Supreme Court E-Library

of law on the charges of immorality and abandonment of his own family, the penalties to be served simultaneously. Let notice of this decision be spread in respondent's record as an attorney, and notice of the same served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all the courts concerned.

SO ORDERED.

Vitug, Panganiban, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

EN BANC

[A.M. No. 98-3-119-RTC. October 18, 2000]

JUDICIAL AUDIT REPORT, Regional Trial Court, Branches 21, 35 & 36 and Municipal Trial Court in Cities, Branches 1 & 2, Santiago City; Regional Trial Court, Branch 17, Ilagan, Isabela; Regional Trial Court, Branch 31, Cabarroguis, Quirino and Municipal Trial Court, Cauayan & Echague, Isabela.

SYNOPSIS

Following a judicial audit and physical inventory of records in the different trial courts, the OCA reprimanded and fined several judges for the delay in the resolution of their cases.

The Supreme Court agreed with the findings and recommendations of the OCA, ruling that the lapses on the part of the judges can be traced to their failure to properly observe Administrative Circular No. 1, dated 28 January 1988, on "Effective Docket Control x x x" and Circular No. 13, dated 01 July 1987, reiterated in Administrative Circular No. 3-99

Supreme Court E-Library

dated 15 January 1999, which provided guidelines "To insure speedy disposition of cases x x x."

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; SUPREME COURT CIRCULARS TO INSURE PROMPT DISPOSITION OF CASES; LIABILITY FOR JUDGES' FAILURE TO OBSERVE THE SAME; CASE AT BAR.** — The Court agrees with the OCA that the lapses on the part of the judges can be traced to their failure in the proper observance of the following circulars of the Court; to wit: (1) Administrative Circular No. 1, dated 28 January 1988, on Effective Docket Control x x x which has been restated by the Court in Administrative Circular No. 10-94 of 29 June 1994; and (2) Circular No. 13, dated 01 July 1987, reiterated in Administrative Circular No. 3-99, dated 15 January 1999, which x x x provides guidelines to insure speedy disposition of cases. x x x
2. **ID.; ID.; ID.; ID.; REMEDY IN CASE OF GREAT DIFFICULTY.** — The Court, here again, must stress that while it is not unaware of the heavy caseload of judges nor is it impervious to the plight of judges, it cannot, however, take too lightly Rule 3.05, of Canon 3, of the Code of Judicial Conduct requiring the disposition of the court business and of pending cases or incidents promptly and seasonably. All that a judge really needs to do, in case of great difficulty, would be to request for an extension of time over which the Court has, almost invariably, been sympathetic.

D E C I S I O N

VITUG, *J.*:

Following a judicial audit and physical inventory of records conducted by a Judicial Audit Team[1] in the Regional Trial Court ("RTC") of Santiago City, Branches 21, 35 and 36; RTC of

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[1] Composed of Justice Conrado M. Molina, Atty. Ma. Carina Matammu-Cunanan, Ronaldo Navarro, Olivia San Andres, Esther Andres, Dahlia Juntereal and Noel Buhion.

Supreme Court E-Library

Cabarroguis, Quirino, Branch 31; RTC of Ilagan, Isabela, Branch 17; Municipal Trial Court in Cities ("MTCC") of Santiago City, Branches 1 and 2; and Municipal Trial Court ("MTC") of Cauayan and Echague, Isabela, and considering the recommendations of the Office of the Court Administrator ("OCA") in its memorandum, dated 23 February 1998, to the Chief Justice, the Court, in its 23rd June 1998 resolution, resolved, among other things, to —

(1) Direct Judge Serio A. Plan of MTC, Cauayan, Isabela, to explain the delay in the resolution of the following cases:

"1. CV-1896 - Submitted for Resolution on August 29, 1996;
2. CV-1894 - Submitted for resolution on November 4, 1996;
3. CV-1932 - Submitted for resolution on December 16, 1996;
4. CV-1946 - Submitted for decision on November 5, 1997;
5. CV-2034 - Submitted for decision on November 12, 1997; and
6. CV-1706 - Submitted for decision on March 17, 1997."[2]

(2) Direct Judge Wilfredo P. Ambrosio of RTC, Cabarroguis, Quirino, Branch 31, to explain the delay in the resolution of the following cases:

"1. 426 - Submitted for decision on June 16, 1997;
2. 427 - Submitted for decision on June 16, 1997;
3. 434 - Submitted for decision on June 16, 1997;
4. 387 - Submitted for decision on June 16, 1997;
5. 194 - Submitted for decision on October 19, 1995;
6. 256 - Submitted for decision on July 26, 1995;
7. 430 - Submitted for decision on August 25, 1997;
8. 292 - Submitted for decision on January 27, 1997;

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[2] *Rollo*, p. 42.

