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encouraged to be courageous and fearless, which can then best contribute to the efficient delivery and proper administration of justice.

The complainant initiated his complaint possibly for the sake of harassing the respondent, either to vex him for taking the cudgels for his clients in connection with Civil Case No. 4674MN, or to get even for an imagined wrong in relation to the subject matter of the pending action, or to accomplish some other dark purpose. The worthlessness of the accusation – apparent from the beginning – has impelled us into resolving the complaint sooner than later.

WHEREFORE, we dismiss the complaint for disbarment or suspension filed against Atty. Eduardo G. Castelo for utter lack of merit.

SO ORDERED.

Carpio Morales (Chairperson), Brion, Villarama, Jr., and *Sereno, JJ.,* concur.

THIRD DIVISION

[A.M. No. 08-4-253-RTC. January 12, 2011]

IN RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 45, URDANETA CITY, PANGASINAN, AND REPORT ON THE INCIDENT AT BRANCH 49, SAME COURT.

SYLLABUS

1. JUDICIAL ETHICS; DISCIPLINE OF JUDGES; THE EFFICIENT HANDLING AND PHYSICAL INVENTORY OF CASES IS IMPORTANT AND NECESSARY IN THE

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ADMINISTRATION OF JUSTICE; RATIONALE. — All judges discharge administrative responsibilities in addition to their adjudicative responsibilities. They should do so by maintaining professional competence in court management and by facilitating the performance of the administrative functions of other judges and court personnel. An orderly and efficient case management system is no doubt essential in the expeditious disposition of judicial caseloads, because only thereby can the judges, branch clerks of courts, and the clerks-in-charge of the civil and criminal dockets ensure that the court records, which will be the bases for rendering the judgments and dispositions, and the review of the judgments and dispositions on appeal, if any, are intact, complete, updated, and current. Such a system necessarily includes the regular and continuing physical inventory of cases to enable the judge to keep abreast of the status of the pending cases and to be informed that everything in the court is in proper order. In contrast, mismanaged or incomplete records, and the lack of periodic inventory definitely cause unwanted delays in litigations and inflict unnecessary expenses on the parties and the State. Although the presiding judge and his or her staff share the duty of taking a continuing and regular inventory of cases, the responsibility primarily resides in the presiding judge. The continuity and regularity of the inventory are designed to invest the judge and the court staff with the actual knowledge of the movements, number, and ages of the cases in the docket of their court, a knowledge essential to the efficient management of caseload. The judge should not forget that he or she is duty-bound to perform efficiently, fairly, and with reasonable promptness all his or her judicial duties, including the delivery of reserved decisions. Thus, the judge must devise an efficient recording and filing system for his or her court that enables him or her to quickly monitor cases and to manage the speedy and timely disposition of the cases.

2. ID.; ID.; EFFICIENT AND SYSTEMATIC MANAGEMENT OF CASELOAD IS THE INSEPARABLE TWIN TO THE RESPONSIBILITY OF JUSTLY AND SPEEDILY DECIDING THE ASSIGNED CASES; NON-COMPLIANCE IN CASE AT BAR. — Judge Costales uncharacteristically

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ignored that he discharged judicial and administrative duties as the Presiding Judge of Branch 45. He seemingly forgot that his responsibility of efficiently and systematically managing his caseload was the inseparable twin to his responsibility of justly and speedily deciding the cases assigned to his court. He should have remembered all too easily that he had assumed *both* responsibilities upon entering into office as Presiding Judge, and that he was bound to competently and capably discharge them from then on until his compulsory retirement. His failure to discharge them properly by organizing and supervising his court personnel with the end in view of bringing them to the prompt dispatch of the court's business in anticipation of his forced retirement reflected his inefficiency and breached his obligation to observe at all times the high standards of public service and fidelity. In this regard, Judge Costales could not deflect the blame to Atty. Pascua as his Branch Clerk of Court. The responsibility of organizing and coordinating the court personnel to ensure the prompt and efficient performance of the court's business was direct and primary for him as the judge. Truly, the duty to devise an efficient recording and filing system that would have enabled himself and his personnel to monitor the flow of cases and to manage their speedy and timely disposition pertained to him first and foremost. Moreover, he should know that his subordinates were not the guardians of his responsibilities as the judge. Being in legal contemplation the head of his branch, he was the master of his own domain who should be ready and willing to take the responsibility for the mistakes of his subjects, as well as to be ultimately responsible for order and efficiency in his court. He could not hide behind the inefficiency or the incompetence of any of his subordinates.

