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SO ORDERED.

Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago JJ.*, concur.

Davide, Jr., C.J., on leave.

EN BANC

[A.M. No. 98-12-377-RTC. July 26, 1999]

RE: CASES LEFT UNDECIDED BY JUDGE SEGUNDO B. CATRAL, REGIONAL TRIAL COURT, BRANCH 8, APARRI, CAGAYAN.

SYNOPSIS

Judge Segundo B. Catral was the presiding judge of the Regional Trial Court, Branch 8, at Aparri, Cagayan. He retired from the service effective March 25, 1998. Attached to his application for optional retirement was a certification issued by Avelino John A. Jucar, former officer-in-charge of Branch 8, that there is no case pending in Judge Catral's Sala. The present officer-in-charge, however, informed the Office of the Court Administrator (OCA) that seven cases remained undecided by Judge Catral. When required to explain, Jucar averred that Judge Catral went to his residence and asked him to sign a prepared certification stating that no case had been left pending in his sala. Without verifying the truth of Judge Catral's assertion, Jucar signed the certification. The OCA found Jucar's explanation unsatisfactory and recommended that he be admonished. As for Judge Catral, the OCA recommended that Judge Catral be fined in the amount of ₱5,000.00.

The Supreme Court was in accord with the recommendation of the OCA as regards Judge Catral, who should have been more forthright in his dealings with the OCA. His patent dishonesty in submitting a false certification, according to the

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Court, is an offense that cannot simply be overlooked. The Court, however, found OCA's recommendation to admonish Jucar unacceptable. The Court said that Jucar should be more circumspect in his actions. As an officer of the court, his responsibility is to the court and not to the person constituting it. Both connived to mislead that office. Without Jucar's participation, the dishonest act would not have been possible. Jucar was also fined in the amount of ₱5,000.00.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; AS OFFICERS OF THE COURT, THEIR RESPONSIBILITY IS TO THE COURT AND NOT TO ANY PERSON CONSTITUTING IT.— The Court is in accord with the recommendations of the OCA as regards Judge Catral. His patent dishonesty in submitting a false certification is an offense that cannot simply be overlooked. We believe that imposing a fine as penalty is appropriate under the circumstances. However, the Court finds OCA's recommendation to admonish Jucar unacceptable. It is too lenient a sanction for his misconduct. As an officer of the court, his responsibility is to the court and not to any person constituting it. He is as liable as Judge Catral is, with regard to the submission of the false certification to the OCA. Without Jucar's participation, the dishonest act would not have been possible. This being so, a fine similar to that imposed on Judge Catral would be more appropriate in impressing upon Jucar the gravity of his deed.

RESOLUTION

QUISUMBING, *J.*:

Judge Segundo B. Catral was the presiding judge of the Regional Trial Court, Branch 8, at Aparri, Cagayan. He retired from the service effective March 25, 1998. Attached to his application for optional retirement was a certification issued by Avelino John A. Jucar, officer-in-charge of Branch 8 at that time, stating that there is no case pending decision or resolution in Judge Catral's sala.

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Upon inquiry by the Office of the Court Administrator, however, Celia P. Sotto, the present officer-in-charge of Branch 8, informed the OCA that seven cases remained undecided by Judge Catral.

With this information, the Court issued on December 15, 1998, a resolution requiring Jucar to explain why he certified that there were no cases pending decision or resolution in Judge Catral's sala prior to his retirement. In his explanation dated February 10, 1999, Jucar said that Judge Catral went to his residence on the evening of March 8, 1998, and asked him to sign a prepared certification stating that no case had been left pending decision or resolution in the latter's sala. According to Jucar, Judge Catral informed him that he is going to Manila that same night to submit his retirement papers, including the certification. Judge Catral told Jucar that he was able to finish all cases submitted for decision or resolution in his sala. Without any means of immediately verifying the truth of Judge Catral's assertion, Jucar accepted the former's allegation and signed the certification. Jucar stated in his explanation that he did not intend to mislead the Court in signing the certification and prayed for the dismissal of the administrative case which had consequently been filed against him and Judge Catral.

