

EN BANC

[A.M. No. 97-1-08-MTC, December 05, 1997]

**REPORT ON THE JUDICIAL AUDIT CONDUCTED IN MUNICIPAL
TRIAL COURT, SIBULAN, NEGROS ORIENTAL
R E S O L U T I O N**

VITUG, J.:

With the then impending compulsory retirement ^[1] of Presiding Judge Antonio E. Arnaiz of the Municipal Trial Court ("MTC") of Sibulan, Negros Oriental, a judicial audit, inclusive of an inventory of cases pending before his sala, was conducted by a Judicial Audit Team ^[2] of the Office of the Court Administrator.

The audit team reported that as of 10 December 1996, the Sibulan MTC had a total caseload of 83 cases, categorized into –

"CASES CIVIL		TOTAL	CRIMINAL	
Submitted				
for decision	.....	3	1	2
With Matters				
for resolution	.....	4	2	2
On trial/Set				
for hearing	.....	54	42	
12				
Set for				
arraignment				
of accused	.....	5	5	-
Set for pre-trial				
Conference	.....	2	0	2
With Court Orders for compliance				
by parties, etc.	.....	5	3	2
Subject of Inhibition				
by Judge Arnaiz	.....	1	1	0
Not further acted				

after lapse of

considerable time	6	3	3
With Warrants			
of Arrest/Summons	2	2	0
Newly filed	1	1	0
TOTAL	83	60	
23" ^[3]			

In its resolution of 28 January 1997, the Court resolved to:

"x x x (a) GIVE DUE COURSE to the application for compulsory retirement of Honorable Antonio E. Arnaiz, Presiding Judge of the Municipal Trial Court, Sibulan, Negros Oriental, but the amount of Six Thousand Pesos (P6,000.00) be withheld to answer for any contingency that may be imposed on him for failure to decide or resolve the following three (3) cases within the reglementary period, to wit: Criminal Case No. 2491 (People vs. Ladora) and Civil Cases Nos. 336 (Calingacion, et al. vs. Alesna, et al.) and 371 (Garcia vs. Dequito); (b) DESIGNATE Honorable Ananson E. Jayme, Presiding Judge of the Municipal Circuit Trial Court of Pamplona-Amlan-San Jose, Negros Oriental (with 56 total pending cases as of September 30, 1996) as Acting Presiding Judge of the Municipal Trial Court of Sibulan (with 86 total pending cases as of December 10, 1996), same province, effective upon notice hereof, in addition to his regular duties in his own court and to continue until the appointment of a permanent judge thereat or until further orders from this Court and (c) DIRECT: (1) Judge Ananson E. Jayme to take cognizance and facilitate the disposition of all pending cases in said court including those cases left undecided, unresolved or unacted by Judge Arnaiz; (2) Mrs. Elfrina T. Dipaling, Clerk of Court of the Municipal Trial Court, Sibulan, Negros Oriental, to: (2-a) inform this Court, through the Office of the Court Administrator, whether or not Presiding Judge Antonio E. Arnaiz rendered his decisions or resolutions in the following cases on or before his compulsory retirement on January 17, 1997, to wit: Criminal Cases Nos. 0881, 2276, 2491 and 2648 and Civil Cases Nos. 336, 337, 368, 371, 373, 374 and 375, if not, cause the completion of the transcripts of stenographic notes in any of the aforestated cases which may be left by Judge Arnaiz, within one (1) month from notice hereof, thereafter, submit the records of cases, including the transcripts, to would-be Acting Presiding Judge Ananson E. Jayme for his immediate and appropriate action; (2-b) apprise Judge Jayme of all cases pending thereat including the following cases not further acted after the lapse of considerable length of time, to wit: Criminal Cases Nos. 2428, 2526, 2644 and 2655 and Civil Cases Nos. 329, 352 and 377 and (2-c) find out and ascertain the status of Civil Case No. 282 which was not presented to the Judicial Audit Team, then, submit a written report in this regard within five (5) days from notice hereof and (3) the Chief, Fiscal Management and Budget Office, this Court, to WITHHOLD the amount of Six Thousand Pesos (P6,000.00) from the retirement benefits of Judge Antonio E.

Arnaiz, Municipal Trial Court, Sibulan, Negros Oriental, to be released only upon orders from this Court."

In her compliance, dated 03 March 1997, Clerk of Court Elfrina T. Dipaling reported the status of each of the reported cases; to wit:

Crim. Case Nos. 0881 - Archived per order of 31 January 1996;

Crim. Case No. 2,276

(Transcript is complete) - No decision was rendered by Presiding

Judge Antonio E. Arnaiz because the defense counsel failed to submit the Memorandum of Exhibits as ordered by the court;

Crim. Case No. 2,491 - No resolution on the Motion for a Writ

of Attachment because there was no proper return of service from the vehicle owner.

Crim. Case No. 2,648 - Scheduled for arraignment on 12 March

1997 at 2:00 p.m.

Civil Case No. 336 - Motion to Dismiss to be resolved by Presiding Judge Antonio E. Arnaiz. No resolution was issued yet;

Civil Case No. 337 - Decided on 23 December 1996;

Civil Case No. 368 - Decided on 10 January 1997;

Civil Case No. 371 - Already heard on 18 February 1997 by

Judge Designate Fe Lualhati D. Bustamante;

Civil Case No. 373 - Decided on 16 December 1996;

Civil Case No. 374 - Decided on 16 December 1996;

Civil Case No. 375 - Decided on 12 December 1996;

(2-b) Status of said Criminal/Civil cases: