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[A.M. No. 97-3-85-RTC, June 18, 1998]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONALTRIAL COURT, BRANCHES 4 AND 23, MANILA, AND METROPOLITAN TRIAL COURT, BRANCH 14, MANILA.

R E S O L U T I O N

DAVIDE, JR., J.:

In view of the compulsory retirements of the respective presiding judges, judicial audits on all pending cases were conducted by the Office of the Court Administrator (OCA) at Branches 4 and 23 of the Regional Trial Court of Manila and Branch 14 of the Metropolitan Trial Court (MeTC) of Manila. The respective presiding judges and dates of retirement were as follows: Judge Betino Reyes of Branch 4, RTC, on 17 April 1997; Judge William Bayhon of Branch 23, RTC, on 12 July 1997; and Judge Bienvenido Salamanca of Branch 14, MeTC, on 4 February 1997.

As disclosed in the OCA Memorandum dated 4 September 1997, the audit uncovered the following material points:

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> REGIONAL TRIAL COURT, BRANCH 23, MANILA
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> The Audit Team examined the records of 59 civil cases. Of the said cases, two (2) were filed in January 1997, one (1) archived in December 1996, one (1) decided also in December 1996 and another in January 1997. According to the team they found it difficult to reconcile the records of cases that were actually examined with the cases recorded/listed in the Court's Docket Books. Some of those cases the records of which were examined were not reflected in the Docket Book while there were pending cases listed in the court docket which records [were] deemed considered missing inasmuch as the records could not be presented to them. The Court does not have an effective system of monitoring the status of cases. It was observed that the Docket Book is a useless source of determining the true number of cases filed with the Court because of the inconclusive entries entered thereon. Likewise, a scan of the Docket Book disclosed that from the mid-eighties onwards, there was no conscientious recording of the status of quite a number of cases. The person in-charge of the civil cases was advised to update the Docket Book reflecting therein the outcome or current status of the said cases.
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> The civil cases which were deemed Submitted For Decision/Resolution Beyond The 90 Day Reglementary Period Within Which To Decide A Case are as follows:

1. 94-69553 entitled "Arubuche vs. Santiago and Furigay", case deemed submitted for decision as stated in the Minutes dated October 16, 1996.

2. 91-59300 entitled "Hipolito vs. Santos, et. al.", March 18, 1996.

3. 93-68026 entitled "Sps. Jaime and Luisa Chim vs. Anita Agad", March 19, 1996.

4. 87-41813 entitled "Phil. Commercial Credit Card, Inc. vs. Janet de Leon and Rogelio de Leon", January 16, 1995.

5. 90-52369 entitled "Sun Insurance Co. of New York vs. Eastern Shipping Lines", Motion to Dismiss is submitted for resolution as stated in the Minutes dated September 29, 1993.

6. 87-40034 entitled "Phil. Home Assurance Corp. vs. Phil. President Lines, Inc.", July 15, 1996.

7. 87-42092 entitled "Provident Insurance Corp. vs. Wallem Phil. Shipping", August 21, 1995.

8. 93-66693 entitled "Sps. John and Susan Diaresco Yu vs. Roderick 'Rommel' D. Ortega", case is submitted as stated in the minutes dated November 13, 1995.

9. 83-15232 entitled "Raymundo Armsuit, et al. vs. Government Service Insurance System",

   Order dated January 15, 1997
   - parties given a non-extendible period of 30 days to file their respective memoranda.

10. 94-69717 entitled "Pechaten Corp. vs. Amelia C. Generoso, et al.

    This is a case of Unlawful Detainer. As informed by a staff of the court, the release of rental deposit was submitted for resolution on March 6, 1995.

11. 91-57827 entitled "Jose B. Yu, et al. vs. Milagros R. Chico, et al."

    Order dated November 9, 1995

- Parties are given a period of 45 days from receipt of this Order to submit their respective memorand[a].

