

## EN BANC

[ A.M. No. 96-5-176-RTC, September 25, 1998 ]

**OFFICE OF THE COURT ADMINISTRATOR (OCA), COMPLAINANT,  
VS. RTC JUDGE AMELITA D.R. BENEDICTO AND ATTY. EVA G.  
BASIYA-SARATAN, CLERK, OF COURT V, RTC, BRANCH 32  
ILOILO CITY, RESPONDENTS.**

### DECISION

**MARTINEZ, J.:**

On May 13, 1996, the Office of the Court Administrator (OCA) submitted to this Court for consideration a Report on the Judicial Audit and Physical

Inventory of Pending Cases<sup>[1]</sup> in the Regional Trial Court (RTC), Branch 32, Iloilo City as conducted by a Judicial Audit Team of the Office of the Court Administrator (OCA).<sup>[2]</sup>

However, in view of the Court's acceptance of the resignation of Judge Amelita del Rosario Benedicto, Presiding Judge of the aforementioned Regional Trial Court, effective at the close of office hours on June 28, 1996, the Report was referred back to the OCA for re-evaluation. Such acceptance was, however, without prejudice to administrative cases that may be filed against her.<sup>[3]</sup>

In its Memorandum dated October 28, 1996,<sup>[4]</sup> the OCA reiterated the findings contained in the above-stated Report and submitted its recommendations to the Court, the dispositive portion of which reads:

"WHEREFORE, in view of the above-mentioned findings of the Judicial Audit Team and considering that the acceptance of the resignation of Judge Benedicto is without prejudice to the filing of administrative cases that may be filed against her in relation to the audit report, it is hereby RECOMMENDED that:

1. Former Judge Amelita D.R. Benedicto, RTC, Branch 32, Iloilo City, be:  
(a) ADMINISTRATIVELY CHARGED for her failure to render decisions or resolutions within the prescribed 90-day period in the forty-three (43) cases she totally tried, to wit: Criminal Cases Nos. 30959, 34182, 35049, 35871, 35960, 36026, 36068, 36179 to 36182, 36351, 36949, 37103, 37179, 37200, 37627, 37686, 37732, 38530, 39228, 39230, 39396, 39537 to 39539, 39599, 39756, 43345 & 43497, and Civil Cases Nos. 19349, 19547, 19560, 19895, 20237, 20427, 20932, 21148, 21485, 21587, 21631, 21862 & 22367; in the five (5) criminal cases she partly tried with complete transcripts of stenographic notes, to wit: Criminal Cases Nos. 20068, 30633 to 30636; in the twenty-four (24) appealed cases, to wit: Criminal Cases Nos. 39358, 44103, 44526 & 44527, and

Civil Cases Nos. 19615, 19892, 20417, 20747, 20759, 20948, 21139, 21444, 21681, 21755 to 21763, 22310 & 22539; and in the twenty (20) cases with matters for resolution, to wit: Criminal Cases Nos. 35960, 37564, 41340, 41466 to 41475, 42496 & 43021, and Civil Cases Nos. 18478, 19971, 21901, 22217 & 22449, and that accordingly she be REQUIRED to EXPLAIN why she should not be held liable therefor.

2. Former Judge Amelita D.R. Benedicto and Branch Clerk of Court Eva B. Saratan, RTC, Branch 32, Iloilo City, be DIRECTED to EXPLAIN within five (5) days from notice, a) why no administrative sanctions should be taken against them for indicating in Item No. VII, Page 2, in their March, 1995 Monthly Report of Cases that there were no cases submitted for decision, when in fact there were; and b) why the records of sixty (60) cases could not be located and presented to the Audit Team for inspection.

3. Branch Clerk of Court Eva B. Saratan, RTC, Branch 32, Iloilo City, be DIRECTED to: (a) PREPARE a list within five (5) days from notice of the following cases partly tried/heard by former Judge Amelita D.R. Benedicto and submitted for her decision/resolution which lack transcripts of stenographic notes to wit: Criminal Cases Nos. 30709, 31071, 32638, 32883, 33789 & 34203, and Civil Cases Nos. 14981, 16447, 17154, 18306, 18519 & 18710 indicating therein the dates of the proceedings and the stenographers who took down the same; (b) SECURE the comment/s of these stenographers concerned within seventy-two (72) hours from notice on why no administrative sanctions should be taken against them for their delay in the transcription of their respective stenographic notes in these cases and then to immediately TRANSMIT the Comments to this Court through the Office of the Court Administrator; (c) immediately REQUIRE the stenographers concerned to finish the transcription of their stenographic notes in the subject cases and attach these to the respective records thereof within fifteen (15) days from notice; (d) LOCATE the records and ASCERTAIN the status of the 60 civil and criminal cases not presented to the Audit Team for inspection, then SEND a corresponding report to this Court through the Office of the Court Administrator within five (5) days from notice, and EXPLAIN why no administrative sanction should be taken against her for GROSS INEFFICIENCY in controlling and managing court records; and (e) DEVISE immediately a more effective and efficient system in the filing, update and orderly upkeep of records of cases.

