

EN BANC

[A.M. No. 94-5-178-RTC, August 07, 1996]

**RE: REPORT ON THE JUDICIAL AUDIT AND PHYSICAL
INVENTORY OF CASES CONDUCTED IN THE REGIONAL TRIAL
COURTS OF DAVAO CITY**

RESOLUTION

TORRES, JR., J.:

This case arose from the judicial audit and physical inventory of cases pending in ten (10) Regional Trial Courts of Davao City, particularly Branches 8 to 17, conducted on March 21 to 30, 1994 by an audit team headed by Atty. Bartolome V. Flores.

For resolution are:

- 1.) the compliance with the November 24, 1994 resolution of this Court, filed on October 11, 1995 by Judge William M. Layague of Branch 14, RTC Davao City;
- 2.) the Report dated July 12, 1996 of Senior Deputy Court Administrator Reynaldo Suarez on the inventory of cases in Branch 9, Davao City in connection with the compulsory retirement of Judge Leonora T. Sumcad on July 16, 1996; and
- 3.) the July 12, 1996 Report on RTC Branch 14, Davao City.

The antecedents:

On May 11, 1994, the Office of the Court Administrator submitted to the Chief Justice a partial report on the judicial audit and physical inventory of pending cases conducted in Branches 8 to 17, RTC, Davao City on March 21 to 30, 1994. The report was docketed as Administrative Matter No. 94-5-178-RTC. A complete report^[1] thereon was submitted by the Office of the Court Administrator on October 6, 1994.

In a resolution^[2] dated November 24, 1994, this Court directed the judges of the Regional Trial Courts in Davao City namely, Branches 8 to 17:

- a.) to submit their respective written report to the court, within five (5) days from notice on the present status of cases submitted for decision/resolution before them; and if the cases were already disposed of,
- b.) to show proof within the same period, that the said cases have been decided or resolved.

In the same resolution, the court directed: a) Judge Layague to explain in writing within 5 days from notice why no administrative sanction should be taken against him for failure to decide/resolve within the 90-day reglementary period, the 67 cases submitted for decision and 46 cases submitted for resolution; to immediately cease from hearing cases in his sala and confine himself to deciding the unresolved cases submitted for decision; b) the Fiscal Management and Budget Officer of this court to withhold immediately the salary of Presiding Judge William M. Layague, RTC Branch 14; and c) Judge Wenceslao E. Ibabao to hear, try and decide cases in Branch 14 at least twice a week, and to continue until such time that the regular Presiding Judge William M. Layague shall have shown proof that the aforesaid 147^[3] cases submitted for his decision/resolution have been fully resolved, or until further orders from this court.

By February 1995, nine out of the ten judges required to submit written reports, were able to comply with the resolution of November 24, 1994.

In a resolution^[4] dated July 4, 1995, the court resolved among others, 1) to note the compliance of nine (9) out of the ten (10) Regional Trial Court Judges, and 2) to require Judge William Layague, RTC, Branch 14, Davao City, to explain why no administrative sanction should be imposed on him for his continued failure to comply with the November 24, 1994 resolution and to submit his compliance thereto within five days from notice.

Judge Layague was granted 5 extensions of time to submit his written explanation and compliance. After the July 4, 1995 resolution, he was further granted up to August 22, 1995 to comply.

It was only on October 11, 1995, that Judge Layague was able to file his compliance.

In his explanation^[5] Judge Layague begs the apologies of this court for the delays which he attributed to his frail health. According to the judge, he was diagnosed as suffering from acute erosive and atrophic gastritis^[6] and also claims to be suffering from emphysema, thyroid nodule (goiter) and vertigo (menier's syndrome) and his lower extremities were said to be numbed.^[7]

On the backlog of cases, Judge Layague explained that when he assumed office in Branch 14 in 1987 he inherited so many cases submitted for decision and there were more than sixty (60) cases not reflected in the docket which was discovered only after he conducted an inventory.

He also explained that his Branch Clerk of Court was appointed as judge in December 1988; that "the position remained vacant for a long time until it was filled up by Atty. Melinda Alconcel-Dayanghirang who likewise left when she was appointed to the Office of the Ombudsman in October 1993"; that his Legal Researcher left for a greener pasture in March 1992; that the stenographer whom he entrusted to type the Decisions and Resolutions of cases disposed suffered a stroke; his other stenographer Lydia Ramil went on leave for four (4) months, i.e., from May to September, 1995; that the other stenographer, Mrs. Yolanda Apilado was assigned as duty stenographer with Assisting Judge Ibabao of Branch 33; and

that still his other stenographer Renee Mira transferred to Quezon City and the position was filled up only last September 6, 1995.

