

[A.M. No. 98-8-262-RTC, March 21, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN REGIONAL TRIAL COURT, BRANCH 61, GUMACA, QUEZON; REGIONAL TRIAL COURT, BRANCH 63, CALAUAG, QUEZON; MUNICIPAL TRIAL COURT, CALAUAG, QUEZON; AND MUNICIPAL TRIAL COURT, TAGKAWAYAN, QUEZON.

R E S O L U T I O N

VITUG, J.:

Following a judicial audit and physical inventory of cases in various courts of Quezon province, the Office of the Court Administrator reported its following findings; to wit:

I. REGIONAL TRIAL COURT OF GUMACA, QUEZON, BRANCH 61

Branch 61, a special criminal court designated to try heinous crimes cases, was presided by Judge Proceso K. De Gala until his compulsory retirement on 02 July 1998. The judicial audit team reported that the court building, although old, was still adequate and that the Presiding Judge also used part of it as his dwelling place in violation of Administrative Circular No. 3-92 of 31 August 1992. While docket books were maintained, the entries thereon, however, were not properly updated. Most of the informations filed with the court lacked the required certification of preliminary investigation, the records forwarded by the Investigating Fiscal did not include the records on the preliminary investigation proceedings, as well as other documents (such as affidavits) pertinent thereto, and numerous criminal cases had no certificates of arraignment attached to the records.

The summary of the cases in Branch 61 indicated the following data:

CASE STATUS / STAGE OF PROCEEDINGS	CRIMINAL CASES	CIVIL CASES	TOTAL
Set for Hearing / Pre Trial / Trial	172	50	222
With Warrants of Arrest / Summons / Subpoena	12	3	15
Set For Arraignment	15	0	15
Unacted Upon for a Considerable Length of Time / No Further Setting / Proceedings	7	1	8
With Order for Compliance by Parties	2	1	3
Archived	0	1	1
Submitted For Decision	7	8	15
Set For Promulgation	13	0	13
Appealed to Court of Appeals	0	3	3
TOTAL	228	67	295

Of the pending 295 cases, 228 were criminal cases while 67 were civil litigations. Of the 228 criminal cases, 5 were submitted for decision. In 2 cases, there were matters submitted for resolution still within the 90-day period within which to resolve. Criminal Case No. 4849 (People vs. Yu) for Attempted Murder had yet to be decided despite the lapse of the prescribed period therefor. Hence:

Number	Accused	Nature	Date Submitted	Before whom submitted for Decision
1. 5453	Salivia	Murder	5-26-98	Judge de Gala
2. 5866	Chua	Grave Threats	6-2-98	-do-
3. 5867	Chua	-do-	6-2-98	-do-
4. 4741	Malolayon (Minor offender)	Rape	2-29-98	-do-
5. 5379	Fermin	Robbery	5-10-98 (Motion to Dismiss)	-do-
6. 4849	Yu	A. Murder	1-15-98	-do-
7. 4549	Requilo	Q. Theft	5-4-98 (Motion to suspend hearing)	-do-

The decisions in the following 13 cases were set for promulgation:

Number	Accused	Nature	Date Set for Promulgation
1. 4326	Sarmiento	Murder	6-25-98
2. 4343	Azul	A. Homicide	6-25-98
3. 4716	Montero	F. Homicide	6-24-98
4. 4483	Revilla	Rape	6-29-98
5. 4308	Luna	Robbery	6-25-98
6. 4318	Azul	Robbery	6-25-98
7. 4755	Cuya	Vio. of R.A. 6425	6-11-98
8. 4754	Cuya	-do-	-do-
9. 5548	Sabalan	Rape	6-16-98
10. 5636	Guinoga	-do-	6-17-98
11. 5637	-do-	-do-	-do-
12. 5638	-do-	-do-	-do-
13. 5639	-do-	-do-	-do-

Of the 20 criminal cases, the following 11 cases involved detention prisoners, i.e., cases numbered 4326, 4343, 4483, 4308, 5548, 5636, 5637, 5638, 5639, 4754, and 4741.

Relative to the 67 pending civil cases, 8 cases were submitted for decision before Judge de Gala, 4 of which were still unresolved despite the lapse of the 90-day reglementary period. Thus:

Number	Title	Nature	Date submitted	Before whom Submitted
1. 1923	Rafazo et al. vs. Lines Ltd.	Damages	11-10-97	J. de Gala
2. 1980	Fuerte vs. Peñaojas	-do-	6-24-97	-do-
3. 2204	Curaming vs. de Luna	Judicial Partition	11-3-97	-do-
4. 2088	Lamon Bay Ice Plant vs. DBP	Annulment of Mortgage Contract	6-24-97	-do-

There were matters submitted for decision/resolution, still within the 90-day period, in the following cases:

Number	Title	Nature	Date submitted	Before whom Submitted
1. 1923	Rafazo et al. vs. Lines Ltd.	Damages	11-10-97	J. de Gala
2. 1980	Fuerte vs. Peñaojas	-do-	6-24-97	-do-
3. 2204	Curaming vs. de Luna	Judicial Partition	11-3-97	-do-
4. 2088	Lamon Bay Ice Plant vs. DBP	Annulment of Mortgage Contract	6-24-97	-do-