The matter was referred to the OCA, for evaluation, report and recommendation in a resolution issued by the Court on March 2, 1999.

The OCA found Jucar's explanation unsatisfactory, particularly since as branch OIC, he — like a branch clerk of court – should have known whether or not there were cases pending decision or resolution at the time Judge Catral filed his application for optional retirement. He should have exercised due care in signing the certification to avoid compromising the integrity of his position.

Hence, the OCA recommended that Jucar be admonished.

As for Judge Catral, the OCA found that four of the seven cases although submitted for decision, were still within the 90-day period to decide required by law. Another case was delayed due to a pending amicable settlement by the parties. Thus,

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there were only two cases which were left pending decision upon Judge Catral's retirement, which he failed to decide within the reglementary period. The OCA recommended that Judge Catral be fined in the amount of ₱5,000.00.

After a thorough review of this case, the Court is in accord with the recommendations of the OCA as regards Judge Catral, who should have been more forthright in his dealings with the Office of the Court Administrator. His patent dishonesty in submitting a false certification is an offense that cannot simply be overlooked. We believe that imposing a fine as penalty is appropriate under the circumstances.

However, the Court finds OCA's recommendation to admonish Jucar unacceptable. It is too lenient a sanction for his misconduct. Jucar should have been more circumspect in his actions. As an officer of the court, his responsibility is to the court and not to any person constituting it. He is as liable as Judge Catral is, with regard to the submission of the false certification to the OCA. Both connived to mislead that office. Without Jucar's participation, the dishonest act would not have been possible. This being so, a fine similar to that imposed on Judge Catral would be more appropriate, rather than a mere admonition, in impressing upon Jucar the gravity of his deed.

WHEREFORE, Judge Segundo B. Catral, former presiding judge of the Regional Trial Court, Branch 8, Aparri, Cagayan is fined in the amount of ₱5,000.00, to be deducted from any retirement or other benefits which may be due him, for his failure to decide within the 90-day period mandated by law the following cases: Civil Case No. 08-290 and Civil Case No. 08-221, and for filing a false certification with the Office of the Court Administrator. Avelino John A. Jucar, Jr., former Legal Researcher and OIC of the Regional Trial Court, Branch 8, Aparri, Cagayan[1] is likewise fined in the amount of ₱5,000.00 for participating with Judge Catral in preparing and filing a false certificate with the Office of the Court Administrator.

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[1] He is now the Clerk of Court of the MCTC, San Manuel-Aurora, Isabela.

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SO ORDERED.

Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J. on leave.

SECOND DIVISION

[A.M. No. RTJ-99-1464. July 26, 1999]

EUSEBIO GO, VIRGILIO MANIPUD, JESSICA VILORIA, RODOR S. GAYAO and RAUL GONZALES, *complainants, vs.* **JUDGE BENJAMIN A. BONGOLAN, Retired, RTC, Branch 2, Bangued, Abra and JUDGE ALBERTO V. BENESA, RTC, Branch 58, Bucay, Abra,** *respondents.*

SYNOPSIS

This is an administrative case filed against respondent Judges Benjamin A. Bongolan and Alberto Benesa for usurpation and abuse of authority, rendition of unjust order and ignorance of the law in granting bail to several accused charged with kidnapping for ransom. Records show that respondent Bongolan granted the application for bail filed by the accused in Criminal Case No. 97-123 and ordered the release thereof inspite of the fact that the prosecution has still time to file its motion for reconsideration to the order granting the two applications for bail. However, before the prosecution could submit its motion, the accused were already released by virtue of the order issued by Judge Benesa, the pairing judge of Branch 2. In this case, the complainants alleged that Judges Bongolan and Benesa should be administratively dealt with for not setting for hearing the bail applications of accused Balmores, Cacal and Molina.