3. ID.; CLERK OF COURT; HIS DUTY AS CUSTODIAN OF RECORDS CARRIES WITH IT A SWORN OBLIGATION TO SAFELY KEEP ALL OF THEM; FAILURE IN CASE AT BAR. — Atty. Pascua bore the responsibility for the non-issuance of summonses or *alias* summonses in some cases, for the failure to indicate the dates of receipt of case records by Branch 45, for the failure to receive evidence *ex parte* despite

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the orders to that effect, for the failure to prepare and submit (or cause the submission of) the monthly inventories, and for the failure to report and update the records of the cases of the branch. Such omissions involved matters that he should have routinely and regularly performed. His duty as the Branch Clerk of Court of Branch 45 required him to receive and file all pleadings and other papers properly presented to the branch, endorsing on each such paper the time when it was filed. Atty. Pascua was equally accountable with Judge Costales for the inefficient handling of the court records of Branch 45. His being the Branch Clerk of Court made him the custodian of such records (*i.e.*, pleadings, papers, files, exhibits, and the public properties pertaining to the branch and committed to his charge) with the sworn obligation of safely keeping all of them. Like his Presiding Judge, he carried on his shoulders the burden to see to the orderly and proper keeping and management of the court records, by which he was required to exercise close supervision of the court personnel directly charged with the handling of court records. His position of Branch Clerk of Court rendered him an essential and ranking officer of the judicial system performing delicate administrative functions vital to the prompt and proper administration of justice. Alas, he failed to so perform.

4. ID.; DISCIPLINE OF JUDGES; LESS SERIOUS CHARGES; SANCTIONS; APPLICATION IN CASE AT BAR. — [T]he character and magnitude of the omissions indicated that Judge Costales and Atty. Pascua had been inefficient over a long period of time and had failed to devise and put in place any proper system of records management in that length of time. They were really guilty of violating Supreme Court rules, directives, and circulars, a violation that Section 9, Rule 140, of the *Rules of Court* treats as a less serious charge. x x x Section 3, Canon 2 of the *New Code of Judicial Conduct for the Philippine Judiciary* directs a judge to take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware. This imperative duty becomes the more urgent when the act or omission the court personnel has

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supposedly committed is in the nature of a grave offense, like the bundy-cards incident involved herein. It would have been surely demanded in the best interest of the public service, if not of the court itself, that the act or omission reported by the judicial audit team to Judge Costales as the Acting Executive Judge be investigated and properly dealt with promptly. The explanation of Judge Costales of having no more time and space to look into the bundy-cards incident was implausible. Having been informed of the anomaly on September 19, 2007, he had at least two months prior to November 21, 2007, his retirement date, within which to carry out his investigation, and to render a report thereon. That length of time was ample, if only he had acted promptly to investigate the incident. x x x For disobeying or ignoring the directive to investigate the bundy-cards incident, Judge Costales was guilty of insubordination, an omission that constituted simple misconduct, classified under Section 9, no. 4, Rule 140, of the *Rules of Court, supra,* as a less serious charge, and is thus punished with a fine of ₱12,000.00, conformably with Section 11, Rule 140, *Rules of Court, supra.*

D E C I S I O N

BERSAMIN, *J.*:

The Court, through the Office of the Court Administrator (OCA), routinely conducts an audit of the caseload and performance of a retiring trial judge. The Court will unhesitatingly impose appropriate sanctions despite the intervening retirement of the judge or member of the staff should the audit establish any inefficiency on the part of the retiring trial judge or of any member of the staff.

Here, we sanction a judge of the Regional Trial Court (RTC) and his Branch Clerk of Court, despite the former's intervening retirement, for the inefficient management of their court records and caseload. The sanction should serve as a timely reminder yet again to all incumbent trial judges and court personnel to handle court records and to manage caseloads efficiently and systematically, or else they suffer the appropriate sanctions.

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ANTECEDENTS

A.
Findings on Caseload and Docket Inventory of Branch 45

On September 18-19, 2007, the OCA conducted a judicial audit of the caseload of Branch 45 of the Regional Trial Court (RTC Branch 45) in Urdaneta City in view of the compulsory retirement of Presiding Judge Joven F. Costales (Judge Costales) by November 21, 2007.

As its preliminary findings,[1] the judicial audit team reported that RTC Branch 45's caseload totaled 465 cases (*i.e.*, 197 civil cases and 268 criminal cases), of which:

(a) 16 were submitted for decision or resolution but still unresolved;

(b) 14 included unresolved incidents;

(c) 11 had no action taken since their filing;

(d) Three were criminal cases awaiting compliance relative to the last incidents;

(e) 39 underwent no further hearings or actions;

(f) Seven were civil cases awaiting *ex parte* reception of evidence; and

(g) 14 were criminal cases with unserved warrants or *alias* warrants of arrest.

Further, the judicial audit team concluded that the docket inventory of RTC Branch 45 was inaccurate, because:

(a) The docket inventory contained numerous typographical errors that led to the confusion about whether some cases were reported or not;

(b) The form prescribed in Administrative Circular No. 10-94 dated June 29, 1994 was not adopted;

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[1] *Rollo*, pp. 29-33.

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(c) Some case records had no dates of receipt; and

(d) In Criminal Case No. U-13095, Branch 45 issued an order dated July 27, 2007 resetting the trial notwithstanding that one of the accused had not been arraigned.[2]

On November 19, 2007, the OCA, through then Deputy Court Administrator (DCA) Jose P. Perez,[3] issued a *memorandum* to Atty. Max Pascua (Atty. Pascua), the Branch Clerk of Court of RTC Branch 45,[4] directing him thuswise:

In view of the compulsory retirement of Judge Joven F. Costales on November 21, 2007, you are DIRECTED to (a) bring these cases to the attention of your pairing/acting judge for his/her guidance and appropriate action; and (b) inform this Office, within ten (10) days from notice, if there were any changes in the status of the listed cases in Annex "A" attaching thereto certified true copies of the orders/decisions.

Further, you are DIRECTED to (a) COMMENT, within ten (10) days from notice, on the following findings: civil cases for reception of evidence *ex-parte* listed under Table 10; inaccurate Docket Inventory Report described in letter H.2; and case records with no date of receipt; and (b) henceforth ADOPT THE PRESCRIBED FORM under Administrative Circular No. 10-94 dated June 29, 1994 re: Submission of Semestral Docket Inventory Report.

In partial compliance with the *memorandum*, Atty. Pascua replied by letter dated January 4, 2008 (accompanied by a report on the status of criminal and civil cases and on other matters),[5] explaining:

Regarding the inaccurate Docket Inventory and the typographical errors in criminal cases records as observed by the audit team (letter H-2 of the memorandum), rest assured Your Honor that undersigned

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[2] *Id.,* p. 33.

[3] Later the Court Administrator, and presently a Member of the Court.

[4] *Rollo,* p. 28.

[5] *Id.,* p. 19.

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is arranging things in its (*sic*) proper order and have instructed the civil and criminal records clerk-in-charge regarding the matter, including the adoption of the prescribed form under Adm. Circular No. 10-94 in submission of Semestral Docket Inventory Report.

It appears that on January 8, 2008,[6] the OCA informed Judge Costales that (*a*) the clearance necessary for the approval of his claim for compulsory retirement benefits could not issue pending his compliance with the *memorandum* dated November 19, 2007; and (*b*) his request for the release of his retirement benefits, less the amount that might answer for any liability, was still under evaluation by the Court.

In his letter dated January 8, 2008,[7] Judge Costales wrote to the OCA, *viz*:

> This is in connection with your letter dated November 19, 2007 which the undersigned received on November 20, 2007, directing him to conduct an investigation regarding the irregularity in the punching of Bundy clock of the employees of RTC, Branch 49, Urdaneta City, Pangasinan and to submit his report within ten (10) days thereof.
>
> I am awfully sorry for failing to comply the same (*sic*) on the following grounds:
>
> 1. I received said memorandum only on November 20, 2007, the date of my compulsory retirement.
>
> 2. That a week before my retirement on November 21, 2007, I was too busy reading and signing decisions and resolutions of motions in order that at the time of my retirement all cases submitted for decision are decided and all motions for resolutions are resolved, which I was able to do so.
>
> 3. That during my last day of the service, November 20, 2007, I instructed my Branch Clerk of Court, Atty. Max Pascua to write your Honor to inform you that as much as I am already retired after November 21, 2007, the Executive Judge should be the one to conduct such investigation. However, I only learned yesterday that the Branch

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[6] *Id.*, p. 13.

[7] *Id.*, pp. 16-17.

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Clerk of Court was unable to do what I directed him to do by writing you on the matter.

4. Anent my comments on the findings of the Audit Team regarding the cases pending before Branch 45, I have also ordered Atty. Pascua to make the necessary reply, comment and/or explanations on the matter, as I am no longer in the Judiciary after November 21, 2007. Nonetheless, I was told by Atty. Pascua that he would submit said comments, reply and/or explanations by next week.

5. That I have not gone to Branch 45 Office since I retired last November 21, 2007, and I was of the notion and belief that Atty. Pascua had written you on the matter.

On the above reasons, as I am no longer connected with the Judiciary, my failure to comply with the said memorandum dated November 10, 2007 earlier is reasonable and well-founded.

Again, I would like to reiterate my apology for what happened.

Thank you, Sir!

