

## EN BANC

**[ A.M. No. 92-6-326-MeTC, December 16, 1996 ]**

### **REPORT ON AUDIT AND PHYSICAL INVENTORY OF THE RECORDS OF CASES IN THE METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY. FRANCISCO D. VILLANUEVA, RESPONDENT.**

#### **D E C I S I O N**

##### **NARVASA, C.J.:**

The administrative proceedings at bar involve no less than two Resolutions, one dated October 13, 1992 and the other, October 17, 1995, requiring Judge Francisco D. Villanueva, Presiding Judge of Branch 36 of the Metropolitan Trial Court of Quezon City, basically to explain his refusal over a span of three (3) years to comply with directives of the Executive Judge of Quezon City and the Office of the Court Administrator. The Resolution of October 13, 1992 ordered:

" \*\* Judge Villanueva to EXPLAIN (a) within seventy-two (72) hours his open defiance to Judge Guillermo Loja's directive to transfer to the Hall of Justice; and (b) why \*\* (certain specified cases) were not listed in his monthly report of May to July, 1992 \*\* (as) submitted for decision/resolution; and (b) \*\* aforesaid Judge Villanueva to transfer from the MMA Compound to the Hall of Justice immediately from receipt of the directive."

The Resolution of October 17, 1995 directed Judge Villanueva "(a) \*\* to sever all connection with the Quezon City Youth Foundation, Inc.; an (b) \*\* explain why no disciplinary sanction should be imposed upon him for gross insubordination and for violation of Canons 2 and 5 of the Code of Judicial Conduct."

It appears that after the courtrooms at the City Hall of Quezon City were, among others, destroyed by fire sometime in 1988, Judge Villanueva was allowed the use of a small building in the MMA Compound at Quezon City as his courthouse. This area is described by Judge Villanueva as "the office and conference venue of the Quezon City Youth Development Foundation, Inc., the Umbrella Organization of the Molave Juvenile Detainees of Quezon City, of which he is the President since 1991."

After completion in 1992 of the new Hall of Justice at Quezon City, all the Judges of the Regional and Metropolitan Trial Courts of Quezon City transferred to and began holding sessions at the rooms respectively assigned to them by the Supreme Court in the new building; all, that is, except Judge Villanueva who continued to conduct his judicial business in the MMA Compound.

On July 10, 1992, the Executive Judge of the Metropolitan Trial Court at Quezon City, Hon. Guillermo L. Loja, Sr., sent to Judge Villanueva a MEMORANDUM reading as follows:

"MEMORANDUM

TO : Hon. Francisco D. Villanueva  
Presiding Judge, Branch 36  
MetroTC, Quezon City

SUBJECT: URGENT TRANSFER TO QUEZON CITY  
HALL OF JUSTICE

Complaints from Lawyers, Party Litigants, and personnel from the Office of the Clerk of Court, this Court, have reached my attention that they are encountering difficulties in going to and returning from your Court housed in one of the small buildings formerly occupied by the Metro Manila Commission.

In this connection, therefore, pursuant to Administrative Order No. 31-92 issued by the Honorable SUPREME COURT, and in the interest of safety, security, convenience, and centralization of Court operation, you are hereby directed to transfer to Room 306 Quezon City Hall of Justice, the one assigned to you by the Honorable SUPREME COURT, hold office, and conduct court session thereat, within five (5) days from receipt hereof.

It must be noted that, save for your Court, all other Court branches, whether RTC or MetroTC, have already transferred to the Hall of Justice a few months ago.

In the exigency of public service, we expect you to do likewise.

FOR STRICT COMPLIANCE.

\* \* \*."

Judge Villanueva ignored this memorandum; he continued to hold office in the MMA Compound.

On July 23, 1992, Deputy Court Administrator Reynaldo L. Suarez wrote to Judge Villanueva urging the latter to comply with Judge Loja's memorandum. Judge Villanueva made no reply either to Judge Loja's memorandum or DCA Suarez's letter.

In September, 1992 an audit and physical inventory of the cases of Judge Villanueva's sala (Branch 36, MetroTC, Quezon City) was conducted by a team from the Office of the Court Administrator, composed of Messrs. Nicandro A. Cruz, Exequiel C. Rojas, Rodolfo A. Casupanan, and Samuel Ruñez, Jr. The team's Report to Court Administrator Ernani Cruz-Paño, dated September 16, 1992, contained the following observations:

a) as of August 11, 1992, there were pending in Judge Villanueva's branch, 399 criminal, and 80 civil, cases; and all "cases submitted for decision/resolution are within the 90-day reglementary period save (Civil Case No. 1059, where a motion for reconsideration filed on June 27, 1991 had yet to be resolved);"

b) "case records \*\* are properly managed except that the records of civil cases have to be brought out on the streets as Judge Villanueva is holding court sessions in two (2) salas" -- in the MMA Compound and in the new Hall of Justice;

c) "Judge Villanueva explained that he opted to remain in his old office as it is more spacious than the room allocated for his chambers and staff room in the Hall of Justice (and) he needs extra space for holding conferences and meetings \*\* (as) the concurrent president of the Quezon City Youth Development Foundation, Inc. \*\* (although some) court personnel offered a more colorful explanation \*\* (i.e., that the Judge) has a bathtub (or a jacuzzi) \*\* which he cannot transfer to a mere 1 ½ x 2 ½ meter bathroom assigned to him at the Hall of Justice. \*\* ; " and

d) a few civil actions, and two criminal cases were not listed in the Monthly Reports of Cases for Branch 36, QC MetroTC, for the months of May, June and July, 1992."

These matters were brought to the Court's attention which (adopting the Court Administrator's recommendations) promulgated a Resolution dated October 13, 1992, supra, ordering:

"\*\* Judge Villanueva to EXPLAIN (a) within seventy-two (72) hours his open defiance to Judge Guillermo Loja's directive to transfer to the Hall of Justice; and (b) why \*\* (certain specified cases) were not listed in his monthly report of May to July, 1992 \*\* (as) submitted for decision/resolution; and (b) \*\* aforesaid Judge Villanueva to transfer from the Mma Compound to the Hall of Justice immediately from receipt of the directive."

Judge Villanueva submitted his explanation to the Court under date of December 8, 1992. Among other things, he said:

a) he had "transferred to the Hall of Justice since July 1, 1992, \*\* conducting his trial and sessions and receiving pleadings therein, although he has retained his former court-house as the office and conference venue of the Quezon City Youth Development Foundation, Inc., \*\* of which he is the president since 1991, with the permission of the Quezon City Government; \*\*

b) that there were various valid reasons for the non-inclusion of certain civil and criminal cases in his monthly report for May to July, 1992, all of which have since been decided.

Thereafter, By Resolution of March 30, 1993, the Court considered the matter closed with the admonition to Judge Villanueva "to extend full cooperation to the Executive Judge (Loja)," and properly reflect the status of all cases in his monthly reports.

All this notwithstanding, and contrary to this Court's admonition that he "extend full cooperation to \*\* (his) Executive Judge," Judge Villanueva continued to occupy the premises at the MMA Compound and to hold office there as head of the QC Youth