Motion for Extension of Time to file Memorandum submitted by plaintiff dated January 10, 1996.

The Civil Cases Where No Court Action Was Taken For A Considerable Length Of Time are as follows:

1. 92-62329 entitled "Francisco Roxas vs. City of Manila, City Tenants Security Committee and Arcadio Rabuya".
   This case filed on August 20, 1992, no action taken.
2. 92-63479 entitled "Shik Tsai Ah, a.k.a. Lao vs. Yu Siu Peng, a.k.a. Pablo Go".
   The latest court action in this case is an Order dated March 22, 1993 where trial was cancelled until further notice due to the non-resolution of the motion to dismiss and opposition thereto.
3. 92-63263 entitled "Uricio V. Magno, Sr., etc. vs. Teofilo Jamarolin, etc."
   In an Order dated December 10, 1993, defendants were given 10 days to file a comment on the motion to admit amended complaint. No further action was taken on this case.
4. 94-69120 entitled "Mercedita R. Esguerra vs. Magdiwang H. Recato, etc.".
   The latest court action is an Order dated September 23, 1994 resetting trial to October 31, 1994. No further action taken by the court.
5. 93-68336 entitled "Felicidad Go vs. Eduardo M. Cua".
   In an Order dated March 4, 1994, defendant-intervenor was given an extension of time to file answer in intervention, no further action taken.
6. 93-67888 entitled "Phil. Bank of Communication vs. Ernesto Gan".
   The latest court action is an Order dated December 2, 1994 reinstating this case and directing the plaintiff to follow-up so that defendant may be served with summons, no further court action.
7. 93-68687 entitled "Metropolitan Dev't. Cooperative Inc. vs. Edelgrace Merio".
   Summons duly served per Process Server's Return dated March 8, 1994, no further action.
8. 95-72743 entitled "Herminia Castro, et. [sic] al. vs. Herminia Pangan, et. [sic] al.".
   Process Server's return dated April 12, 1995: summons duly served. No further action.
9. 92-60715 entitled "Singer Sewing Machine Co. vs. Elvira N. Tajanlangit".
   Plaintiff filed a motion for the appointment of a special sheriff on August 31, 1992. No further action.
10. 95-72867 entitled "Philippine Commercial International Bank vs. Roderick Agoncillo, Nenita Agoncillo & John Doe".
    No return of service on the Order for the seizure of personal property dated march 17, 1995.
11. 93-66933 entitled "Joseph Seng Beng vs. Solid Bank Corporation and Jose N. Chua".

Latest court action is an Order dated February 3, 1994 dismissing the case against Solid Bank. Case against Jose N. Chua still pending as of February 3, 1994.

12. 93-67721 entitled "Heracio R. Revilla vs. Manuel G. Gargantill".
    The latest court action was an Order dated October 26, 1994 granting plaintiff[']s motion for reconsideration of the order of dismissal. In the same order, counsel, presumably of the plaintiff, was directed to see the Clerk of Court so that the necessary action can be taken to prosecute the case.
13. 91-58374 entitled "Maria Minda Buenaflor, et. [sic] al. vs. Far East Bank and Trust Co.".
    The latest court action is an order dated June 21, 1995 setting the case for conference on June 27, 1995.
14. 95-73057 entitled "Pacific Star, Inc. vs. Carmelino Nazareno & Emilia Nazareno".
    A revival of judgment [was] filed on February 24, 1995. No action taken by the court was reflected.
15. 94-70101 entitled "Marissa Del Mundo-Rimando & James Rimando vs. Sps. Liwanang, et. [sic] al.".
    Latest court action is an Order dated September 18, 1995 which among others granted defendant's counsel[']s motion for extension of time to file responsive pleadings.
16. 92-61530 entitled "Malayan Insurance Company, Inc. vs. Tritran Inc.".
    In an order dated July 28, 1993 the court manifested that it is duty bound to determine which is at fault and could do so after receiving the evidence. No further action.
17. 94-72035 entitled "Phil. Bank of Communications vs. Creative Self-Reliance Enterprises, Inc.".
    Latest court action is an order dated October 17, 1995 where Mr. Edwin Adora of Jaguar Agency is ordered to appear on October 20, 1995.

