

SECOND DIVISION

[A.M. No. 97-9-282-RTC, April 22, 1998]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 27, OF LAPU-LAPU CITY, PRESIDED OVER BY JUDGE TEODORO K. RISOS

D E C I S I O N

REGALADO, J.:

In view of the compulsory retirement of Judge Teodoro K. Risos on December 12, 1997, a judicial audit was conducted at the Regional Trial Court, Branch 27, Lapu-Lapu City on all pending cases therein, including those submitted for decision. Acting on the Report of Judicial Audit Team dated August 27, 1997, the Court *En Banc* resolved on October 7, 1997, among others, to: (a) direct Judge Risos to : (1) render his decision in criminal cases^[1] and civil cases^[2] already submitted for decision and submit proof of such disposal; (2) explain why no court action should be taken against him for his failure to decide some cases within the 90-day period; (3) explain why no court action was taken for a considerable length of time in some criminal cases^[3] and civil cases^[4] pending before his court; (b) require Atty. Annie Christine B. Patalinghug, Branch Clerk of Court, Regional Trial Court, Branch 27, Lapu-Lapu City (b-1) to explain: (aa) why no Certificates of Arraignments and Minutes of the Hearing are attached to the records of some cases; (bb) why the docket books are not updated and (b-2) direct her to devise an effective system in the management of court records; and meanwhile (c) the Financial Management Office of the Office of the Court Administrator is directed to withhold the sum of One Hundred Thousand Pesos (P100,000.00) from the retirement benefits which may be due to Judge Risos to answer for whatever administrative liabilities may be imposed upon him should he fail to satisfactorily explain the delay in the resolution and the inaction in some cases pending in his sala.

Judge Risos, in compliance with said resolution, filed his First Indorsement dated November 20, 1997, and submitted the following information and explanation to this Court, to wit: (1) All the criminal and civil cases enumerated in Directive No. 1 of the Resolution have already been disposed of, as evidence by accompanying copies of the corresponding decisions; (2) The reason why some cases were decided beyond the 90-day period was due to: (a) the pressure of work, being the Executive Judge of the RTC of Lapu-Lapu City, (b) the fact that he had to slow down his work after his second heart attack, (c) slow turnout of transcripts, (d) the destruction of his notes taken down during the hearing of said cases when a portion of the roofing of the dilapidated building where Branch 27 is being housed was removed by the last typhoon which hit Cebu, and (e) preference was given to the disposition of cases involving detention prisoners; (3) It is not correct that no action was taken for a considerable length of time in the criminal, civil and cadastral cases mentioned in Directive No. 3 of the resolution. He reasoned out that all the criminal cases mentioned there have already been disposed of, except Criminal Case No. 517. It was one of the 89 inherited cases heard and submitted for decision before the late Judge Ceferino Dulay, and the testimony of

the accused and his witnesses were not transcribed by the stenographer who died, hence a retaking has been ordered. Some of the civil and cadastral cases mentioned have been disposed of and/or are still awaiting the Land Registration Authority (LRA) report.

A judicious examination of the records shows that out of the ten (10) criminal cases reported to have been pending decisions beyond the 90-day period required, Judge Risos was able to decide eight (8) criminal cases before he tired. With regard to the other two (2) criminal cases, Criminal Case No. 01234 should not have included in the list as it was submitted for decision only on July 1, 1997, hence still within the required period. In fact, it was decided by Judge Risos on August 14, 1997. Criminal Case No. 01234 should not have been included in the list as it was submitted for decision only on July 1, 1997, hence still within the required period. In fact, it was decided by Judge Risos on August 14, 1997. Criminal Case No. 012139 was archived because the accused is presently at large.

Regarding the six (6) civil cases reported to have been pending decision beyond the required period, Judge Risos was able to decide four (4) of them before he retired. Civil Case No. 2715-L was still set for hearing on January 30, 1998, and Civil Case No. 2976-L was reraffled to the newly created Branch 54.

As to the cadastral cases, Judge Risos was able to act on those cases which were reported to have remained unacted upon although after the lapse of a considerable length of time, with the exception of those cases awaiting the LRA reports. Furthermore, Criminal Case No. 018085 and ASA VII-05-1147 were inadvertently reported by the auditing team, as there were no such cases in his sala.

The Office of the Court Administrator (OCA) noted that although Judge Risos was able to decide those cases that had long been submitted for decision beyond the 90-day period, as well as several other cases which were submitted for decision but still within the prescribed period, he failed to present any proof that they were duly filed with the Clerk of Court as required by Section 1, Rule 36 of the 1997 Rules of Civil Procedure.

[5] No registry receipts nor any evidence were attached to show that copies of the decisions were duly served upon the parties either personally or by registered mail as required by Section 9, Rule 23. [6] His judgments in the criminal cases likewise failed to indicate whether they had already been promulgated. Evidently, it is not enough that judges write their decisions; it is also just as important that they promulgate and make them know to all parties concerned. [7]

On January 28, 1998. A verification call was made by the OCA with the new OIC-Clerk of Court, Dolores P. Lagrimas. She informed the said office that the decisions were duly filed with the Clerk of Court, that the parties were duly served with copies of the decisions, and that the judgments in the criminal cases had already been promulgated. She further explained that the inclusion of two (2) non-existing cases in the list was due to typographical errors in the case numbers because the resolution of this Court merely enumerated the case numbers without specifying the titles of the cases.

Although Judge Risos was able to decide practically all the criminal and civil cases enumerated in Directive No. 1 of the Resolution dated October 7, 1997, the records nonetheless reveal that they were decided beyond the 90-day period. This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, pursuant to Rule 3.05, Canon 3 of the Code of Judicial conduct and section 15(1) and (2), Article VIII of the Constitution. This requirement is designed to