Judge Costales sent to the OCA another letter dated January 26, 2008,[8] as follows:

The undersigned received last January 23, 2008 the following:

1. Memorandum dated November 19, 2007 directing me to submit my report and recommendation relative to the irregularity in the punching of Bundy clock at RTC, Branch 49 when I was the Acting Executive Judge of the RTC, Urdaneta City, Pangasinan.
2. A letter dated November 19, 2007 directing me to give my comment on the findings of the Judicial Audit Team conducted in my sala, RTC, Branch 45.
3. Annex "A", re findings of the Audit Team.
4. Memorandum dated November 19, 2007, addressed to Atty. Max Pascua, Branch Clerk of Court of RTC, Branch 45, Urdaneta City, Pangasinan.

Anent No. 1, Please be informed that I sent to Your Honor a letter last January 8, 2008, explaining my failure to submit my comments

[8] *Id.,* pp. 14-15.

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on the matter, a copy of which is hereto attached and marked as Annex "A".

With regards (sic) to No. 2, my explanation is also contained in my letter dated January 8, 2008. Nonetheless, if I am directed to personally submit my comment, I would like then to state that on Tables 1 and 2: A. CASES SUBMITTED FOR DECISION on Civil and Criminal Cases, I have already decided all said cases, a Certification issued by the Branch Clerk of Court Atty. Max Pascua, marked as Annex "B" is hereto attached. Likewise, a copy of the letter-comment of Atty. Pascua marked as Annex "C" is hereto attached. In said comments, Annex "C", of Atty. Pascua, all the comments and/or explanations on the findings of the Audit Team from Table 1 to Table 11 are sufficiently indicated therein. I am adopting thereof, the comments and/or explanations of Atty. Pascua as my comments and/or explanation on the matter.

I hope Your Honor, that the above comments and/or explanations on my part would suffice on the matter/s I am directed to do.

Your Honor, it is indeed regrettable, that up to this time or more two months since I retired after rendering continuous or almost 40 years of Government service, I have not yet received a single centavo of the Retirement Benefits I am supposed to receive. It is true that an Administrative Case was filed against me, however, a Letter of Retention in order that I can also receive the benefits accorded to me was also submitted by me. I hope that the resolution/decision of my administrative case be resolved/decided by the Honorable Supreme Court at the soonest.

In the interest of justice, I should be given my Retirement Benefits as soon as possible. I am earnestly requesting Your Honor, to please help me on the matter for the early release of my Retirement Benefits.

Thank you very much, Your Honor!

B.
Failure of Judge Costales to investigate and to report on bundy clock incident

In addition to being the Presiding Judge of RTC Branch 45, Judge Costales served as the acting Executive Judge in the absence of the Executive Judge. In that capacity, he discharged duties, among them the investigation of administrative complaints brought

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against court personnel within his administrative area; and the submission of his findings and recommendations to the Court.[9]

On September 19, 2007, in the course of the judicial audit of Branch 45, Fernando S. Agbulos, Jr. (Agbulos, Jr.), team leader of the judicial audit, visited RTC Branch 49 to remind the Branch Clerk of Court on the monthly report of cases to be submitted to the OCA. After finding only two employees actually present in Branch 49, he inspected the bundy cards and discovered that all of the court personnel of Branch 49 except two – Helen Lim and Rowena Espinosa – had punched in on that day. He immediately referred his discovery (bundy-cards incident) to the attention of Judge Costales as acting Executive Judge.

When nothing was heard from Judge Costales about his action on the bundy-cards incident, the OCA issued to him a *memorandum* on November 19, 2007 to remind him that his report on the incident was already overdue, and to direct him to submit his report within ten days from notice. However, Judge Costales still did not comply with the directive of the OCA.

Later on, Judge Costales explained through his aforecited letter dated January 8, 2008 that he had instructed Atty. Pascua upon his receipt of the *memorandum* on November 20, 2007 to advise the OCA of his forthcoming retirement, but that Atty. Pascua had failed to so inform the OCA; that in the week prior to his retirement on November 21, 2007, he had been too busy reading and signing decisions and resolutions to conduct the investigation of the bundy-cards incident; and that his intervening retirement had left to the new Executive Judge the duty to investigate and report on the bundy-cards incident.

C.
OCA's Final Findings and Recommendations

In their *memorandum* dated April 22, 2008 for the Chief Justice,[10] Court Administrator Zenaida N. Elepaño and DCA Perez rendered the following findings, namely:

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[9] See Administrative Order No. 6 enacted on June 30, 1975.

[10] *Rollo*, pp. 1-12.

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(*a*) Some case records bore no dates of receipt by Branch 45;

(*b*) Several case records did not contain the latest court actions/court processes taken;

(*c*) No action was taken in some cases since their filing;

(*d*) The case record of Criminal Case No. U-12848 was not immediately transmitted to the Office of the Prosecutor, although the transmittal had been ordered as early as January 19, 2005;

(*e*) Some cases were not set for further hearing, or had no further actions taken on them;

(*f*) The issuance of summonses and *alias* summonses by the Branch Clerk of Court was delayed despite the corresponding orders by the judge;

(*g*) No actions were taken on cases set for *ex parte* reception of evidence; and

(*h*) Criminal Case No. U-13095 was set for trial with respect to one of the accused who had not been arraigned.

