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EN BANC

[A.M. No 98-3-112-RTC. February 25, 1999]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN RTC-Br. 162, PASIG CITY AND MONITORING OF TRIAL COURTS THEREAT

SYNOPSIS

Upon conclusion of the judicial audit and physical inventory of pending cases in Branch 162 of the RTC of Pasig City, presided by retiring Judge Manuel Padolina, the audit team from the Office of the Court Administrator (OCAD) found that there were 183 pending cases in said branch which were in different stages of proceedings. Monitoring of other trial courts in in the same city yielded the following observations: two MTC judges hold sessions only in the afternoons; and many court employees arrive late in the office. Accordingly, the OCAD submitted recommendations, i.e., to reimpose a fine of P10,000.00 against Judge Padolina; to direct Judges Jose Morallos and Eugenio Mendinueto to explain why no administrative sanctions should be imposed upon them for holding court sessions only in the afternoon. The explanation of Judge Morallos and Mendinueto is that they hold sessions only in the afternoon because the city prosecutors and public attorneys who appear in their salas have conflicting schedules as regards their RTC assignments. They also pointed out that there is only one prosecutor assigned to all the five branches of the Pasig MeTC. The OCAD again made recommendations which were adopted by the Supreme Court. The Court ruled that "Judges are duty bound to comply with the (required working hours) to insure the maximum efficiency of the trial courts for a speedy administration of justice. Daily trials at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with the court. All other matters needing the attention of the judge are to be attended to outside of the five-hour schedule of trial.

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SYLLABUS

JUDICIAL ETHICS; JUDGES; CIRCULARS PRESCRIBING HOURS OF WORK; PURPOSE THEREOF.— "Judges are duty bound to comply with the (required working hours) to insure the maximum eficiency of the trial courts for a speedy administration of justice. Daily trial at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with the court. All other matters needing the attention of the judge are to be attended to outside of this five-hour schedule of trial."

DECISION

QUISUMBING, *J.*:

On October 15 to 17, 1997, the Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of pending cases in Branch 162, Regional Trial Court, Pasig City, in view of the compulsory retirement of its presiding judge, Judge Manuel S. Padolina, on November 5, 1997.[1]

The audit team found that as of October 15, 1997, there were 183 pending cases in Branch 162. Only 11 of these cases had been submitted for decision and of the 11, two had already gone beyond the 90-day reglementary period for deciding cases as provided for by the Constitution. The audit team also discovered that – (1) motions and other matters for resolution remained pending in 21 cases; (2) trials were ongoing or hearing dates had been set for 76 cases; (3) no further action had been taken in nine cases after a considerable length of time; and (4) warrants of arrest or summonses had been issued in connection with 45 cases.[2]

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[1] *Rollo*, p. 1.

[2] *Id.*, p. 3.

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After the cases actually examined were compared with the cases in the docket books, the audit team discovered that the records of 34 cases were not shown to it, thus, the team members' failure to determine the status thereof.

Monitoring of Pasig City trial courts was also conducted during the period between October 15 to 17, 1997.

Six Regional Trial Court branches were found to have very light caseloads as of September 30, 1997. These are Branches 152, 154, 156, 159, 160 and 167, with caseloads ranging from 51 to 100.

Two Metropolitan Trial Court judges were found holding sessions only in the afternoons, in violation of Administrative Circular No. 13, dated July 1, 1987, which provides:

"1. *Punctuality and strict observance of office hours.* – Punctuality in the holding of scheduled hearings is an imperative. Trial judges should strictly observe the requirement of *at least eight hours* of service a day, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. as required by par. 5 of the *Interim Rules* issued by the Supreme Court on January 11, 1983, pursuant to Sec. 16 of BP 129." (Italics in the original)

This is reiterated in Administrative Circular No. 1, dated January 28, 1988, which states:

"2.1. All Presiding Judges are directed to comply strictly with the guidelines established in Circular No. 13, July 1, 1987, on *punctuality and observance of office hours x x x.*" (Italics in the original)

In addition, according to Executive Judge Ma. Cristina J. Cornejo, many court employees arrive late in the office. Judge Cornejo suggested that the Pasig City MeTC be provided with a bundy clock.

In its report dated January 30, 1998, the OCA recommended the following:

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(1) Impose a fine of P10,000.00 against Judge Manuel S. Padolina for his (a) failure to render decisions in Civil Cases No. 58866 and LRC N-1117, within the 90-day reglementary period; and (b) failure to resolve the pending incident in Civil Case No. 66012 within the prescribed period. The amount is to be deducted from his retirement benefits;

(2) Commend the presiding judges and staffs of RTC Branches 152, 154, 156, 159, 160 and 167 for efficiently managing their cases;

(3) Authorize the acting presiding judge of RTC Branch 162 to decide or resolve all cases that may be left undecided or unresolved by Judge Manuel S. Padolina, and to take appropriate action on cases (a) not further acted upon, (b) set in the court calendar after the lapse of a considerable length of time, and (c) with warrants of arrest or summonses.