Supreme Court E-Library

9. 169	-	Submitted for decision on July 7, 1997
10. 373	-	Submitted for decision on August 25, 1997; (with draft decision)
11. 324	-	Submitted for decision on May 15, 1996;
12. 425	-	Submitted for decision on August 25, 1997;
13. 393	-	Submitted for resolution on March 3, 1997;
14. 408	-	Submitted for resolution on August 25, 1996;
15. 83	-	Submitted for resolution on October 10, 1997;
16. 368	-	Submitted for resolution on August 7, 1994; and
17. 370	-	Submitted for resolution on August 20, 1996."[3]

Judge Ambrosio was likewise required to explain why the following cases were unacted upon for a considerable length of time; to wit:

"CIVIL CASES

1. 392	14. 45916
2. 444	15. LRC-92-9
3. 188	16. 311
4. 283	17. 261
5. 302	18. 295
6. 394	19. 459
7. 96-11	20. Sp. Proc. 93-002
8. 228	21. Sp. Proc. 96-08
9. 320	22. Sp. CV 173
10. LRA 184	23. LRC Case No. 182
11. 399	24. Sp. CV Action 91-02

[3] *Rollo*, p. 43.

Supreme Court E-Library

12. 309
13. 243
25. Sp. Proc. 97-10
26. LRC Case No. 181

"CRIMINAL CASES

1. 1283
2. 718
3. 1043
4. 951
5. 975
6. 1116"[4]

(3) Direct Judge Fe Albano Madrid of RTC, Santiago City, Branch 21, to explain the delay in the resolution of Civil Case No. 0105, submitted for decision on 09 October 1997, and to explain why the following cases were unacted upon for a considerable length of time; to wit:

"CIVIL CASES

1. 2348
2. 2441
3. 2317
4. 2425
5. 2230
6. 2383
7. 2433
8. 2312
9. 503
10. 2432
11. 2313"[5]

(4) Direct Judge Demetrio D. Calimag, Jr., RTC of Santiago City, Branch 35, to explain the delay in the resolution of the following cases:

"CRIMINAL CASES

1. 1898 - Submitted for decision on October 10, 1997;
2. 1977 - Submitted for decision on October 10, 1997;
3. 1978 - Submitted for decision on October 10, 1997; and
4. 1979 - Submitted for decision on October 10, 1997;

"CIVIL CASES

1. LRC Case-35-2161 - Submitted for decision on July 28, 1997;
2. 2077 - Submitted for decision on May 22, 1997; and
3. 2318 - Submitted for decision on February 19, 1997."[6]

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[4] *Rollo*, p. 43.
[5] *Rollo*, p. 43.
[6] *Rollo*, p. 44.

Supreme Court E-Library

Judge Calimag, furthermore, was required to explain why the following cases were unacted upon for a considerable length of time; to wit:

"CIVIL CASES

1. LRC 2095	3. LRC 2087	5. 2396
2. 2165	4. Sp. Proc. 0205	6. 204"[7]

(5) Direct Judge Efren A. Lamorena, RTC of Santiago City, Branch 36, to explain the delay in the resolution of the following cases:

"CRIMINAL CASES

1.	193	-	Submitted for decision on December 13, 1995;
2.	2287	-	Submitted for decision on September 18, 1997;
3.	2094	-	Submitted for decision on January 15, 1997; and
4.	0226	-	Submitted for decision on July 2, 1997.

"CIVIL CASES

1.	2151	-	Submitted for decision on October 24, 1995;
2.	21521	-	Submitted for decision on October 24, 1995
3.	2128	-	Submitted for decision on November 7, 1995;
4.	2150	-	Submitted for decision on January 8, 1996;
5.	1047	-	Submitted for decision on September 10, 1997
6.	2181	-	Submitted for decision on January 17, 1997;
7.	2141	-	Submitted for decision on August 14, 1997;
8.	2248	-	Submitted for decision on May 30, 1997;
9.	1076	-	Submitted for decision on September 18, 1996;

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[7] *Rollo*, p. 44.