In his explanation dated October 11, 1995, Judge Layague reports that he was able to dispose of 87 cases; that there are only 52 remaining undecided cases;^[8] he begs this court to allow him to resolve/decide them until December 31, 1995; and requests for the release of his salary, allowances, and other benefits which were ordered withheld since March 1995.

Judge Layague begged this court to allow him to resolve the 52 remaining unresolved cases until December 31, 1995. To date, he has not submitted proof of his compliance.

Deputy Court Administrator Reynaldo L. Suarez has, however, come up with a new Report dated July 12, 1995, on a recent audit of Branches 9 and 14 of the Regional Trial Court of Davao City. According to said report:

As to Branch 9, Presided by Judge Leonora T. Sumcad

The ten (10) cases submitted for decision (Crim. Cases Nos. 32, 692 & 31,128 and Civil Cases Nos. 24,071; 23,317; 21,685; 24,035; 24,109; Misc. 6845; Spc. Proc. 4155 & 4036) as well as the 3 civil cases appealed from the MTCC (Nos. 24,987; 24,052; & 23,432) are all within the reglementary period. In Civil Case No. 18,239 the Motion to Dismiss or to Drop Sheriff Queza as defendant has been submitted for resolution since Sept. 29, 1995. Judge Sumcad explained that she had been sickly lately but promised to resolve the above Motion as well as the other cases submitted for decision/resolution before she retires.

As to Branch 14 Presided by Judge William Layague

Of the 147 cases submitted for decision/resolution during the last audit and subject of the November 24, 1994 Resolution, 80 cases (64 civil and 16 criminal) have already been decided/resolved, to wit: xxx.

Sixteen (16) cases which have matters for resolution (e.g., Motion to Dismiss, etc.) went on trial, to wit: xxx.

Nine (9) cases were re-raffled to other branches, to wit: xxx.

There are three (3) civil cases which were either inherited or partly tried by Judge Layague that could not be decided due to lack of transcript of stenographic notes. This leaves only 36 cases for Judge Layague to decide although 2 civil cases (Nos. 14,488 & 15,417) were discovered to be inherited from retired Judge Rongkales Bandalan. In fine, Judge Layague has only the following 34 cases (25 civil & 9 criminal) to decide/resolve, which he promised to do in 3 months' time, to wit:

Civil Cases

1. 13,616

2. 13,951

3. 14,358

4. 14,512

14. 18,966

15. 19,660

16. 19,914

17. 20,123

Criminal Cases

1. 19,485

2. 20,126

3. 25,125

4. 26,887

5. 15,768	18. 20,643	5. 30,383
6. 16,269	19. 20,911	6. 30,384
7. 16,945	20. 20,961	7. 30,385
8. 17,034	21. 21,280	8. 30,386
9. 17,520	22. 21,770	9. 30,387"
10. 18,071	23. 21,946	
11. 18,306	24. 22,553	
12. 18,808	25. MISC-6218	
13. 18,933		

It was also reported that there are 41 cases submitted for decision beyond the 90-day period aside from the cases previously reported. The audit team discovered that some of these cases which were submitted before March 14, 1994 were not presented during the audit conducted in March 1994 and were, therefore, not included in the November 24, 1994 Resolution.

Of the said unresolved 41 cases, 35 cases are already beyond the 90-day reglementary period. Of the 35 cases, Presiding Judge Layague has a total liability of 31 cases (30 crim. & 1 civil), inclusive of 1 criminal case inherited from retired Judge Bandalan; former Assisting Judge Palabrica has 2 cases and former Assisting Judge Wenceslao E. Ibabao has 2 criminal cases.

There are 4 cases appealed from MTCC undecided beyond the 90-day period, one of which, Civil Case No. 23,213 was deemed submitted to Judge Layague on October 16, 1994. .

In Civil Case No. 21,111, Judge Layague failed to resolve the Motion to Dismiss the Intervention of Davao Credit Corp. which was submitted for resolution per his Order dated June 16, 1994.

Other observations made by the audit team are:

"1. No action was taken in Crim. Case No. 36,610 after it was filed and raffled to this Branch on March 22, 1996.

2. There were no further proceedings in 12 cases after a considerable length of time (cases have been sleeping for a period ranging from 8 months to two years).

3. Most cases in this Branch were held in abeyance by Assisting Judge Libre to be calendared only upon motion of parties. He reasoned that this is due to the fact that he is presiding over 3 salas - this Branch, his designated Court at Branch 12, and Branch 13 wherein the presiding judge, Hon. Anita Alfelor Alagaban, was abroad during the time of audit.

4. There are 18 Writs of Execution that remained unserved for a considerable length of time (period ranging from 7 months to 2 years and 4 months).

Upon inquiry, the Team learned that the reason for this is that the Deputy