

FIRST DIVISION

[A.M. No. RTJ-99-1485, October 11, 2001]

TEOFILO C. SANTOS, COMPLAINANT, VS. JUDGE FELICIANO V. BUENAVENTURA, PRESIDING JUDGE, RTC, BRANCH 27, CABANATUAN CITY AND ATTY. NUMERIANO Y. GALANG, CLERK OF COURT, RTC, CABANATUAN CITY, RESPONDENTS.

R E S O L U T I O N

YNARES-SANTIAGO, J.:

In this administrative complaint, respondents stand charged with irregularity in the conduct of the raffle of Civil Case No. 2269.

It appears that complainant Teofilo C. Santos is the defendant in Civil Case No. 2269 before the Regional Trial Court of Cabanatuan City. The case was originally raffled to Branch 86, presided by Judge Raymundo Z. Annang. However, upon motion of the plaintiff, Judge Annang inhibited himself from hearing the case. Hence, the case was re-raffled and assigned to Branch 30 of the same court, presided by Judge Federico B. Fajardo, Jr. Judge Fajardo also inhibited himself, resulting in another re-affle. The case was subsequently assigned to Judge Adriano I. Tuason, Branch 28, of the same court who conducted the formal hearing and reception of evidence of both parties.

On September 18, 1997, after both parties rested their case, the plaintiff in Civil Case No. 2269 moved for the inhibition of Judge Tuason, which was granted. Upon order of Executive Judge Federico B. Fajardo, Jr., the re-affle of the case was held on September 24, 1997 at the Office of Clerk of Court, respondent Numeriano Y. Galang. The case was eventually assigned to Branch 27, presided by respondent Judge Feliciano V. Buenaventura.

Complainant alleges that the raffle was attended by irregularity considering that the same was not conducted personally by the Executive Judge but by respondent Clerk of Court; and that that Executive Judge was not present when the raffle was held. Moreover, the drawing of lots was done inside and beyond public view.

Thus, complainant brought the present administrative case, charging respondents, Judge Buenaventura and Clerk of Court Galang, with irregularity in the raffling of Civil Case No. 2269.

Judge Buenaventura denied the charges. He claimed that he was not present during the raffle of the case and, therefore, could not have known of the absence of the Executive Judge or of the manner in which the questioned raffle was conducted.

On the other hand, respondent Clerk of Court Galang refuted the allegations of the complaint. He claimed that he was given specific instructions by the Executive

Judge to proceed with the raffle, since the latter was then busy hearing cases; that the raffle was done in full view of the representatives of the nine branches of the RTC, Cabanatuan City; and that complainant's representative did not object to the conduct of the raffle.

On December 2, 1998, a Resolution was issued by this Court adopting the following recommendations of the Office of the Court Administrator:

(a) to NOTE the Order of Inhibition dated September 23, 1997 of Judge Adriano I. Tuason from hearing Civil Case No. 2269;

(b) to DIRECT Executive Judge Federico B. Fajardo Jr. RTC, Cabanatuan City to RAFFLE Civil Case No. 2269 among Branches 23, 25, 26 and 29, thus excluding from the raffle Branches 30 and 86 presided by Judge Federico B. Fajardo, Jr., and Raymundo Z. Annang, who previously inhibited themselves from trying the said case. Also excluded from the raffle are Branches 27 and 24 presided by respondent Judge Feliciano V. Buenaventura in a permanent and in an acting capacity respectively; xxx
xxx xxx

Civil Case No. 2269 was raffled to Branch 26, presided by Judge Johnson Ballutay. The case has already been decided, and is pending appeal before the Court of Appeals.

Meanwhile, Executive Judge Federico B. Fajardo, Jr. and the representatives of the nine (9) branches of the Regional Trial Court of Cabanatuan City filed their respective comments on the comment of respondent Clerk of Court Galang. Judge Fajardo alleged in his comment that the raffle of cases is held every Wednesday at 10:00 o'clock in the morning. Since judges are busy during that time with their court hearings, it became customary for the raffle to start even when the Executive Judge is not yet personally present at the Office of the Clerk of Court. However, Executive Judge Fajardo allegedly sees to it that he catches up with the raffle as soon as he is free from his court hearings. On September 24, 1997, the raffle was already finished by the time Executive Judge Fajardo arrived at the OCC, considering there were only twenty-six (26) cases scheduled, including the questioned Civil Case No. 2269. This notwithstanding, Executive Judge Fajardo claims that he did not receive any complaint of any irregularity in the conduct of the raffle on September 24, 1997.

In their joint comment, the representatives of the nine branches and the OCC-in-charge of raffle alleged that they knew that the Executive Judge was pre-occupied with the trial of the cases pending before his sala, for which reason they were instructed to proceed with the raffle of the cases; and that the raffle was done above board and in accordance with the formal procedure in the raffle of cases.

On the basis of the foregoing factual findings, the OCA recommended that: (1) the charge of irregularity in the raffling of Civil Case No. 2269 against respondent Judge Feliciano V. Buenaventura be dismissed for lack of merit; (2) respondent Clerk of Court Numeriano Y. Galang be fined P5,000.00 for proceeding with the raffle of cases in the absence of the Executive Judge, with a stern warning that a repetition

of the same or similar offense in the future will be dealt with more severely by the Court; and, (3) then Executive Judge Federico B. Fajardo, Jr., RTC, Branch 30, Cabanatuan City be fined P5,000.00 for allowing the raffling of cases in his station to be conducted by the clerk of court without his being personally present thereat, in violation of Supreme Court Circular No. 7 dated September 23, 1974.

According to the Court Administrator:

Administrative Order No. 6 (June 30, 1975) states that one of the specific powers, prerogatives and duties of the Executive Judge is "(t)o supervise the raffling and assignment of all cases, in accordance with Circular No. 7, dated September 23, 1974 x x x."

Circular No. 7, on the other hand, provides, *inter alia*:

"The raffle must be conducted at the lawyer's table in open court by the Executive Judge personally with the attendance of two other judges, or in case of the latter's inability, of their duly authorized representatives. x x x"

Clearly, supervision over the raffling of cases is the personal duty and responsibility of the Executive Judge. Judge Federico B. Fajardo, Jr., therefore, violated the explicit mandate of the Honorable Court when he allowed the raffle to proceed despite his absence therefrom. He cannot excuse himself from his gross neglect of duty as Executive Judge by claiming to be burdened by court hearings at the time of the scheduled raffle. As Executive Judge, he has the authority, by virtue of Supreme Court Circular No. 7, to fix the day, as well as the hour of the raffle. He can, therefore, schedule the raffle in such a manner as not to unduly interfere with his other duties. Nor can he exculpate himself by the simple expedient of resorting to merely "catching up" with the raffle as soon as he is free from his court hearings.

The Honorable Court, enunciating the importance of the raffling of cases, held in the case of *Ang Kek Chen v. Bello*:^[1]

"The procedure for the raffling of cases under Supreme Court Circular No. 7 is of vital importance to the administration of justice because it is intended to ensure the impartial adjudication of cases. By raffling the cases, public suspicion regarding the assignment of cases to predetermined judges is obviated. A violation or disregard of the Court's circular on how the raffle of cases should be conducted is not to be countenanced."

As emphasized by the Court in the case of *Bayog vs. Natino*:^[2]