Supreme Court E-Library

10. 2089 - Submitted for decision on June 6, 1996;
11. 2154 - Submitted for decision on May 16, 1995;
12. 2137 - Submitted for resolution on March 13, 1997;
13. 2339 - Submitted for resolution on June 17, 1997;
14. 2052 - Submitted for resolution on January 16, 1997;
15. 2158 - Submitted for resolution on August 8, 1996;
16. 2156 - Submitted for resolution on March 1, 1996
17. 2232 - Submitted for resolution on March 28, 1996;
18. 2143 - Submitted for decision on October 24, 1995;
19. 2147 - Submitted for decision on August 22, 1995;
20. 2292 - Submitted for decision on December 11, 1996;
21. 2243 - Submitted for decision on October 29, 1997;
22. LRC 1921 - Submitted for decision on August 13, 1997;
23. Spc. Proc. 0182 - Submitted for decision on January 31, 1997;
24. Spc. Proc. 0206 - Submitted for decision on January 20, 1997;
25. 2300 - Submitted for decision on October 6, 1997;
26. 0103 - Submitted for decision on February 12, 1996; and
27. 2220 - Submitted for decision on October 23, 1997."[8]

Judge Lamorena was also asked to explain why the following cases were unacted on for a considerable length of time; to wit:

"CRIMINAL CASES

1. 1605	2. 2283	3. 2071	4. 1943

"CIVIL CASES

1. 0810	6. 0811	11. 2067	15. 1044
2. 1082	7. 0910	12. 540	16. 0449

[8] *Rollo*, p. 45.

Supreme Court E-Library

3. 2186	8. 2187	13. 2142	17. 2355
4. 2294	9. 2443	14. 2352	18. 0108[9]
5. 2220	10. 2309		

(6) Direct Judge Ruben R. Plata, MTCC, Santiago City, to explain his delay in acting on the following cases:

"CRIMINAL CASES

1. 3433	3. 3434	5. 3435	7. 5570
2. 3071	4. 2778	6. 2840	

"CIVIL CASES

1. 320	4. 322	6. 325	8. 326
2. 327	5. 328	7. 330	9. 331"[10]
3. 399			

Judge Fe Albano Madrid, Judge Demetrio Calimag, Jr., Judge Efren Lamorena and Judge Sergio Plan submitted their respective compliances. In its Memorandum, dated 11 May 1999, the OCA reported thusly:

"JUDGE FE ALBANO MADRID
RTC, Branch 21, Santiago City

"Judge Madrid gave no explanation for the delay in the resolution of Civil Case No. 0105 and why there were cases which were unacted on for a considerable length of time. All she stated were the present status of the said cases. (pp. 54-56, *rollo*).

"a. Delay in the Resolution of Civil Case No. 0105.

Judge Madrid informed that Civil Case No. 0105 has long been dismissed on February 7, 1984. What might have been referred to was Spc. Proc. No. 0105 where there is a pending Motion for Reconsideration. The petitioner in the said case submitted his Supplemental Offer of Documentary Evidence

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[9] *Rollo*, p. 45.

[10] *Rollo*, p. 46.

Supreme Court E-Library

on October 10, 1997 but was inadvertently missed. Thus, the Motion for Reconsideration was resolved only on February 10, 1998.

"b. Unacted cases for a considerable length of time.

1. *Civil Case 2348 For Declaration of Nullity of Marriage* — Summons to the defendant was returned unserved on October 23, 1977 with the information that the defendant is abroad. There is still no action by the plaintiff to have summons effected by publication.

2. *Civil Case 2441 For Damages* — Submitted for resolution after the plaintiff submitted his written opposition within ten days to the Motion to Dismiss which was filed by the defendants on August 7, 1998.

3. *Civil Case 2230 For Damages* — Proceedings were suspended by the Court of Appeals on October 3, 1996. The Court of Appeals decision was received on February 14, 1997 and the proceedings resumed. On July 7, 1998 the case was dismissed upon the manifestation of the parties that they already entered into an amicable settlement.

4. *Civil Case 2425 For Specific Performance* — No answer was filed by the defendant. A motion to declare in default was filed by the plaintiff only on June 23, 1998 which was granted on June 26, 1998. On July 21, 1998, during the scheduled *ex-parte* reception of evidence, the plaintiff moved for the suspension of the proceedings for ninety days to restudy the complaint. The motion was granted.

5. *Civil Case 2317 For Damages* — Summons was returned unserved with the information that the defendant is not known in the address given. There is still no action by the defendant.

6. *Civil Case 2383 For Forcible Entry* — This is an appeal from the MTCC, Santiago City. Appellant was directed to submit his appeal memorandum within thirty days. He failed to submit. Appeal was dismissed on August 17, 1998.

Supreme Court E-Library

7. *Civil Case 2433 For Unlawful Detainer* — This is an appeal from the MTCC, Santiago City. Appellant was directed to submit his appeal memorandum within thirty days. He failed to submit. Appeal was dismissed on August 17, 1998.

8. *Civil Case 2312 For Specific Performance* — Complaint was dismissed on August 17, 1998.

9. *Civil Case 503* — This is an old case which was dismissed as early as January 20, 1987.

10. *Civil Case 2432 For Unlawful Detainer* — This is an appeal from the MTCC, Santiago City. It was dismissed on July 22, 1998 for failure of the appellant to submit his appeal memorandum.

11. *Civil Case 2313 For Annulment of Sale* — On trial.

"JUDGE DEMETRIO D. CALIMAG, JR.

RTC, Branch 35, Santiago City

"Judge Calimag likewise offered no explanations for the delay in the resolution of some cases in his *sala*. Instead he simply gave the statuses of the cases as follows, (pp. 70-72, *rollo*):

"Criminal Cases:

1. 35-1898	-	Decided on September 17, 1998.
2. 35-1977	-	Decided on September 17, 1998.
3. 35-1978	-	Decided on September 17, 1998.
4. 35-1979	-	Decided on September 17, 1998.

"Civil Cases:

1. (LRC) 35-2161	-	Decided on September 1, 1998.
2. 35-2077	-	Decided on August 10, 1998.
3. 35-2318	-	Decided on September 1, 1998.
4. (LRC) 35-2095	-	for Pre-Trial Conference on September 3, 1998.

Supreme Court E-Library

5. (LRC) 35-2087	-	DISMISSED without prejudice on August 20, 1998.
6. 35-2396	-	DISMISSED on August 21, 1998.
7. 35-2165	-	Archived on August 20, 1998.
"Special Proceedings:		
1. 35-0205	-	DISMISSED without prejudice on August 31,1998.
2. 35-0206	-	DISMISSED without prejudice on August 31, 1998.
"Archived Criminal Cases:		
1. 35-2052	-	Archived on February 26, 1998.
2. 35-2055	-	Archived on February 26, 1998.
3. 35-2118	-	Archived on March 26, 1998.
4. 35-2126	-	Archived on April 30, 1998.
5. 35-2184	-	Archived on March 30, 1998.
6. 35-2243	-	Archived on August 25, 1998.
7. 35-2257	-	Archived on May 28, 1998.
8. 35-2215	-	Archived on May 28, 1998.
9. 35-2143	-	Archived on April 30, 1998.
10. 35-1969	-	Archived on February 26, 1998.
11. 35-1515	-	Archived on February 25, 1998.
12. 35-2277	-	Archived on June 29, 1998.
13. 35-2407	-	Archived on August 25, 1998.
14. 35-2415	-	Archived on August 25, 1998.
15. 35-1945	-	Archived on February 26, 1998.
16. 35-2454	-	Archived on August 25, 1998.
17. 35-2259	-	Archived on June 29, 1998.

Supreme Court E-Library

18. 35-2284	-	Archived on August 25, 1998.
19. 35-2323	-	Archived on April 30, 1998.
20. 35-2332	-	DISMISSED on February 3, 1998.
21. 35-2362	-	Archived on May 28, 1998.
22. 35-1958	-	Transferred to RTC 36 on June 30, 1995.
23. 35-2041	-	Archived on February 26, 1998.
24. 35-1791	-	Archived on February 25, 1998.
25. 35-2078	-	Archived on February 26, 1998.
26. 35-2130	-	Archived on April 30, 1998.
27. 35-2124	-	Archived on April 30, 1998.
28. 35-2171	-	Archived on April 30, 1998.
29. 35-2223	-	Archived on May 28, 1998.
30. 35-2240	-	Archived on June 29, 1998.
31. 35-1849	-	Archived on February 25, 1998.
32. 35-2141	-	Archived on April 30, 1998.
33. 35-2387	-	Archived on August 25, 1998.
34. 35-2019	-	Archived on April 30, 1998.
35. 35-0022	-	DECIDED by RTC 21 on December 29, 1986.
36. 35-2312	-	Archived on August 25, 1998.
37. 35-2408	-	Archived on August 25, 1998.
38. 35-1922	-	Archived on February 26, 1998.
39. 35-1976	-	Archived on February 26, 1998.
40. 35-2455	-	Archived on August 25, 1998.
41. 35-2263	-	Archived on August 25, 1998.
42. 35-2290	-	Archived on August 25, 1998.
43. 35-2442	-	Archived on August 25, 1998.

Supreme Court E-Library

44. 35-2334	-	Archived on May 28, 1998.
45. 35-2377	-	Raffled at RTC 36.
46. 35-1966	-	Archived on February 26, 1998.
47. 35-2046	-	Archived on February 26, 1998.
48. 35-2079	-	Archived on February 26, 1998.
49. 35-2104	-	Archived on March 30, 1998.
50. 35-2148	-	Archived on April 30, 1998.
51. 35-2178	-	Archived on April 30, 1998.
52. 35-2224	-	Archived on May 28, 1998.
53. 35-2244	-	Archived on June 29, 1998.
54. 35-2339	-	DISMISSED on February 3, 1998.
55. 35-2142	-	Archived on April 30, 1998.
56. 35-1907	-	Archived on February 26, 1998.
57. 35-1159	-	Archived on February 26, 1998.
58. 35-2220	-	RAFFLED at RTC 36.
59. 35-2314	-	Archived on May 28, 1998.
60. 35-2410	-	Archived on August 25, 1998.
61. 35-1905	-	Archived on February 26, 1998.
62. 35-2030	-	Archived on February 26, 1998.
63. 35-2454	-	Archived on August 25, 1998.
64. 35-2280	-	Archived on June 29, 1998.
65. 35-2315	-	Archived on May 28, 1998.
66. 35-2325	-	Archived on May 28, 1998.
67. 35-2334	-	Archived on May 28, 1998.
68. 35-2366	-	Archived on May 28, 1998.
69. 35-1991	-	Archived on February 26, 1998.
70. 35-1687	-	Archived on February 25, 1998.
71. 35-2093	-	Archived on February 26, 1998.

Supreme Court E-Library

72. 35-2105	-	DISMISSED on November 17, 1997.
73. 35-2155	-	Archived on April 30, 1998.
74. 35-2182	-	Archived on May 28, 1998.
75. 35-2232	-	Archived on June 29, 1998.
76. 35-2256	-	Archived on June 29, 1998.
77. 35-2214	-	Archived on May 28, 1998.
78. 35-2143	-	Archived on April 30, 1998.
79. 35-1914	-	Archived on March 28, 1998.
80. 35-1513	-	Archived on February 25, 1998.
81. 35-2275	-	Archived on June 29, 1998.
82. 35-2081	-	Archived on February 26, 1998.
83. 35-2411	-	Archived on August 25, 1998.
84. 35-1924	-	Archived on February 26, 1998.
85. 35-2031	-	Archived on February 26, 1998.
86. 35-0973	-	Archived on August 25, 1998.
87. 35-2282	-	Archived on June 29, 1998.
88. 35-2316	-	Archived on May 28, 1998.
89. 35-2329	-	Archived on August 25, 1998.
90. 35-2377	-	Raffled to RTC 36.
91. 35-1906	-	Archived on February 26, 1998.
92. 35-2018	-	Archived on April 30, 1998.
93. 35-1274	-	Archived on February 25, 1998.

"JUDGE EFREN A. LAMORENA
RTC, Branch 36, Santiago City

"Judge Efren A. Lamorena, RTC, Branch 36, Santiago City, submitted his reasons (pp. 60-61, *rollo*) for the delay in the resolution of some cases in his *sala* as follows:

Supreme Court E-Library

"1. Due to his health problem (a vision impairment) caused by a cataract disease clouding his eyes with intense pain and compromising as it compromised his eyesight thus, preventing him to carry his normal work;

(Judge Lamorena informed that as soon as his economic life improves, he will try to submit himself for an eye operation. Just recently he suffered a stroke).

