

EN BANC

[A.M. No. 98-3-34-MeTC, August 25, 1999]

**REPORT ON THE SPOT JUDICIAL AUDIT CONDUCTED IN
METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY.**

R E S O L U T I O N

VITUG, J.:

Following the spot judicial audit and physical inventory of pending cases, conducted on 25 and 26 September 1997, in the Metropolitan Trial Court of Quezon City, an Audit Team, composed of Atty. Maria Gracia C. Casaclang, Florentina A. Najarro, Susana M. Luber and Florencemaye Agbulos, with Justice Pedro A. Ramirez as consultant, reported that Presiding Judge Francisco P. Villanueva had, as of 31 July 1997, a caseload of 3,015 criminal and 182 civil cases, or a total of 3,197 cases, 55 of which (45 criminal and 10 civil) were submitted for decision. Six of the submitted cases, still unresolved, were found to be beyond the reglementary period for their disposition; to wit:

- (1) Case No. 5469, *People vs. Alex Nicol y Nipal*, submitted for decision on 11 April 1997
- (2) Case No. 15282, *People vs. Cuevas*, submitted for decision on 05 May 1997
- (3) Case No. 55607-09, *People vs. Amor De Leon*, all submitted for decision on 19 May 1997
- (4) Case No. 1994, *Country Bankers' Insurance vs. Ayala Integrated Steel*, submitted for decision on 07 February 1997

The Audit Team likewise found that 30 civil cases had remained unacted upon since the respective dates of the filing thereof, thus:

"CASE FILED	TITLE	DATE FILED
1. 17929	Victorio, et al. v. Patnongon	6-20-97
2. 18085	Monterey Protective Gen. Services v. Gomez	7-2-97
3. 17972	Pascual v. Guianan	6-26-97
4. 17839	Quedan & Rural Credit Guarantee Corp. v. Landicho, et al.	6-5-97
5. 17749	Dilidili v. Aguidan, et al.	5-19-97
6. 17643	VCD Intermed v. David	4-28-97

7. 17506	Avon Cosmetics v. Macayan	4-8-97
8. 16565	Aguilar v. Elepano	11-5-96
9. 16500	My Realty, Inc. v. Butihin	10-28-96
10. 15916	Balagtas, et al. v. Ignacio, et al.	7-3-96
11. 15713	Dra. Jongio v. Lapid	7-1-96
12. 804-E	U.P. v. Lometillo	9-18-96
13. 798-E	U.P. v. Itao	8-23-96
14. 15858	Cash Management v. Sps. Espanol	7-17-96
15. 15624	Bandera Publishing v. Amboy	6-14-96
16. 15488	Avon Cosmetics v. Novida	6-4-96
17. 16360	RMB Security & Gen. Services Corp. v. South Rock Realty Dev't Corp.	10-10-96
8. 14409	Pamandanan v. Sps. Vecla	11-29-96
19. 17338	Quedan & Rural Credit Guarantee Corp. v. Sps. Dulatre	3-11-97
20. 17172	Capitol Appliance Center, Inc. v. Marquez	2-24-97
21. 16047	Lopez v. Dr. Miguel Fil-American	8-26-96
22. 16730	Hardware Co. Inc. v. LMV Construction Corp.	11-29-96
23. 16692	Maristela v. Tamorong, et al.	11-21-96
24. 15363	Metro Resources Ent. v. Magsino, et al.	5-21-96
25. 15329	Quedan & Rural Credit Guarantee Corp. v. Uy, et al.	5-17-96
26. 15084	Quedan & Rural Credit Guarantee Corp. v. Samarita, et al.	4-19-96
27. 14707	RS Recapping Plant v. Colonina	2-27-96
28. 14011	Halili v. Cruz	11-21-95
29. 13663	Capistrano v. Agustin	9-29-95
30. 13140	Sanchez v. Mitra	7-20-95" ^[1]

No further proceedings were reported to have been conducted for a considerable length of time on the following 8 cases:

"CASE NUMBER	TITLE	REMARKS
1. 17982	HHP Multipurpose Coop. Inc. v. Guasis	No setting since sheriff's return dtd.

2. 17988	HHP Multipurpose Coop. Inc. v. Gongora	7-28-97. No setting since sheriff's return dtd. 7-29-97.
3. 17413	Monte de Piedad & Savings Bank v. Caluscusan	no setting since order dtd. 4-17-97 Directing the Issuance of Writ of Replevin.
4. 16937	Fernando v. Carlos, et al.	No setting since the hearing set last 2- 11-97
5. 14294	Pepsi-Cola Products Phil. v.	No setting since the Valerio issuance of order Granting MR & noting The notice of Appearance.
6. 15092	MWSS v. Dionisio	Case was forwarded to this branch per order dtd. 5-7-96 of Judge Apalit, MeTC, Br. 43 as Replacement for Civil Case No. 14938, however no further action since then.
7. 15074	Dayanghirang v. Castañeda	Forwarded to this branch per order dtd. 5-7-96 of Judge Apalit as replacement to Civil Case No. 14946, however no further action since then.
8. 15219	Colis v. Villanueva	Motion to Declare Def. In Default received by this branch on 10-29-96 thereafter no further action." ^[2]

For the period starting December 1996 up until March 1997, warrants of arrests, issued in 1,041 criminal cases, remained unserved. The cases were reflected to be pending in the court docket.