4. The Finance Division be DIRECTED to withhold all leave and retirement benefits and privileges to which former Judge Benedicto may be entitled until after the termination of the instant case."

On December 3, 1996, the Court issued a resolution<sup>[5]</sup> directing Judge Amelita D.R. Benedicto, Clerk of Court Saratan, and the Finance Division of the OCA to comply with the aforementioned recommendations by the Court Administrator.

In compliance therewith, respondent Judge submitted her COMMENT, dated February 13, 1997,<sup>[6]</sup> stating therein that she tendered her resignation with full knowledge that by doing so she is "not off the hook" and will not be entitled to any retirement benefits even under Republic Act 1616.

Judge Benedicto explained that her resignation was brought about by the realization that although she was an honest judge, she was not efficient and competent particularly with respect to the adjudicative aspects of her duties. She manifested that as early as 1993 she already had the intention to apply for retirement under R.A. 1616 but she was able to file her application only in 1995 due to the following reasons, to wit<sup>[7]</sup>:

1. In order to please her mother, the late Judge Amelia K. del Rosario, who had hoped to see her appointed to the Court of Appeals, a position which the late Judge del Rosario had aspired for;
2. In order to sustain the medications and hospitalization expenses incurred when her mother suffered from diabetes mellitus and diabetic coma, on September 15, 1993, which required hospitalization at least twice a month up to the time of her death on September 15, 1996;
3. So that she could continuously give financial support to her brother, Judge Deogracias K. del Rosario, MCTC, Patnongon-Bugasong, Antique who had not received his salary for the past three (3) years due to his failure to secure his clearance as Clerk of Court, as well as her other siblings whom she claims are "all financially hard up;"
4. So that she could apply for the position of Regional Director of the Public Attorney's Office (PAO) which she thought would be vacated by September, 1995, upon the compulsory retirement of Atty. Napoleon G. Pagtanao, although that would mean a demotion for her. However, Atty. Pagtanao was granted a six-month extension;
5. So that she would have a fixed salary to meet the expenses relative to the above-mentioned circumstances.

Notwithstanding these circumstances, Judge Benedicto claimed that she had not taken advantage of her position as judge. She further asserted that after twenty-six (26) years of service her only real property consisted of a residential lot purchased through a Pag-Ibig loan which, nonetheless, had to be sold to her niece to help the family. Resultantly, she and her husband rented the house owned by her sister-in-law where they have constructed a small backyard piggery.

The respondent judge admitted that she had failed to render decisions within the 90-day period on the cases mentioned in the Report of the Judicial Audit Team, not due to any malice on her part but rather because of the lack of focus on her work and the inability to think judiciously due to her personal problems.

Another contributory factor in the clogged docket of RTC, Branch 32, Iloilo City, specifically in the years 1994 to 1995, according to respondent, was the fact that she was designated as Acting Presiding Judge of RTC, Branch 33 wherein she conducted several hearings involving detained prisoners and also in cases with urgent matters to resolve.

With respect to the explanation regarding the incomplete data of the March, 1995 Monthly Report of Cases, particularly Item No. VII, Page 2 which was in blank,

respondent Judge Benedicto claims full responsibility for such omission.

On the matter of the sixty (60) cases not presented to the Audit Team, respondent claims that they were mixed or intermingled with the disposed/terminated cases as can be gleaned from the Joint Explanation<sup>[8]</sup> of Staff Assistants Juanilla A. Sabino and Myra D. Gregorios which was attached to the Explanation dated February 10, 1997<sup>[9]</sup> of Atty. Eva G. Basiya-Saratan, Branch Clerk of Court. For this, respondent also assumes full responsibility for not having managed carefully the docket of RTC, Branch 32, Iloilo City.

As to the six (6) case records not accounted for, namely: Criminal Cases Nos. 18415, 20405, 20435 and 20484 and Civil Cases Nos. 14808 and 16759, respondent Judge maintains that she had already requested Branch Clerk of Court Saratan to look for the expedientes of these cases. Unfortunately, up to this time, the Branch Clerk of Court has not been able to trace the same.