Court Administrator Elepaño and DCA Perez further found that despite his submission of the report on the status of cases on January 4, 2008 and February 18, 2008, Atty. Pascua did not furnish to the OCA copies of the orders and relevant papers showing the status of four criminal cases (*i.e.*, Criminal Case No. U-15010, Criminal Case No. U-15183, Criminal Case No. U-13095, and Criminal Case No. U-14936) and two civil cases (*i.e.*, Civil Case No. U-2377 and Civil Case No. U-8793).

Anent the bundy-cards incident in RTC Branch 49, Court Administrator. Elepaño and DCA Perez stated as follows:[11]

On September 19, 2007, the second day of this judicial audit, Mr. Fernando S. Agbulos, Jr., team member, went to Branch 49, same court, to remind the Clerk of Court of the Monthly Reports of Cases due for submission to the Office of the Court Administrator. He was surprised to see only two (2) employees inside the office. An inspection of the bundy cards would show, however, that only Ms.

[11] *Id.*, pp. 10-11.

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Helen Q. Lim and Ms. Rowena Espinosa did not punch in their cards on the said day. The team immediately reported the incident and referred the same to Judge Costales, then Acting Executive Judge of RTC, Urdaneta City, for his investigation, report and recommendation.

On November 19, 2007, this Office reminded Judge Costales of his overdue report on the investigation conducted in September 2007. Thus:

> "In the course of the judicial audit conducted in your court on September 19, 2007, the audit team discovered an appearance of irregularity in the punching of bundy cards at Branch 49, same court. This was immediately referred to you, in your then capacity as Acting Executive Judge, for investigation.
>
> In view thereof, you are hereby DIRECTED, within ten (10) days from notice, to submit your report and recommendation thereon."

No response was received from his end. After his retirement on November 21, 2007, he wrote:

> "I am awfully sorry for failing to comply xxx on the following grounds:
>
> 1. I received said memorandum only on November 20, 2007, the date of my compulsory retirement;
>
> 2. That a week before my retirement on November 21, 2007, I instructed my Branch Clerk of Court, Atty. Max Pascua to write your Honor to inform you that as much as I am already retired after November 21, 2007, the Executive Judge should be the one to conduct such investigation. However, I only learned yesterday that the Branch Clerk of Court was unable to do what I directed him to do by writing you on the matter.
>
> 3. xxx
>
> xxx
>
> On the above reasons (sic), as I am no longer connected with the Judiciary, my failure to comply with the said memorandum dated November 10, 2007 earlier is reasonable and well-founded."

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The explanation is unmeritorious. The assignment was given to him long before his retirement. The Memorandum dated November 19, 2007, even if received on November 20, 2007, a day before his compulsory retirement (contrary to his statement that his compulsory retirement was on November 20, 2007), is a mere reminder.

In a long line of cases, the Court has consistently ruled that failure to comply with the directives of the Court is tantamount to insubordination. In the case at bar, Judge Costales failed to comply with the Memorandum dated November 19, 2007 directing him to submit his report and recommendation on the investigation conducted in September 2007.

Accordingly, Court Administrator Elepaño and DCA Perez recommended that:

1. Retired Judge Joven F. Costales, Regional Trial Court, Branch 45, Urdaneta City be HELD ADMINISTRATIVELY LIABLE for the omissions brought about by records and caseflow mismanagement and insubordination in connection with the non-submission of his report and recommendation on the investigation on the irregularities in the punching of bundy cards at Branch 49, same court;

2. Atty. Max G. Pascua, Branch Clerk of Court, same court, Judge Costales be likewise HELD ADMINISTRATIVELY LIABLE for the omissions brought about by records and caseflow mismanagement and his failure to submit all the requirements in connection with the evaluation of the findings during the judicial audit;

3. Judge Costales and Atty. Pascua be FINED in the amount of Five Thousand Pesos (₱5,000.00) each;

4. Atty. Pascua be DIRECTED to DEVICE (sic) an efficient system of record management to ensure that all pending cases are included in the calendar of hearing and that the actual status of each case is reflected in each case record, with a STERN WARNING that similar infraction in the future shall be dealt with more severely; and

4. Atty. Pascua be DIRECTED to APPRISE, within ten (10) days from notice, the Acting Presiding Judge of Branch 45 of the status of the following cases by furnishing the judge copies of the latest Orders or court processes in (a) Criminal Cases Nos. U-15010, U-15183, U-13095 (transmittal letter to the Office of the Prosecutor) and U-14936 and Civil Cases Nos. U-2377 and U-8793; and (b)

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Criminal Case No. U-13095 insofar as the arraignment of accused J. Suetus is concerned; and

5. The Executive Judge, Regional Trial Court, Urdaneta City, Pangasinan be DIRECTED to ENSURE that no irregularities in the punching of bundy cards in her station could, henceforth, be contrived.