"2. His health problem is compounded by the hard working condition of his office. It is very small and crowded. All the equipments of the court are stocked without any air-conditioning unit. (The Team noted that Judge Lamorena has no court and staff room.) He conducts his trials at the corridors and shares the room with the Office of the Clerk of Court.

"3. His *sala* was designated to try heinous crimes;

"4. He likewise revealed that he commutes daily in a public transportation at a distance of seventy-two (72) kilometers one way with a travel time of at least four (4) hours a day.

"On November 12, 1998 (p. 80, *rollo*) Judge Lamorena informed that of the thirty-one (31) cases mentioned in Item No. 5-a, only six (6) cases remain to be decided or resolved, while seven (7) of the cases listed in Item No. 5-c are likewise being resolved.

"Judge Lamorena informed that had it not been for the Super Typhoon Iliang and later Loleng whose destructive fury devastated the province of Isabela, including his residence, he would have resolved already all the said cases.

"He likewise manifested that he is already ready to resume trying cases in his *sala*.

"It is should be noted that Judge Lamorena however did not furnish this Office copies of his decisions.

"*JUDGE SERGIO A. PLAN*
MTC, Cauayan, Isabela

"In his letter dated August 27, 1998 (p. 68, *rollo*), Judge Plan simply informed the status of the following cases:

"1. *Civil Case No. 1706* — Not submitted for decision because defendants have not been served with summons as they could not be located.

Supreme Court E-Library

Due to the inaction of the plaintiff, the case is ordered archived.

"2. *Civil Case Nos. 1894 & 1896* — The Court archived said cases due to the inaction of the plaintiff for unreasonable length of time.

"3. *Civil Case No. 1932* — Not immediately acted upon due to the withdrawal of counsel Atty. Agustin Ladera for the plaintiff and substituted by new counsel Atty. Bernard Olalia who has not filed a formal appearance as counsel for the plaintiff and to have the motion to declare defendants in default set for hearing with notice to the defendants. Hence, due to the inaction of the plaintiff, the Court archived the case.

"4. *Civil Cases Nos. 1946 & 2034* — Not immediately decided due to the failure of the plaintiff to submit the exhibits offered as evidence and as the Court was about to archive the cases, the plaintiff submitted the required exhibits and thereupon, the Court rendered its decision dated March 23 and March 31, 1998, respectively."[11]

Judge Wilfredo Ambrosio failed to comply with the directive of the Court. The OCA advised the Court that Judge Ambrosio had resigned from the service upon the filing of his certificate of candidacy although his resignation papers, for purposes of payment of his benefits, were yet being processed.

With respect to Judge Fe Albano Madrid, the OCA observed that the delay, for only a number of days, in the resolution of Civil Case No. 0105, was excusable. The slow movement in the other cases was found to be attributable, not to the Judge, but mainly to the parties.

The OCA noted that Judge Calimag, in not proffering a single explanation, had tacitly admitted his failure to resolve the cases assigned to him within the reglementary period.

The OCA said that Judge Plan had given no explanation for his delay in disposing the cases in his *sala* except to state that it was due to the fault of the parties.

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[11] *Rollo*, pp. 223-228.

Supreme Court E-Library

The OCA expressed its sympathy over the plight of Judge Lamorena who suffered a stroke and eventually died while in service. Judge Wilfredo Tumaliwan was forthwith designated as Acting Presiding Judge of Branch 36 *vice* Judge Lamorena.

In his compliance made on 11 May 1999, Judge Plata averred that Criminal Cases No. 3433, 3434, 2778, 3435, 3071, 2840 and 3570 (instead of 5570), as well as Civil Cases No. 320, 327, 399, 322, 328, 325, 330, 326, and 331, were already decided. The Judge, however, failed to submit copies of his orders and decisions in the criminal cases. The OCA, in its 28 January 2000 memorandum, observed that Judge Plata's orders and decisions were issued only about four (4) months after the judicial audit was conducted. The OCA noted that Civil Cases No. 331, 330, 322 and 327, while all dated 05 June 1998, were released for mailing only on 07 August 1998 or almost two (2) months after they were decided.