For her part, Branch Clerk of Court Atty. Eva G. Basiya-Saratan, in her EXPLANATION dated February 10, 1997,<sup>[10]</sup> claimed that she was not able to fill up Item No. VII, Page 2 of the March, 1995 Monthly Report of Cases (Cases Submitted for Decision) because the data were not yet complete at that time, the clerk-in-charge of criminal cases, Juanilla A. Sabino, having just reported back to work after a maternity leave.

Atty. Saratan explained that she had no intention of giving the impression that there were no cases submitted for decision for that month, intimating that she had not been in the best of health due to allergies.

With regard to the sixty (60) case records which were not located and presented to the Judicial Audit Team, Atty. Saratan explained that she tried to account for these cases but was not able to do so because the clerks in charge of these cases were absent at that time. She added that these clerks were required to explain the whereabouts of these cases as well as their absences during the date of the audit.

Atty. Saratan also informed the Court that to date, these sixty (60) cases have all been accounted for except Criminal Cases Nos. 18415, 20435 and 20484 and Civil Cases Nos. 14808 and 16759 which, she believes, have been "re-raffled" to either Branches 34, 36, 37 or 39 of the said Regional Trial Court. Atty. Saratan assured this Court that she will inquire from the branches concerned regarding the whereabouts of the six (6) unaccounted cases and submit the outcome of her inquiry to the Audit Team immediately thereafter.

On the matter of control and management of records of RTC, Branch 32, Iloilo City, Atty. Saratan explained that she had a hard time implementing a systematic recording of the same considering that her clerks-in-charge were not supportive of her efforts. Atty. Saratan also manifested that, at present, under the guidance of Presiding Judge Lolita C. Besana, the method of control and management of records is now better organized.

Atty. Saratan further maintained that the transcripts of all cases enumerated in the above-mentioned resolution were all transcribed by the stenographers concerned except those taken by one Mrs. Grace D. Manaay in Criminal Cases Nos. 20068,

39756, 35049 and 30709 due to her transfer to RTC, Branch 65, Guimaras. A Memorandum, dated January 27, 1997, was already issued to Mrs. Manaay reminding her of the untranscribed stenographic notes in the several cases submitted for decision.

In their Joint Explanation dated, January 20, 1997,<sup>[11]</sup> Mesdames Janette J. Coloma, Lydia F. Delfin and Lorena B. Samson, all of whom are stenographers in the aforesaid RTC in Iloilo City, admitted that there was no inventory of pending cases done by them when the Audit Team arrived.

In October 1996, however, the above-named stenographers conducted an inventory and found out that the cases cited in the Report had already been transcribed except those taken by Mrs. Grace D. Manaay. They claimed that the Judicial Audit Team overlooked the fact that it was only Mrs. Grace D. Manaay whose transcripts were not completed.

The OCA, in a Memorandum dated December 11, 1997,<sup>[12]</sup> found the explanations of former Judge Amelita K. del Rosario and Clerk of Court Eva B. Saratan to be unsatisfactory and insufficient to abate the administrative charges against them. Accordingly, the OCA recommended the forfeiture of all leave benefits and other privileges to which former Judge Amelita K. Del Rosario Bendicto may be entitled and the suspension of Atty. Eva G. Basiya-Saratan, Clerk of Court V, RTC, Branch 32, Iloilo City for two (2) months without pay.

We agree with the findings of the OCA in so far as the finding of administrative liability is concerned but with modifications as to the administrative sanctions imposed as a consequence thereof.

As borne out by the records of this case and by the admission of respondent Judge Benedicto, it is evident that she failed to decide/resolve the criminal and civil cases indicated in this Court's Resolution, dated December 3, 1996, within the ninety (90) day reglementary period.

Rule 3.05 of Cannon 3 admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.<sup>[13]</sup> It is the duty of a judge to take note of the cases submitted for his decision and see to it that the same are decided within the 90-day period fixed by law, and failure to decide a case within the required period constitutes gross inefficiency.<sup>[14]</sup>

Respondent judge presented no excuse, as there can be none for her exoneration of administrative culpability, taking full responsibility for all the impropriety/inaction alluded to her. The claim of good faith and absence of malice in these glaring instances of incompetence and ineptitude do not abate her consequent liability. For good faith and lack of malicious intent cannot completely free respondent judge from liability.<sup>[15]</sup>

Respondent judge has also been remiss in her responsibility as administrator of the court by failing to adopt a system of record management to such an extent that case records were misplaced or were unaccounted for. A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly.<sup>[16]</sup> The public trust character