(4) Direct Judge Jose P. Morallos of MeTC Branch 70 and Judge Eugenio C. Mendinueto of MeTC Branch 72 to explain in writing why no administrative sanctions should be imposed upon them for holding court sessions only in the afternoons; and

(5) Direct Atty. Aileen C. Sabarre, Branch Clerk of Court of RTC Branch 162 to: (a) cause completion of the TSNs tried or heard by Judge Padolina for use of the acting presiding judge; (b) immediately inform the court whether or not the draft decision in Civil Case No. 58866 had been finalized, signed by Judge Padolina, and released to the parties concerned; (c) apprise the acting judge of the status of nine civil cases not acted upon after a long time, and eight other cases wherein warrants of arrest or summonses have been issued; (d) immediately find out the status of the 34 cases not presented to the audit team and to send an appropriate report thereon;

(6) Conduct a judicial audit and physical inventory of cases in RTC Branches 69, 155, 164 and 264 and all MeTC branches to ascertain the exact number and status of their pending cases; and

(7) Direct the property division of the OCA to provide the MeTC with at least one bundy clock.[3]

[3] *Id.*, pp. 4-5.

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On June 16, 1998, the Supreme Court issued a resolution which adopted the OCA's recommendations.[4] The Court's Financial Management Office deducted the amount of the fine from Judge Padolina's retirement benefits.

In a letter dated August 7, 1998, Judge Morallos wrote the Court to explain why he holds sessions only in the afternoons. He explained that city prosecutors and public attorneys who appear in his sala have conflicting schedules as regards their RTC assignments. He also pointed out that there is only one city prosecutor assigned to all the five branches of the Pasig MeTC.[5]

Judge Morallos added that he spends his mornings drafting decisions, orders, and resolutions. He said his sala has 1,080 cases and he wants to reduce this number. He needs more time to decide the cases within the prescribed period.

He also hears election and land registration cases during morning sessions. MeTC Branch 70's two stenographers also transcribe their notes during mornings, according to Judge Morallos. He also said that, as of the date of his letter, his courtroom is undergoing renovation and construction work during mornings cannot be avoided.

Judge Morallos said his caseload is still manageable; the cases can be "handled well" even if hearings are done only in the afternoons.

Likewise, in a letter dated August 10, 1998, Judge Eugenio D. Mendinueto explained to the Court that he conducts sessions only in the afternoons for the following reasons: (1) the trial prosecutor and public attorney assigned to his sala have other commitments in the mornings and are, thus, unable to attend morning hearings in his sala; (2) the two stenographers assigned to his sala can hardly cope with their work. It was only on June 25, 1998 that Judge Mendinueto

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[4] *Id.*, pp. 24-26.

[5] *Id.*, pp. 31-32.

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endorsed to the Office of the Court Administrator the application of one applicant for stenographer in his sala.[6]

Atty. Aileen C. Sabarre-Garma, Branch Clerk of Court of Branch 162, RTC, Pasig City also wrote to the court as regards the status of several cases assigned to Branch 162.[7]

The Court referred the matter to the Office of the Court Administrator for evaluation. In a report dated October 27, 1998, the OCA made the following recommendations:[8]

(1) Request Justice Secretary Serafin A. Cuevas to assign one trial prosecutor and one public attorney to every branch of the Pasig RTC and MeTC;

(2) Direct Judge Morallos of Branch 70 and Judge Mendinueto of Branch 72 to hear in the morning civil and other cases which are not handled by trial prosecutors and public attorneys, and remind them to be punctual and to strictly observe the required office hours, with a warning that a repetition of their infraction as regards punctuality will be dealt with more severely; and

(3) Note and accept the letter of Atty. Aileen C. Sabarre-Garma.

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

In *In Re: Anonymous Complaint versus Judge Juan Echiverri*,[9] we had occasion to rule that:

"Judges are duty bound to comply with the [required working hours] to insure the maximum efficiency of the trial courts for a speedy administration of justice. Daily trials at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with the

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[6] *Id.*, p. 29.

[7] *Id.*, pp. 27-28.

[8] *Id.*, pp. 36-37.

[9] *67* SRCA 467,470 (1975).

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court. All other matters needing the attention of the judge are to be attended to outside of this five-hour schedule of trial."

Judges are reminded that circulars prescribing hours of work are not just empty pronouncements. They are there for the purpose of promoting efficiency and speed in the administration of justice, and require prompt and faithful compliance by all concerned.

WHEREFORE, in view of the foregoing —

(1) The Secretary of Justice, Hon. Serafin A. Cuevas, is *REQUESTED* to assign one trial prosecutor and one public attorney to every branch of the RTC and the MeTC in Pasig City;

(2) Judge Jose P. Morallos of Branch 70, MeTC, Pasig City, and Judge Eugenio C. Mendinueto of Branch 72, MeTC, Pasig City are (a) *DIRECTED* to hear civil and cases other than criminal, pending in their respective salas in the mornings considering that these cases are not handled by trial prosecutors and public attorneys assigned to their salas; and (b) *REMINDED* to strictly observe punctuality and office hours, i.e., at least eight hours of service a day, five hours of which should be devoted to trial, as required by Paragraph 5 of the Interim Rules issued by this Court on January 11, 1983, pursuant to Section 16 of Batas Pambansa Blg. 129, and reiterated in Circular No. 95-96 dated December 5, 1996, with a *WARNING* that a repetition of the same infraction will be dealt with more severely; and

(3) The Letter dated August 4, 1998 of Atty. Aileen C. Sabarre-Garma, Branch Clerk of Court of the Regional Trial Court, Branch 162, Pasig City, in compliance with directives (e-2) and (e-4) of the June 16, 1998 *En Banc* Resolution is *NOTED* and *ACCEPTED* for being satisfactory.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Purisima, Pardo, Buena, and *Gonzaga-Reyes, JJ.*, concur.

Vitug. J., on official leave.