

EN BANC

[A.M. No 98-3-112-RTC, February 25, 1999]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN RTC-BR. 162, PASIG CITY AND MONITORING OF TRIAL COURTS THEREAT

D E C I S I O N

QUISUMBING, J.:

On October 15 to 17, 1997, the Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of pending cases in Branch 162, Regional Trial Court, Pasig City, in view of the compulsory retirement of its presiding judge, Judge Manuel S. Padolina, on November 5, 1997.^[1]

The audit team found that as of October 15, 1997, there were 183 pending cases in Branch 162. Only 11 of these cases had been submitted for decision and of the 11, two had already gone beyond the 90-day reglementary period for deciding cases as provided for by the Constitution. The audit team also discovered that - (1) motions and other matters for resolution remained pending in 21 cases; (2) trials were ongoing or hearing dates had been set for 76 cases; (3) no further action had been taken in nine cases after a considerable length of time; and (4) warrants of arrest or summonses had been issued in connection with 45 cases.^[2]

After the cases actually examined were compared with the cases in the docket books, the audit team discovered that the records of 34 cases were not shown to it, thus, the team members' failure to determine the status thereof.

Monitoring of Pasig City trial courts was also conducted during the period between October 15 to 17, 1997.

Six Regional Trial Court branches were found to have very light caseloads as of September 30, 1997. These are Branches 152, 154, 156, 159, 160 and 167, with caseloads ranging from 51 to 100.

Two Metropolitan Trial Court judges were found holding sessions only in the afternoons, in violation of Administrative Circular No. 13, dated July 1, 1987, which provides:

"1. *Punctuality and strict observance of office hours.*-Punctuality in the holding of scheduled hearings is an imperative. Trial judges should strictly observe the requirement of *at least eight hours of service a day*, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. as required by par. 5 of the *Interim Rules* issued by the Supreme Court on January 11, 1983, pursuant to Sec. 16 of BP 129." (Emphasis in the original)

This is reiterated in Administrative Circular No. 1, dated January 28, 1988, which states:

"2.1. All Presiding Judges are directed to comply strictly with the guidelines established in Circular No. 13, July 1, 1987, on *punctuality and observance of office hours* x x x." (Emphasis in the original)

In addition, according to Executive Judge Ma. Cristina J. Cornejo, many court employees arrive late in the office. Judge Cornejo suggested that the Pasig City MeTC be provided with a bundy clock.

In its report dated January 30, 1998, the OCA recommended the following:

- (1) Impose a fine of P10,000.00 against Judge Manuel S. Padolina for his (a) failure to render decisions in Civil Cases No. 58866 and LRC N-1117, within the 90-day reglementary period; and (b) failure to resolve the pending incident in Civil Case No. 66012 within the prescribed period. The amount is to be deducted from his retirement benefits;
- (2) Commend the presiding judges and staffs of RTC Branches 152, 154, 156, 159, 160 and 167 for efficiently managing their cases;
- (3) Authorize the acting presiding judge of RTC Branch 162 to decide or resolve all cases that may be left undecided or unresolved by Judge Manuel S. Padolina, and to take appropriate action on cases (a) not further acted upon, (b) set in the court calendar after the lapse of a considerable length of time, and (c) with warrants of arrest or summonses.
- (4) Direct Judge Jose P. Morillos of MeTC Branch 70 and Judge Eugenio C. Mendinueto of MeTC Branch 72 to explain in writing why no administrative sanctions should be imposed upon them for holding court sessions only in the afternoons; and
- (5) Direct Atty. Aileen C. Sabarre, Branch Clerk of Court of RTC Branch 162 to: (a) cause completion of the TSNs tried or heard by Judge Padolina for use of the acting presiding judge; (b) immediately inform the court whether or not the draft decision in Civil Case No. 58866 had been finalized, signed by Judge Padolina, and released to the parties concerned; (c) apprise the acting judge of the status of nine civil cases not acted upon after a long time, and eight other cases wherein warrants of arrest or summonses have been issued; (d) immediately find out the status of the 34 cases not presented to the audit team and to send an appropriate report thereon;
- (6) Conduct a judicial audit and physical inventory of cases in RTC Branches 69, 155, 164 and 264 and all MeTC branches to ascertain the exact number and status of their pending cases; and
- (7) Direct the property division of the OCA to provide the MeTC with at least one bundy clock.^[3]