6087-T, 5968-B, 6249-B, 6063-T, 6234, 6244, 6245, 5819, 5782, 5399-B, 5400-B, 5699-B, 5700-B, 6157, 5526, 5917, 5909, 5880, 5895-T, 6045, 5911, 5231-B and 5278-T.

3) THE DESIGNATED ACTING PRESIDING JUDGE, MCTC, Teresa-Baras, Rizal:

(3-a) to DECIDE within ninety (90) days from completion of transcripts of stenographic notes the following cases: Criminal Cases Nos. 5573, 5723-B, 6046-T, 5946-B, 5575-B, 5595-B, 5849-T, 4854 to 4863, 5549-T, 5548-T, 5174-T, 5175-T, 5832-T, 6186-B, 5656 and Civil Cases Nos. 864-T, 863-T, 865-T and 843-B; And thereafter, to PROMULGATE the aforesaid criminal cases with dispatch.

(3-b) to DESIST from promulgating the following criminal cases which were decided but left unpromulgated by retired Judge Ricardo P. Angeles, to wit: Criminal Cases Nos. 5918, 5394-B, 5500, 4956, 5654-B, 5655-B, 5656-B, 5860-B, 5659-T, 5684-B and 5859; And to DECIDE the aforesaid within ninety (90) days from notice. Thereafter, to PROMULGATE these cases with dispatch after rendition of judgment.

(3-c) to RESOLVE within ninety (90) days from notice the following cases with pending matter or incident for resolution, to wit: Criminal Cases Nos. 5998-B, 6294-T, 6381-T, 5423-B, 6442-B, 6221-B, 6403, 6410-B, 6362-B, 6438-B, 6426-T, 6437-T, 6427-T, 6443, 6444, 6408-B, 6452-T, 6457-T, 6303-T, 6350-T, 6401-T, 6357-T, 6395-B, 6396-B, 6397-T, 6082-B, 6299-T, 5943-T, 6224-B, 5948-B, 5962-T, 6023-T, 5811-B, 6259-T, 6276-T, 6292-B, 6271-T, 6239-B, 5856-T, and Civil Cases Nos. 845-T, 846-T, 881-T, LRC 015, 871-B, 867-B and 848-T;

(3-d) to EFFECT the transmittal of the following criminal cases to the Office of the Provincial Prosecutor for their proper disposition of cases, to wit: Criminal Cases Nos. 6531-T, 6343-T, 6361-T, 6358-T, 6354-T, 6352-T, 6084-B, 6260-T, 6238-B, 6280-B, 6301-T, 6258-B, 6265-B, 6255-B, 6281-B, 6300-T, 5906, 6272-T, 6166-T, 6240-B, 5996-T, 6241-B, 6322-T, 6320-T, 6321-T, 6285-B, 6293-B, 6364-B, 6088-B, 6263-B, 6288-T, 6289-T, 6290-T, 6372-T, 6373-T, 6365-T, 6340-T, 6297-T, 6382-T, 6039-B, 6178-B, 5563-B, 5405-T, 5406-T, 5145-B, 5139-T, 5620-T, 6051,