RULING

We adopt the well-substantiated findings of Court Administrator Elepaño and DCA Perez, but we impose higher penalties on Judge Costales and Atty. Pascua.

A.
Efficient Handling and Physical Inventory of Cases, Important and Necessary in the Administration of Justice

All judges discharge administrative responsibilities in addition to their adjudicative responsibilities. They should do so by maintaining professional competence in court management and by facilitating the performance of the administrative functions of other judges and court personnel.[12]

An orderly and efficient case management system is no doubt essential in the expeditious disposition of judicial caseloads, because only thereby can the judges, branch clerks of courts, and the clerks-in-charge of the civil and criminal dockets ensure that the court records, which will be the bases for rendering the judgments and dispositions, and the review of the judgments and dispositions on appeal, if any, are intact, complete, updated, and current. Such a system necessarily includes the regular and continuing physical inventory of cases to enable the judge to keep abreast of the status of the pending cases and to be informed that everything in the court is in proper order.[13] In contrast, mismanaged or incomplete records, and the lack of periodic inventory definitely cause unwanted delays in litigations and inflict unnecessary expenses on the parties and the State.

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[12] Rule 3.08, *Code of Judicial Conduct*.

[13] *Juan v. Arias,* Adm. Matter No. P-310, August 23, 1976, 72 SCRA 404.

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Although the presiding judge and his or her staff share the duty of taking a continuing and regular inventory of cases, the responsibility primarily resides in the presiding judge. The continuity and regularity of the inventory are designed to invest the judge and the court staff with the actual knowledge of the movements, number, and ages of the cases in the docket of their court, a knowledge essential to the efficient management of caseload. The judge should not forget that he or she is duty-bound to perform efficiently, fairly, and with reasonable promptness all his or her judicial duties, including the delivery of reserved decisions.[14] Thus, the judge must devise an efficient recording and filing system for his or her court that enables him or her to quickly monitor cases and to manage the speedy and timely disposition of the cases.[15]

B.
Inefficiency and Mismanagement of Records of Branch 45

The OCA uncovered the mismanagement of the records of Branch 45 of the RTC in Urdaneta City, while still presided by Judge Costales, with Atty. Pascua as the Branch Clerk of Court. The mismanagement included the following, to wit: (*a*) some case records bore no dates of receipt by the branch; (*b*) several case records did not contain the latest court actions and court processes taken; (*c*) action had not been taken in some cases from the time of their filing; (*d*) the case record of Criminal Case No. U-12848 had not been immediately transmitted to the Office of the Prosecutor, despite the transmittal having been ordered as early as January 19, 2005; (*e*) some cases had not been set for further hearing, or had had no further actions taken on them; (*f*) the issuances of summonses and *alias* summonses by the Branch Clerk of Court had been delayed despite the corresponding orders for that purpose; (*g*) action had not been taken on cases set for *ex parte* reception of evidence;

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[14] Section 5, Canon 6, *New Code of Judicial Conduct for the Philippine Judiciary*.

[15] *Kara-an v. Lindo*, A.M. No. MTJ-07-1674, April 19, 2007, 521 SCRA 423, 435.

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and (*h*) Criminal Case No. U-13095 had been set for trial with respect to one of the accused who had not been arraigned.

Aside from the foregoing findings being based on the actual records of Branch 45 of the RTC in Urdaneta City, we note that neither Judge Costales nor Atty. Pascua have refuted the findings of the OCA. Hence, we declare both of them to be administratively liable and subject to appropriate sanctions.

1.
Judge Costales

The sins of Judge Costales consisted of omissions. To start with, he failed to act on some cases from the time of their receipt at Branch 45 until the period of the audit. And, secondly, he did not properly supervise the court personnel, as borne by the records of some cases either not containing the latest court actions and court processes taken, or not showing the actions taken from the time of their filing, or not being set for further hearing or action, or revealing the delayed issuances of summonses and *alias* summonses despite the corresponding orders towards that end, or by inaction on cases set for *ex parte* reception of evidence.

Judge Costales uncharacteristically ignored that he discharged judicial and administrative duties as the Presiding Judge of Branch 45. He seemingly forgot that his responsibility of efficiently and systematically managing his caseload was the inseparable twin to his responsibility of justly and speedily deciding the cases assigned to his court. He should have remembered all too easily that he had assumed *both* responsibilities upon entering into office as Presiding Judge, and that he was bound to competently and capably discharge them from then on until his compulsory retirement. His failure to discharge them properly by organizing and supervising his court personnel with the end in view of bringing them to the prompt dispatch of the court's business in anticipation of his forced retirement reflected his inefficiency and breached his obligation to observe at all times the high standards of public service and fidelity.[16]

[16] Rule 3.09, *Code of Judicial Conduct*.

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In this regard, Judge Costales could not deflect the blame to Atty. Pascua as his Branch Clerk of Court. The responsibility of organizing and coordinating the court personnel to ensure the prompt and efficient performance of the court's business was direct and primary for him as the judge. Truly, the duty to devise an efficient recording and filing system that would have enabled himself and his personnel to monitor the flow of cases and to manage their speedy and timely disposition pertained to him first and foremost.[17] Moreover, he should know that his subordinates were not the guardians of his responsibilities as the judge.[18] Being in legal contemplation the head of his branch,[19] he was the master of his own domain who should be ready and willing to take the responsibility for the mistakes of his subjects,[20] as well as to be ultimately responsible for order and efficiency in his court. He could not hide behind the inefficiency or the incompetence of any of his subordinates.

2.
Atty. Pascua

As with Judge Costales, omissions made up Atty. Pascua's myriad faults.

Atty. Pascua bore the responsibility for the non-issuance of summonses or *alias* summonses in some cases, for the failure to indicate the dates of receipt of case records by Branch 45, for the failure to receive evidence *ex parte* despite the orders to that effect, for the failure to prepare and submit (or cause the submission of) the monthly inventories, and for the failure to report and update the records of the cases of the branch. Such omissions involved matters that he should have routinely

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[17] *Gordon v. Lilagan*, A.M. No. RTJ-00-1564, July 26, 2001, 361 SCRA 690, 699.

[18] See *Nidua v. Lazaro*, A.M. No. R-465 MTJ, June 29, 1989, 174 SCRA 581.

[19] *Re: Report on the Judicial Audit and Physical Inventory of Cases in MCTC Sara-Arjuy-Lemery, Iloilo,* A.M. No. 05-10-299-MCTC, December 14, 2005, 477 SCRA 659, 664.

[20] *Gonzalez v. Torres*, A.M. No. MTJ-06-1653, July 30, 2007, 528 SCRA 490, 500.

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and regularly performed. His duty as the Branch Clerk of Court of Branch 45 required him to receive and file all pleadings and other papers properly presented to the branch, endorsing on each such paper the time when it was filed.[21]

Atty. Pascua was equally accountable with Judge Costales for the inefficient handling of the court records of Branch 45. His being the Branch Clerk of Court made him the custodian of such records (*i.e.*, pleadings, papers, files, exhibits, and the public properties pertaining to the branch and committed to his charge) with the sworn obligation of safely keeping all of them. Like his Presiding Judge, he carried on his shoulders the burden to see to the orderly and proper keeping and management of the court records, by which he was required to exercise close supervision of the court personnel directly charged with the handling of court records.[22] His position of Branch Clerk of Court rendered him an essential and ranking officer of the judicial system performing delicate administrative functions vital to the prompt and proper administration of justice.[23] Alas, he failed to so perform.

3.
Both Judge Costales and Atty. Pascua, Liable

Based on the foregoing, the OCA properly found that Judge Costales and Atty. Pascua were individually and collectively guilty of mismanagement of the case records of Branch 45, for their omissions led to their Branch's inability to dispose of many pending matters, causing the litigants concerned and even the Government to suffer needless delay and incur unnecessary expense.

However, the recommendation of the OCA to impose a fine of ₱5,000.00 on each of Judge Costales and Atty. Pascua trivializes their omissions as a light charge. We cannot concur

[21] Section 6, Rule 136, *Rules of Court*.

[22] *Makasiar v. Gomintong*, A.M. No. P-05-2061, August 19, 2005, 467 SCRA 411, 417.

[23] *Mikrostar Industrial Corporation v. Mabalot*, A.M. No. P-05-2097, December 15, 2005, 478 SCRA 6, 11-12.

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with such recommendation, because the character and magnitude of the omissions indicated that Judge Costales and Atty. Pascua had been inefficient over a long period of time and had failed to devise and put in place any proper system of records management in that length of time. They were really guilty of violating Supreme Court rules, directives, and circulars, a violation that Section 9, Rule 140, of the *Rules of Court* treats as a less serious charge, *viz*:

Section 9. *Less Serious Charges.* – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

2. Frequent and unjustified absences without leave or habitual tardiness;

3. Unauthorized practice of law;

4. Violation of Supreme Court rules, directives, and circulars;

5. Receiving additional or double compensation unless specifically authorized by law;

6. Untruthful statements in the certificate of service; and

7. Simple Misconduct.

The sanctions on a less serious charge are stated in Section 11, Rule 140, of the *Rules of Court*, to wit:

Section 11. *Sanctions.* – xxx

xxx

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

xxx

Accordingly, the fine to be imposed on Judge Costales is in the maximum of ₱20,000.00, by reason of his higher and primary

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responsibility, and that on Atty. Pascua is ₱8,000.00, in view of his subordinate but non-judicial position.

C.
Insubordination further rendered Judge Costales Guilty of Simple Misconduct

The records established that Judge Costales did not investigate the bundy-cards incident in RTC Branch 49 from the time the leader of the judicial audit team had reported it to him in his capacity as the Acting Executive Judge. His inaction was even surprising and inexplicable, because the incident concerned the probable falsification of daily time records by subordinate court employees, a very serious matter that when properly established might have merited for those concerned their dismissal from the service.[24] He still needed to be prodded to investigate by the OCA, but all that he could offer thereafter by way of explaining his inaction was that his forthcoming retirement on November 21, 2007 left him no more time and space to look into the incident.

We cannot exculpate Judge Costales from insubordination.

Section 3, Canon 2 of the *New Code of Judicial Conduct for the Philippine Judiciary* directs a judge to take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware. This imperative duty becomes the more urgent when the act or omission the court personnel has supposedly committed is in the nature of a grave offense, like the bundy-cards incident involved herein. It would have been surely demanded in the best interest of the public service, if not of the court itself, that the act or omission reported by the judicial audit team to Judge Costales as the Acting Executive Judge be investigated and properly dealt with promptly.

The explanation of Judge Costales of having no more time and space to look into the bundy-cards incident was implausible.

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[24] *Re: Falsification of Daily Time Records of Maria Fe P. Brooks, Court Interpreter, RTC, Quezon City, Branch 96,* A.M. No. P-05-2086, October 20, 2005, 473 SCRA 483, 488.

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Having been informed of the anomaly on September 19, 2007, he had at least two months prior to November 21, 2007, his retirement date, within which to carry out his investigation, and to render a report thereon. That length of time was ample, if only he had acted promptly to investigate the incident.

Moreover, Judge Costales could not reasonably claim that he had not been aware of the need for him to investigate. Although it is true that he received the OCA's *memorandum* dated November 19, 2007 only on November 20, 2007, it is equally true that the *memorandum* was only a reminder to him about his investigation report and recommendation being already overdue. His inaction from the time when Agbulos, Jr. brought the incident to his official attention indicated his having ignored the need for him as an Acting Executive Judge to investigate. That he did not even bother to explain his inaction or his non-compliance with the reminder aggravated his insubordination. Indeed, the attitude he thereby displayed smacked of an uncharacteristic indifference towards his judicial office and towards the Court.

For disobeying or ignoring the directive to investigate the bundy-cards incident, Judge Costales was guilty of insubordination, an omission that constituted simple misconduct, classified under Section 9, no. 4, Rule 140, of the *Rules of Court, supra,* as a less serious charge, and is thus punished with a fine of ₱12,000.00, conformably with Section 11, Rule 140, *Rules of Court, supra*.

WHEREFORE, we find and pronounce:

1. Retired *JUDGE JOVEN F. COSTALES* and *BRANCH CLERK OF COURT ATTY. MAX G. PASCUA* guilty of the less serious charge of violation of Supreme Court rules, directives, and circulars, and are respectively ordered to pay fines of ₱20,000.00 and ₱8,000.00; and

2. Retired *JUDGE JOVEN F. COSTALES* guilty of the less serious charge of simple misconduct, and is fined in the amount of ₱12,000.00.

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The fines imposed on *JUDGE COSTALES* shall be deducted from any retirement benefits due to him.

The Court directs *ATTY. MAX G. PASCUA*:

1. To devise an efficient system of record management that ensures that: (*a*) all pending case are immediately included in the calendar of hearing; and (*b*) the actual status of every case is reflected in the respective case record; and

2. To apprise the Presiding Judge of Branch 45 of the Regional Trial Court in Urdaneta City, Pangasinan within ten (10) days from notice on the status of the following cases and furnishing copies of the latest orders or court processes therein, namely: (*a*) Criminal Case Nos. U-15010, U-15183, U-13095 (transmittal letter to the Office of the Prosecutor) and Civil Case Nos. U-2377 and U-8793; and (*b*) Criminal Case No. U-13095 (regarding the arraignment of the accused).

The incumbent Executive Judge of the Regional Trial Court in Urdaneta City, Pangasinan is directed: (*a*) to immediately investigate and determine the court personnel involved in the bundy clock irregularity committed on September 19, 2007; (*b*) to report in writing on the investigation to the Office of the Court Administrator within ten (10) days from completion; and (*c*) to ensure that no similar irregularities are committed in the station.

SO ORDERED.

Carpio Morales (Chairperson), Brion, Villarama, Jr., and *Sereno, JJ.,* concur.