The OCA recommended that —

"1. Judge Fe Albano Madrid, RTC, Branch 21, Santiago City, be *REPRIMANDED* for the delay in the resolution of Sp. Proc. No. 0105;

"2. Judge Demetrio Calimag, RTC, Branch 35, Santiago City, be *FINED* ₱5,000.00 for his failure to justify the delay in the resolution of the following cases:

CRIMINAL CASES		*CIVIL CASES*
1. 1898	3. 1978	1. LRC Case 35-2161
2. 1977	4. 1979	2. 2077
		3. 2318

"3. Judge Sergio Plan, MTC, Cauayan, Isabela, be *FINED* ₱5,000.00 for the delay in the resolution of the following cases, deductible from his retirement benefits:

1. CV-1896	4. CV-1946
2. CV-1894	5. CV-2034
3. CV-1932	6. CV-1706

Supreme Court E-Library

"4. Judge Wilfredo Ambrosio, RTC, Branch 31, Cabarroguis, Quirino, be *FINED* ₱10,000.00 for his failure to decide the following cases:

1. 426	7. 430	13. 393
2. 427	8. 292	14. 408
3. 434	9. 169	15. 83
4. 387	10. 373	16. 368
5. 194	11. 324	17. 370
6. 256	12. 425	

and willful disregard of the resolutions of the Honorable Court, to be deducted from the retirement benefits he may receive;

"5. Judge Ruben Plata, MTCC, Santiago City, be *SEVERELY REPRIMANDED* for his failure to act with dispatch on the following cases:

CRIMINAL CASES

1. 3433	4. 2778	7. 5570
2. 3071	5. 3435	
3. 3434	6. 2840	

CIVIL CASES

1. 320	4. 322	7. 330
2. 327	5. 328	8. 326
3. 399	6. 325	9. 331"[12]

The OCA did not suggest any administrative sanction against the late Judge Lamorena for "humanitarian reasons."

The Court agrees with the findings, and adopts the recommendations of the OCA.

In A.M. No. 97-9-283-RTC (Report on the Judicial Audit Conducted in Regional Trial Court, Branch 1, Bangued, Abra,

[12] Memorandum of OCA, dated 28 January 2000, pp. 5-6.

Supreme Court E-Library

31 May 2000), the Court deemed it inappropriate to impose sanction upon Judge Francisco O. Villarta who died during the pendency of the case against him. For like reasons, no administrative sanction would here be imposed on Judge Efren A. Lamorena.

In the resolution of the Court on 20 July 1999, the parties were required to manifest within ten (10) days from notice if they would be willing to submit the case for resolution on the basis of the reports on record. The parties having failed to comply with its directive, the Court resolved to dispense with their manifestation.

The Court agrees with the OCA that the lapses on the part of the judges can be traced to their failure in the proper observance of the following circulars of the Court to wit:

(1) Administrative Circular No. 1, dated 28 January 1988, which states:

"1. *Effective Docket Control:*

1.1 All presiding judges of trial courts must, *upon assumption of office*, and *every semester thereafter* on June 30th and December 31st of every year conduct a *physical inventory* of their dockets for the purpose of determining the actual number of cases pending in their *salas*.

1.2 An *inventory* shall be prepared to indicate the *cases pending trial*, the *cases submitted for decision* and the *cases that have been archived.* Copy of such inventory shall be submitted to the Supreme Court through the Court Administrator within thirty (30) days from receipt of this Circular and the Inventory Form.

"1.3 The Presiding Judge and the Clerk of Court shall *initial* the Records or *Rollos* of each case *to indicate the date of actual inventory*. The inventory shall include a *list of cases submitted for decision,* indicating the *title and case number* and the *date of filing* of said case. An updated inventory is to be submitted to the Supreme Court every

Supreme Court E-Library

six (6) months thereafter as required in Paragraph 1.1. hereof."[13]

The circular has been restated by the Court in Administrative Circular No. 10-94 of 29 June 1994.

(2) Circular No. 13, dated 01 July 1987, reiterated in Administrative Circular No. 3-99, dated 15 January 1999, which mandates:

"To insure speedy disposition of cases, the following guidelines must be faithfully observed:

I. The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions, or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circulars in specified cases.

However, in multi-*sala* courts in places where there are few practicing lawyers, the schedule may be modified upon request of the Integrated Bar of the Philippines such that one-half of the branches may hold their trial in the morning and the other half in the afternoon. Except those requiring immediate action, all motions should be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next business day. The unauthorized practice of some judges of entertaining motions or setting them for hearing on any other day or time must be immediately stopped.

"II. Judges must be punctual at all times.

"III. The Clerk of Court, under the direct supervision of the Judge, must comply with Rule 20 of the 1997 Rules of Civil Procedure regarding the calendar of cases.