CRIMINAL CASES

The Audit Team was able to physically examine the records of 52 criminal cases. Of these, two (2) were filed in January 1997, one (1) decided and another dismissed also in January 1992. The person in-charged [sic] of the Criminal Cases provided the team with a list of the 50 pending criminal cases as of November 30, 1996, however, the records of some of those included in the list were neither seen nor examined by any member of the team and there were records of pending cases examined by the team which are not among those listed. The state of the Court's Docket Book on criminal case[s] is the same as that of the civil cases.

METROPOLITAN TRIAL COURT, BRANCH 14, MANILA

The number of Pending Cases Including Those Submitted For Decision as of December, 1996 as provided by Atty. Igama, Branch Clerk of Court thereat are as follows:

Civil Cases - 92
Criminal Cases - 948

CIVIL CASES

The Audit Team was able to physically examine the records of only 80 of the pending civil cases. They were informed by the court employees that there are records inside the chambers of Judge Salamanca. Thus, they requested repeatedly the Branch Clerk of Court to get the records inside the Judge's chambers, especially those submitted for decision, so that the same may be examined. Much as the Branch Clerk of Court wanted to accommodate their request, she reluctantly told them that she is unable to bring out the records. Hence, the Team concluded that it was Judge Salamanca who did not want to have the records inside his chambers to be checked or examined by the team.

The Civil Cases Whose Records Were Not Physically Examined By the Audit Team are as follows:

1. 142626 entitled "C & R de Guzman Realty Inc. vs. Eduardo Bernabe, Jr.", filed on September 24, 1993;
2. 147959 entitled "U.P. vs. Erlinda Mangnon", filed on April 17, 1995;
3. 150146 entitled "Co-Workers Baptist Lot Owners Asso., Inc., and/or its members namely: "Antonio I. Señora, et. [sic] al. vs. Dionisio dela Serna, et. [sic] al.", filed on February 22, 1996;
4. 150494 entitled "Manotoil Services Inc., vs. Cipriano Garcia" filed on February 5, 1996;
5. 150605 entitled "Antonette Tan, et. [sic] al. vs. Sps. Ruben Buragay, et. [sic] al." Filed on February 13, 1996;
6. 150968 entitled "Phil. Commercial, Int'l. Bank vs. Dolores M. Yu, et. [sic] al.," filed on March 13, 1996;
7. 151475 entitled "BPI Family Savings Bank Inc. vs. Remedios V. Coronongan, et. [sic] al.", filed on May 13, 1996;
8. 154088 entitled "Sps. Antonio Factor, et. al. vs. Remedios V. Coronongan, et. [sic] al.", filed on December 20, 1996;
9. 040701 entitled "Agus Dev't. Corp. vs. Cristina Mendoza" filed on January 17, 1979;
10. 045022 entitled "Josefina A. Apostol vs. Feliciano Elbino", filed on May 30, 1979;
11. 051855 entitled "20th Century Hardware Co., Inc. vs. Natividad T. Genato", filed on February 2, 1980;
12. 073082 entitled "BA Finance Corp. vs. Lonita Kuizon, et. [sic] al.", filed on April 22, 1982;
13. 120634 entitled "Josefa Peralta Subrino vs. Esmeralda Urrutia", filed on April 8, 1987;
14. 128363 entitled "DPG and Management Corp. vs. Mermont Packaging, Inc.", filed on April 18, 1989;
15. 142053 entitled "Ernesto A. Riveral vs. Florencio Guevarra", filed on July 7, 1993.

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Civil Cases Deemed Submitted For Decision Beyond The 90-day Reglementary Period Within Which To Decide A Case: