

EN BANC

[A.M. No. RTJ-02-1685, October 15, 2002]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE CARLITO A. EISMA, REGIONAL TRIAL COURT, BRANCH
13, ZAMBOANGA CITY, RESPONDENT.**

D E C I S I O N

VITUG, J.:

On the basis of the "Monthly Report of Cases" submitted to it by Judge Carlito Eisma, Presiding Judge of the Regional Trial Court, Branch 13, of Zamboanga City, the Office of the Court Administrator (OCA) sent on 23 November 2000 a memorandum to Judge Eisma directing him, among other things, to explain why no administrative sanction should be imposed for his failure to timely decide the cases listed in his September 2000 Monthly Report of Cases. In reply, respondent judge wrote that it was never his intention to unduly delay his action on the cases but admitted that there was an unfortunate oversight on his part. He undertook to decide the cases in due time. Noting the explanation, the OCA reminded respondent judge of the reglementary periods for resolving cases and exhorted him to forthwith attend to the remaining cases.

The monthly report of cases for March 2001 submitted by respondent judge would show that there were twenty-six undecided cases (five criminal cases and twenty-one civil cases). The OCA observed that there were long pending civil cases, filed during the late 1980's to the year 2000, still in the pre-trial stage. In respondent judge's Docket Inventory of Cases for July to December 2000, it would appear that several criminal cases were filed in the later part of 1999 and during the early months of 2000 that would yet have to be set for arraignment.

Respondent judge attributed the delay to his heavy caseload and his various other assignments in Region 9 provinces for the period of from 1982 to 2000. In 1982, he was designated Acting Presiding Judge in the Court of First Instance of Basilan Province. In 1985, he was assigned to be Acting Presiding Judge of Branches 3 and 4 of the Regional Trial Court of Jolo and Parang, in the Province of Sulu, and in Branch 5 of Bongao, Tawi-Tawi, until the appointment of a regular presiding judge. The Court, in 1988, again gave him assignments in Jolo and Parang in view of the death of the regular presiding judge. In 1994, he was ordered to preside over Branch 5 of the Regional Trial Court of Bongao, Tawi-Tawi, until 1996. In 1997, he was directed by the Court to hear and try a double murder case since the two previously assigned judges inhibited themselves. In year 2000, his sala was named a special court to try drug-related cases where hearings were held daily.

On 8 April 2001, respondent judge was compulsorily retired. In its memorandum of 5 June 2001 to the Court, the OCA reported that of the twenty six cases left undecided by respondent judge at the time of his retirement, only one case,

Criminal Case No. 3196 (13487), was still within the reglementary period. The Court, in its Resolution of 19 June 2001, resolved, thusly:

"(a) NOTE the Memorandum dated 5 June 2001 of Acting Court Administrator Zenaida N. Elepaño;

"(b) REQUIRE Judge Eisma to SUBMIT within ten (10) days from notice a certification, under oath, of: (b-1) the list of cases he had decided from September 2000 to 8 April 2001 with the corresponding dates when these cases were submitted for decision or actually decided and when decisions were promulgated and (b-2) the list of cases he had left undecided;

"(c) DIRECT Judge Eisma and his Branch Clerk of Court to EXPLAIN within ten (10) days from notice why they did not include in the previous Monthly Reports of Cases most of the cases long been submitted for decision and instead added the same per batch in their October and November 2000 and January 2001 Monthly Reports of Cases; and

"(d) DIRECT the FINANCIAL MANAGEMENT OFFICE, OFFICE OF THE COURT ADMINISTRATOR, to WITHHOLD the amount of Fifty Thousand Pesos (P50,000.00) from the retirement benefits of Judge Eisma pending the completion of the requirements herein above enumerated and the evaluation of his administrative liability regarding the cases he left undecided beyond the reglementary period."

In compliance with the above resolution, Judge Eisma and his branch clerk of court, Amador Tatel, submitted the list of cases (September 2000 to April 8, 2001) still left undecided. Relative to the unaccounted cases, respondent judge explained that it was only after an inventory that the cases were discovered to have been placed in the court's warehouse.

The Court, in its resolution of 11 September 2001, referred the matter to the Office of the Court Administrator for evaluation, report and recommendation. In its memorandum dated 22 October 2001, the OCA found respondent judge's explanation unsatisfactory; it stated:

"x x x. It is the duty of a judge to take note of the cases submitted for his decision or resolution and to see to it that the same are decided within the 90-day period fixed by law, and failure to resolve a case within the required period constitute gross inefficiency. (Office of the Court Administrator vs. Benedicto, 296 SCRA 62, citing Re: Letter of Mr. Octavio Ralalo, 231 SCRA 403 [1994], citing Longbonn vs. Hon. Emilio L. Polig, 186 SCRA 557 [1990]). 'A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them properly.' (Re inventory of cases in the RTC, Branch 11, Balayan, Batangas, 234 SCRA 360 [1996]). Judge Eisma failed in this respect, hence the resultant delay in the resolution of several cases in his sala."

The Court resolved, on 27 November 2001, to direct respondent judge and OIC-Branch Clerk of Court Amador T. Tatel, RTC, Branch 13, Zamboanga City to-

"(a) EXPLAIN within ten (10) days from notice hereof why:

“(a-1) the following cases, to wit: Civil Cases Nos. 1101 (4270), 1166 (4513), 1187 (4540), 1121 (4359) [basis: September 2000 Monthly Report of Cases]; Civil Cases Nos. 1171 (4520), 1144 (230), 1183 (4477), 1146 (4445) [basis: October 2000 Monthly Report of Cases]; Civil Case No. 1137 (4413) [basis: November 2000 Monthly Report of Cases]; and Civil Case No. 1089 (4210) [basis: January 2001 Monthly Report of Cases]; were not included either in the list of cases decided from September 2000 to 8 April 2001 or in the list of cases left undecided by Judge Eisma upon his compulsory retirement; if aforesaid cases have already been decided prior to his retirement, ATTACH to their explanation copies of the decision/resolutions indicating therein the date of promulgation or date when entered in the book of judgment; and

“(a-2) Criminal Case No. 3309 (13933) and Civil Case No. 1186 (4572) which were submitted for decision on 1 March 1995 and 2 October 1998, respectively, were not reported as submitted for decision in any of the Monthly Reports of Cases; and

“(b) RENDER a status report under oath, within ten (10) days from notice hereof, on the following cases, to wit:

<u>Title of</u> <u>the Case</u>	<u>Date of</u> <u>Last</u> <u>Hearing</u>	<u>Lapse of</u> <u>Time</u> <u>from</u> <u>December</u> <u>2000</u>
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Criminal Cases

PP Marivic Lian (5 v. counts)	02-19- 92	8 yrs. & 10 mos.
Constancia Bundahon	03-27- 95	5 yrs. & 9 mos.
Sarah Osea	06-20- 90	10 yrs. & 6 mos.
Owen Osea and Sarah Osea	05-20- 99	1 yr. & 7 mos.
Esclarito Emfistan, et al.	04-06- 00	8 mos.
Rosita B. Suba, et al.	05-04- 99	1 yr. & 7 mos.
Roderick P. Oliveros	09-15- 99	1 yr. & 3 mos.
Enrico Deles	10-14- 96	4 yrs. & 2 mos.
A. Gadayan	09-30- 98	2 yrs. & 3 mos.
Tessie Walog (5	03-08-	9 mos.