

EN BANC

[A.M. No. RTJ-98-1412, July 19, 2000]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE PANFILO S. SALVA, RTC, BRANCH 47, PUERTO PRINCESA
CITY [FORMERLY OF MTCC, PUERTO PRINCESA CITY] AND
JUDGE FERNANDO R. GOMEZ, JR., MTC, BROOKE'S POINT,
PALAWAN, RESPONDENTS.**

DECISION

KAPUNAN, J.:

The Office of the Court Administrator (OCA) conducted a judicial audit of the cases submitted for decision or resolution in the Municipal Trial Court in Cities (MTCC) in Puerto Princesa City in 1997. The said court is presided by Judge Jocelyn S. Dilig, who was appointed on March 17, 1997 and who assumed her duties as presiding judge on June 1, 1997 after undergoing the orientation and immersion programs for newly appointed judges. The audit was made on the cases which Judge Dilig inherited from her predecessors, namely: (1) Judge Ofelia Abueg Sta. Maria who was appointed as presiding judge on January 30, 1987, vice Judge Filomeno Vergara, who had been promoted to the RTC; (2) Judge Panfilo S. Salva who was appointed as presiding judge of the MTCC in Judge Sta. Maria's stead on February 9, 1989 until his promotion to the RTC on April 3, 1995; and (3) Judge Fernando R. Gomez, Jr. of the Municipal Trial Court in Brooke's Point, Palawan, who was designated acting presiding judge until May 31, 1997 when Judge Dilig assumed her post.

The audit team discovered that there were seventy-five (75) cases submitted for decision or resolution which Judge Dilig inherited from her predecessors. Sixty-four (64) of the 75 cases were left undecided or unresolved by Judges Sta. Maria and Salva, while the remaining eleven (11) cases were submitted for decision or resolution when Judge Gomez was acting presiding judge of the MTCC.^[1]

In its report, dated August 11, 1997, the audit team stated that sixty-one (61) cases left undecided by Judges Sta. Maria, Salva and Gomez were not reflected in the reports of cases of the MTCC for the months of March and April 1997. The members of the audit team had the impression that this was purposely done to mislead those concerned, or to make it appear that cases pending before the said court were properly managed by former Clerk of Court Crispin Canonico, although they believed that Clerk of Court Eriberto R. Sabas who replaced him should have personally made an inventory of the court's cases after his assumption to office on April 1, 1996.^[2]

The audit team also reported that the case records of Criminal Case Nos. 10335 and 10336 were missing or not presented to them during the audit. Mr. Sabas allegedly claimed that said case records were in the possession of former Presiding Judge

Salva, but the latter contradicted said claim and averred *that* the records were with the MTCC.^[3] The audit further revealed that Sheriff Ernesto T. Simpliciano failed to make the returns of two writs of execution in two separate civil cases^[4] within the prescribed period.

Based on the foregoing, the Court Administrator recommended, among others, that Judges Salva and Gomez be fined for their failure to decide or resolve the cases submitted to them for decision within the reglementary period; that Clerk of Court Eriberto R. Sabas be directed to explain why he should not be held administratively liable for failure to produce the case records requested by the audit team and reprimanded for not reflecting all the cases pending before the MTCC in the Monthly Report of cases for March and April 1997; and that Sheriff Simpliciano be directed to explain why he should not be held administratively liable for failing to make the returns of the writs of execution dated November 20, 1995 in two separate civil cases within the prescribed period.^[5]

Acting on the report of the Audit Team of the OCA, dated August 11, 1997 and the Recommendation of the Court Administrator, dated September 12, 1997, this Court issued a Resolution stating, thus:

1. Judge Panfilo S. Salva of the RTC, Branch 49, Puerto Princesa City, is REQUIRED to comment within a non-extendible period of ten (10) days from notice hereof his failure to render decisions or resolutions within the 90-day reglementary period in 39 criminal cases and for failure to resolve the Motion to Quash in one criminal case and to decide four (4) civil cases based on the pleadings or evidence.
2. Judge Fernando R. Gomez, Jr. of the Municipal Trial Court of Brooke's Point, Palawan is:
 - a.) DESIGNATED assisting judge of the MTCC, Puerto Princesa City, as recommended by the Court Administrator;
 - b.) REQUIRED to file comment within ten (10) days from notice why he failed to decide or resolve within the 90-day reglementary period six (6) criminal cases and four (4) civil cases submitted for his decisions or resolutions mentioned in the Court Administrator's Report while he was the acting presiding judge of the MTCC, Puerto Princesa City;
 - c.) DIRECTED to render his decision in the aforementioned cases; otherwise, his salary checks for December, 1997 will be withheld and will be released only upon showing proof that he has already complied with this directive.
3. Judge Jocelyn S. Dilig, of the MTCC, Puerto Princesa City [is]:
 - a.)....COMMENDED for her valuable services with respect to the cases turned over to her by her predecessor;
 - b.)....DIRECTED within ten (10) days from notice to furnish this Court through the Office of the Court Administrator the names of

the stenographers who have not complied with her directives to submit to her or attach to the respective records of cases, indicating therein the dates of the proceedings, with untranscribed notes;