Finally, the Audit Team noted that the court had not been complying with Administrative Circular No. 90-94 (submission of Semestral Docket Inventory) since the second semester of 1994, and the Official Docket Book for criminal cases was not being used.

In its resolution of 24 March 1998, the Court resolved to:

"x x x (a) DIRECT: (1) Judge Francisco C. Villanueva to: (1-a) DECIDE within thirty (30) days from notice the following six (6) cases which he

deemed submitted for decision and are already beyond the reglementary period, to wit: Criminal Cases Nos. 5469, 15282, 55607, 55608, 55609 and Civil Case No. 1994; (1-b) INFORM this Court within ten (10) days from notice whether or not the following cases submitted for his decision/resolution but still within the prescribed period during the time of audit have been decided/resolved by him, to wit: Criminal Case Nos. 49874, 49875, 32878, 32879, 32880, 32881, 51489, 65598, 30001, 33667, 33467, 34046, 40440, 40441, 40442, 40443, 40444, 40445, 48845, 18846, 48847, 48848, 48849, 48850, 48851, 48852, 48853, 48854, 48855, 48856, 48857, 48858, 48859, 48860, 48861, 48862, 40794, 63571, 63572, 63573, Civil Cases Nos. 15055, 17729, 15565, 17976, 17178, 10354, 10355, 10356 and 10357; (1-c) EXPLAIN in writing within ten (10) days from notice why no disciplinary action should be taken against him for his failure to decide/resolve the abovementioned cases; (2) Clerk of Court III Danilo R. Buenaventura, Branch Clerk of Court, Metropolitan Trial Court, Branch 36, Quezon City, to: (2-a) take appropriate action within ten (10) days from notice on (aa) the following 30 civil cases which have no initial action taken thereon since the date of filing, to wit: 17929, 18085, 17972, 17839, 17749, 17643, 17506, 16565, 16500, 15916, 15713, 804-E, 798-E, 15858, 15624, 15488, 16360, 14409, 17338, 17172, 16047, 16730, 16692, 15363, 15329, 15084, 14707, 14011, 13663, 13140 and (bb) the following 8 civil cases with no further proceedings for a considerable length of time, to wit: Civil Cases Nos. 17982, 17988, 17413, 16937, 14294, 15092, 15074 and 15219 and (2-b) EXPLAIN in writing also within ten (10) days from notice why no disciplinary action should be taken against him for the delay in the aforementioned cases and for failure to submit the Semestral Docket Inventory of cases since the second semester of 1994 and to submit the same within the same period."

In his comment, Judge Villanueva informed the Court of the status of the cases; viz:

CASE NUMBER	TITLE	DATE DEEMED SUBMITTED	STATUS
1. 5469	PP v. Alex Nicol Y. Nipal	4-11-97	Decided - 4-24-98
2. 15282	PP v. Cuevas	5-5-97	Archived - 12-26-97
3. 55607	PP v. Amor de Leon	5-19-97	Promulgated - 11-7-97
4. 55608	-do-	-do-	-do-
5. 55609	-do-	-do-	-do-
6. 49874	PP v. Anres	8-4-97	Decided - 5-20-98
7. 49875	-do-	-do-	-do-
8. 32878	PP v. Tuan	8-20-97	Promulgated - 5-27-98
9. 32879	-do-	-do-	-do-
10. 32880	-do-	-do-	-do-
11. 32881	-do-	-do-	-do-
12. 51489	PP v. Atienza	9-18-97	Promulgated - 2-13-98
13. 65598	PP v. Apolonio	6-13-97	Promulgated - 4-29-98

14. 30001	PP v. Prado	7-7-97	Promulgated - 5-27-98
15. 33667	PP v. Cataina	7-14-97	Promulgated - 5-28-98
16. 33467	PP v. Lagonon	9-15-97	Promulgated - 5-27-98
17. 34046	PP v. Mesa	9-5-97	Promulgated - 5-27-98
18. 40440	PP v. Manalo	7-21-97	Dismissed - 1-19-98
19. 40441	-do-	-do-	-do-
20. 40442	-do-	-do-	-do-
21. 40443	-do-	-do-	-do-
22. 40444	-do- -	do-	-do-
23. 40445	-do-	-do-	-do-
24. 48845	PP v. Ortiz	9-10-97	Pending Trial
25. 48846	-do-	-do-	-do-
26. 48847	-do-	-do-	-do-
27. 48848	-do-	-do-	-do-
28. 48849	-do-	-do-	-do-
29. 48850	-do-	-do-	-do-
30. 48851	-do-	-do-	-do-
31. 48852	-do-	-do-	-do-
32. 48853	-do-	-do-	-do-
33. 48854	-do-	-do-	-do-
34. 48855	-do-	-do-	-do-
35. 48856	-do- -	do-	-do-
36. 48857	-do-	-do-	-do-
37. 48858	-do-	-do-	-do-
38. 48859	-do-	-do-	-do-
39. 48860	-do-	-do-	-do-
40. 48861	-do-	-do-	-do-
41.	-do-	-do-	-do-