A physical inventory of the records would reveal that there were 5 criminal cases and 1 civil case without any setting for a considerable length of time, to wit: Criminal Cases No. 4305, 4379, 4378, 4548 and 5133 and Election Case No. 128. In Criminal Case No. 4548 (People vs. Ramos) for Rape, the court in its 10th December 1997 order required the accused, through counsel, to rest his case; thereafter, no further proceedings were had. In Criminal Case No. 5133 (People vs. PO3 Vallesteros) for Malversation, hearing was reset from 17 November 1997 to 09 February 1998; therefor, no further hearing was held. In Election Case No. 128, the court in its order, dated 16 March 1998, scheduled the revision of ballots; no further proceedings were thereafter conducted.

There were 12 criminal cases with pending warrants of arrest, 5 of which could be archived pursuant to Administrative Circular No. 7-A-92, dated 21 June 1993 (Re: Guidelines on the Archiving of Cases), viz:

1. 5654	Warrant of Arrest issued	8-22-97
2. 5655	-do-	-do-
3. 5602	Warrant of Arrest issued	10-3-97
4. 5695	-do-	10-28-97
5. 5730	-do-	11-14-97

Civil Case No. 2372 was archived on 13 April 1998.

The audit team observed that in both criminal and civil cases, i.e., Criminal Cases No. 5591, 5592, 5669, 5695, 5286, 5287, 3953, 4087, 4037, 3997, 4063, 5746, 5747, 5812, 5798, 5308, 5338, 5361, 5362, 5250, 5248, 4803, 4804, 4786, 4194, 5079, 5080, 5036, 5016, 5012, 5353, 5315, 4109, 4110, 5556, 5144, 5127, 5101, 5309, 4766, 4380, 5246, 5230, 5215, 5136, 4344, 3689, 5271, 5311, 2830, 5554, 4977, 4861, 3981, 5197, 5193, 5174, 5148, 4873 and 4902 and Civil Cases No. 2477, 2474, 2407, 2342, 2208, 2189, 2157, 2403, 1798, 1971, 1812, 2421, 2419, 2337, 2251, 2255, and LRC 88, the next setting of cases would usually take 3 to 4 months from the last date of hearing, in violation of Section 2, Rule 30, of the 1997 Rules of Civil Procedure.

There were orders of the court in some cases requiring compliance by the parties but compliance had yet to be received by the court, to wit:

1. Criminal Case No. 1436: The order, dated 23 March 1998, required the production of the medical records of the accused;
2. Criminal Case No. 4993: In the order, dated 30 April 1998, the counsel for the accused was given an extension of 15 days to file comment on the plaintiff's formal offer of evidence; and
3. LRC No. 327: The petitioner was ordered to submit a report on the status of the land applied for.

II. REGIONAL TRIAL COURT OF CALAUAG, QUEZON, BRANCH 63

Branch 63 was presided by Judge Rodolfo V. Garduque until his compulsory retirement on 28 October 1998. The judicial audit team noted that the court sessions in Branch 63 were irregularly held; thus:

January	February	March	April
5, 6, 7, 8 and 9	2, 3, 4, 5 and 6, 10, 12 and 13	2, 9, 16, 23, 25	16 and 13
12, 13, 14, 15 and 16	16, 17 and 20, 23	30 and 31	
19, 20 and 21			
25, 27, 28 and 29			

The status of the cases in Branch 63 were summarized to be, as follows:

CASE STATUS / STAGE OF PROCEEDINGS	CRIMINAL CASES	CIVIL CASES	TOTAL
Submitted for Decision	6	5	11
On Pre-trial / trial / Pending	188	50	238
With Warrants / Summons	5	4	9
Set for Arraignment	26	0	26
Unacted for a considerable length of time / No further setting / Proceeding	16	33	49
With Matters Pending Resolution by the Court	2	5	7
Held in Abeyance with Order of Inhibition	4	9	13
With Court Order for Compliance	3	7	10
Newly filed	0	2	2
TOTAL	250	115	365

The branch had a total caseload of 365 pending cases, of which there were 250 criminal cases (with 116 detention prisoners) and 115 civil cases.

Of the 250 criminal cases, 6 cases were submitted for decision before Judge Garduque with 4 of said cases already beyond the 90-day period for resolution; viz:

Number	Accused	Nature	Date Submitted	Before whom submitted for Decision
1. 1956	R. Ingles	Illegal Pos. of Firearm	6-30-97	J. Garduque
2. 1638	R. Ingles	Multiple Attempted Murder	6-30-97	-do-
3. 2802	R. Calaparan	Robbery with Homicide	12-8-97	-do-
4. 2207	Lagbo et al.	Murder	9-30-87	-do-

The following cases were still within the 90-day period for the rendition of decision:

1. 2147	R. Paular	Homicide	3-23-98	J. Garduque
2. 2580	R. Mirasol	F. Murder	3-16-98	-do-

Two cases had pending matters or incidents for resolution by the court beyond the 90-day period allowed therefor:

1. 2234	Canlas	Vio. of BP. 22	11-7-97
2. 2609	Solleza	Rape	3-1-97