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[13] At p. 105.

Supreme Court E-Library

"IV. There should be strict adherence to the policy on avoiding postponements and needless delay.

Sections 2, 3 and 4 of Rule 30, 1997 Rules on Civil Procedure on adjournments and postponements and on the requisites of a motion to postpone trial for absence of evidence or for illness of a party or counsel should be faithfully observed.

Lawyers, as officers of the court, are enjoined to cooperate with judges to ensure swift disposition of cases."[14]

The Court, here again, must stress that while it is not unaware of the heavy caseload of judges nor is it impervious to the plight of judges, it cannot, however,-take too lightly Rule 3.05, of Canon 3, of the Code of Judicial Conduct requiring the disposition of the court business and of pending cases or incidents promptly and seasonably.[15] All that a judge really needs to do, in case of great difficulty, would be to request for an extension of time over which the Court has, almost invariably, been sympathetic.

WHEREFORE, the Court RESOLVED, conformably with the recommendations of the OCA, that —

1. Judge Fe Albano Madrid, RTC, Branch 21, Santiago City, be *REPRIMANDED* for the delay in the resolution of Sp. Proc. No. 0105;

2. Judge Demetrio D. Calimag, Jr., RTC, Branch 35, Santiago City, be *FINED* ₱5,000.00 for his failure to amply justify the delay in the resolution of the following cases:

CRIMINAL CASES		*CIVIL CASES*
1. 1898	3. 1978	1. LRC Case 35-2161
2. 1977	4. 1979	2. 2077
		3. 2318

3. Judge Sergio A. Plan, MTC, Cauayan; Isabela, be *FINED* ₱5,000.00 for his failure to amply justify the delay in the

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[14] At pp. 501-502.

[15] A.M. No. 98-8-262-RTC, Report on the Judicial Audit, *etc.*, 21 March 2000.

Supreme Court E-Library

resolution of the following cases, deductible from his retirement benefits:

1. CV-1896
2. CV-1894
3. CV-1932
4. CV-1946
5. CV-2034
6. CV-1706

4. Judge Wilfredo Ambrosio, RTC, Branch 31, Cabarroguis, Quirino, be *FINED* ₱10,000.00 for his failure to decide the following cases:

1. 426
2. 427
3. 434
4. 387
5. 194
6. 256
7. 430
8. 292
9. 169
10. 373
11. 324
12. 425
13. 393
14. 408
15. 83
16. 368
17. 370

and for willful disregard of the resolutions of the Honorable Court, said fine to be deducted from the retirement benefits he might be entitled to;

5. Judge Ruben R. Plata, MTCC, Santiago City, be *SEVERELY REPRIMANDED* for while he was able to heretofore decide the following cases, to wit:

CRIMINAL CASES

1. 3433
2. 3071
3. 3434
4. 2778
5. 3435
6. 2840
7. 3570

CIVIL CASES

1. 320
2. 327
3. 399
4. 322
5. 328
6. 325
7. 330
8. 326
9. 331

he, nevertheless, had failed to act therein with dispatch.

Supreme Court E-Library

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

FIRST DIVISION

[A.M. No. RTJ-99-1495. October 18, 2000]

V.C. PONCE CO., INC. and VICENTE C. PONCE, *complainants, vs.* **JUDGE HENEDINO P. EDUARTE, RTC, Branch 20, Cauayan, Isabela and Sheriff ANUEDO G. CAJIGAS, RTC, Branch 19, Bacoor, Cavite,** *respondents.*

SYNOPSIS

This is an administrative complaint filed against Judge Henedino P. Eduarte of the Regional Trial Court of Cauayan, Isabela for gross neglect of duty. Allegedly, respondent judge refused to correct an obviously erroneous computation of the money judgment in Civil Case No. BM-20-1546. Impleaded as party-respondent is Sheriff Anuedo G. Cajigas for incompetence and/or misconduct in implementing an allegedly excessive levy based on the erroneous computation of money judgment in the civil case. After due investigation, the Office of the Court Administrator recommended that both respondents be fined.

A circumspect scrutiny of the record showed that respondent sheriff committed serious misconduct in the discharge of his office. Respondent sheriff had, as an officer of the court, the duty to compute the amount due from the judgment debtor. He is neither allowed, as in this case, to put undue reliance on computations made by private individuals not duly deputized