4. Clerk of Court Eriberto R. Sabas of the MTCC, Puerto Princesa City is DIRECTED to explain in writing within ten (10) days from notice why he should not be held administratively liable for his negligence for failure to produce the records of Criminal Cases Nos. 91-10335 and 91-10336 when requested by the audit team and for violation of existing rules and regulations pertaining to the accomplishment of Monthly Reports of cases by not reflecting therein the sixty-one (61) cases submitted for decision or resolution left undecided or unresolved by the former presiding judge thereat;
5. Sheriff Ernesto T. Simpliciano is DIRECTED to explain in writing within ten (10) days from notice, why he should not be held administratively liable for dereliction of duty for not making the returns within the prescribed period of the writs of execution issued in two (2) civil cases both dated November 20, 1995; and
6. An Audit Team of the Office of the Court Administrator be authorized to immediately proceed to Puerto Princesa City to conduct a judicial audit and physical inventory of pending cases, particularly those cases submitted for decision or resolution in all branches (except Branch 52) of the RTC thereat.^[6]

The respondents submitted their respective explanations in compliance with the aforementioned resolution.

In his manifestation, dated December 3, 1997, Judge Salva accepted full responsibility for his inability to resolve the 38 criminal cases^[7] and four civil cases when he was still presiding judge of the MTCC, stating that:

x x x

With all humility, I admit having failed to decide said cases within the time frame required and I can not state any reason for my failure to do so except that it was a case of sheer negligence on my part. It was really my fault for not making a personal inventory of cases submitted for decision. I just relied on the monthly reports prepared by the then Clerk of Court. He included in the monthly reports only those cases with complete transcript of stenographic notes and excluded therefrom the cases without or with incomplete transcript of stenographic notes.^[8]

Judge Salva, however, prayed for leniency and urged the Court to take cognizance of the fact that as the presiding judge of the MTCC in Puerto Princesa City from February 9, 1989 to April 10, 1995, he was able to decide, resolve or dispose of 2,499 cases, an output which is not way below the output performance required of a Judge.^[9] He stated further that his output as RTC judge is not below par. In addition to being the regular presiding judge of RTC of Palawan, Branch 49--which has been designated to exclusively try heinous crimes--since January 1995, he was also designated as Acting Presiding Judge of Branch 51 of the same court since January 1996. As such acting presiding judge, he was able to dispose of 16 criminal cases

and one civil case submitted for decision or resolution but left undecided or unresolved by Judge William Duhaylungsod. Judge Salva likewise served as Vice-Executive Judge from June 1995 to December 1996, and Executive Judge of the Regional Trial Court of Palawan since January 1997. Furthermore, Judge Salva informed the Court that he was responsible for spearheading the improvement and beautification of the Justice Hall compound in Puerto Princesa City.^[10]

He also clarified that Criminal Case No. 10952, which was among the list of cases allegedly left undecided by him when he was still the MTCC Judge as cited by the Court in its November 11, 1997 Resolution, was submitted not to him but to Judge Dilig on June 30, 1997. Judge Salva added that he had already decided Criminal Case No. 10186, which was also included in the list of cases allegedly left undecided by him, on October 20, 1997.^[11]

Judge Fernando Gomez, Jr., for his part, explained in a letter, dated December 12, 1997, that of the 11 cases allegedly not decided or resolved by him during his term as presiding judge of the MTCC, five (5) have already been decided while the remainder could not be decided or resolved because the transcript of stenographic notes for the said cases were still incomplete, and he could not have decided the cases without these considering that the cases were initially tried by his predecessor. Anent his designation as Assisting Judge of the MTCC, to hold office thereat during the first week of each month, Judge Gomez requested that he be allowed instead to hold office in the MTCC on the last week of each month to enable him to handle his duties as such, together with the cases pending in the same court which were recently assigned to him by RTC Executive Judge Salva.^[12]

In his Explanation, dated December 16, 1997, as to why he should not be held administratively liable for his negligence in not producing the records requested for by the audit team, the Clerk of Court of the MTCC of Puerto Princesa City, Mr. Eriberto R. Sabas, averred that he was never directly asked by any of the audit team members to produce the records and claimed that they were just on top of his table all the time that the audit team was looking for them. With respect to his failure to include the 61 cases found submitted for decision in the Monthly Reports for March and April 1997 which were submitted to the Court Management Office of the OCA, Mr. Sabas reasoned that the MTCC during Judge Salva's time did not consider a case as submitted for decision until after the corresponding transcript of stenographic notes had been submitted by the stenographer.^[13]

Likewise, in compliance with the Court's November 11, 1997 Resolution, Judge Dilig submitted the list of cases with incomplete stenographic notes and the names of the stenographers responsible therefor.^[14]

Sheriff Ernesto T. Simpliciano, meanwhile, begged the Court's indulgence for his alleged dereliction of duty for not making the returns within the prescribed period of the writs of execution both dated November 20, 1995 which were issued in two separate civil cases. He explained that the inadvertent lapse was due to the volume of work in said court. Since the MTCC is a single sala court, he was not only preoccupied with effecting writs of execution but was also busy serving notices of daily hearings to party litigants. Sheriff Simpliciano pointed out that the instances mentioned in the audit team's report were the only instances where he failed to make prompt corresponding returns in his years of service as a sheriff.^[15]