

## THIRD DIVISION

**[ A.M. No. 99-11-423-RTC, June 26, 2001 ]**

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE  
REGIONAL TRIAL COURT, BRANCHES 87 AND 98, QUEZON CITY.**

### DECISION

**SANDOVAL-GUTIERREZ, J.:**

On September 15 to 17, 1999, the Office of the Court Administrator (OCA) conducted an audit and physical inventory of pending cases in Branches 87 and 98 of the Regional Trial Court of Quezon City. For Branch 87, the audit team reported to the Chief Justice that "Presiding Judge Elsie Ligot-Telan retired on September 6, 1999 with some undecided cases but still within the reglementary period when she retired."

However, in Branch 98 presided by Judge Justo M. Sultan, the audit team found that thirty-five (35) cases submitted for decision "were beyond the prescribed period."

In a Decision promulgated on August 16, 2000, this Court found Judge Justo M. Sultan, retired and last assigned at RTC, Branch 98, Quezon City, administratively liable for failure to decide those 35<sup>[1]</sup> cases within the prescribed period and to submit the required periodic inventory of cases. He was fined Twenty Thousand (P20,000.00) Pesos.

However, the administrative liability of Atty. Reynaldo M. Elcano, the branch clerk of court in the same branch, was not passed upon by this Court in its Decision of August 16, 2000.

Earlier or on June 7, 2000, as recommended<sup>[2]</sup> by then Court Administrator Alfredo Benipayo, this Court directed Atty. Elcano to explain why the 35 cases submitted for decision, but have remained undecided within the reglementary period, were reported only in the Monthly Report of Cases for the months of September and October 1999.

In his explanation dated July 21, 2000, Atty. Elcano stated that it was only when the audit was conducted by the OCA that those cases were found in the chambers of Judge Sultan; and that being a mere subordinate employee, he has to comply with the judge's wish that those cases be kept in his chambers.

On July 31, 2000, his explanation was referred to the OCA for evaluation, report and recommendation.

In its report dated October 11, 2000, the OCA found Atty. Elcano administratively liable for his failure to satisfactorily explain why the thirty-five (35) cases submitted for decision were included only in the Monthly Report of Cases for the months of

September and October 1999. Thus:

"In the first place, the explanation that the subject cases were included in the monthly report only for September and October because it was only during the judicial audit that they were found in the chambers of Judge Sultan, is a lame excuse and is inconsistent with Elcano's earlier statement that only the records of cases with complete stenographic notes – numbering 14<sup>[3]</sup> – were with Judge Sultan. Following this line of reasoning, the logical conclusion is that the records of the remaining nineteen (19) cases were with Clerk of Court Elcano. There is thus no reason why they should not be included in the monthly report of cases prior to September and October.

In A.M. No. 96-11-402-RTC, Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Naga City, (278 SCRA 8 [1997]), this Court held that erroneous statistical accomplishment of the monthly report is equivalent to the submission of inaccurate reports and the failure of the Clerk of Court to make proper entries is a ground for disciplinary action against such clerk.

In addition, Atty. Elcano's act of not keeping the records of the cases in his office and allowing said records to be kept in the chambers of the Judge without any written proof, such as a receipt, showing that these were properly taken from the former's custody, violates Section 7, Rule 136 of the Rules of Court, which provides that: '(t)he clerk shall safely keep all records, papers, files, exhibits and public property committed to his charge xxx.'

As the Branch Clerk of Court of RTC, Branch 98, Quezon City, Atty. Elcano must realize that his administrative functions are vital to the prompt and proper administration of justice. Being charged with the efficient recording, filing and management of court records, he plays a key role in the complement of the court. He should have, therefore, ensured that the records of each case in his office are duly accounted for. His failure to do so makes him administratively liable."

The OCA recommended that a fine of five thousand (P5,000.00) pesos be imposed upon Atty. Elcano.

We are in accord with the OCA's recommendation.

For failure to report, in the Monthly Report of Cases, the cases submitted for decision but remain undecided beyond the reglementary period, Atty. Elcano violated this Court's Circular No. 25-92 addressed to all judges, clerks of court and branch clerks of court, partly quoted as follows:

"All cases submitted for decision but remain undecided at the end of the month, whether they are inherited or current cases, must be duly