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EN BANC

[A.M. No. 18-07-142-RTC; February 15, 2022]

Re: REPORTS ON THE ERAFFLE PROCEDURE IN THE REGIONAL TRIAL COURT, MANILA

D E C I S I O N

INTING, *J.*:

The instant administrative matter has its origin from reports regarding delays in the conduct of electronic raffle (eRaffle) and the distribution of cases in the Regional Trial Court (RTC) of Manila.

The Antecedents

In 2013, the Court launched an automated case management information system called the eCourt for trial courts.[1] The eCourt is a computer-based system used to organize and control case workflow from filing to implementation. It is used to capture basic case information as they are filed, and it ensures that basic case data is entered only once to avoid the repetition of administrative processes. Simply put, the assigning or docketing and raffling of cases to judges are all done electronically through the eCourt system.[2]

The eCourt system was first piloted in the RTC and Metropolitan Trial Court (MeTC) of Quezon City where the caseloads are

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[1] Office of the Court Administrator (OCA) Memorandum for Chief Justice Diosdado M. Peralta dated August 14, 2020 signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court) and Assistant Court Administrator Maria Regina Adoracion Filomena M. Ignacio, citing American Bar Association, *Case Management System to Improve Efficiency in Philippine Trial Courts*, August 1, 2013, <https://www.americanbar.org/advocacy/ruleoflaw/wherewework/asia/philippines/news/newsphilippinesecourt0813/> (last accessed February 2, 2022); *rollo*, p. 580.

[2] *Id.* at 581.

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among the highest in the country.[3] Hence, there is now a shift in these eCourts from the manual raffle, which was done using a roulette or bingo *tambiolo*, as provided under A.M. No. 03-8-02-SC,[4] or the Guidelines on the Selection and Designation of Executive Judges and Defining their Powers, Prerogatives and Duties, to the eRaffle of cases using the eCourt software. Under the system, the docketing of cases shall be done immediately and the raffle thereof to the different eCourt branches shall be in real-time.[5]

In 2016, an additional of 120 eCourts were set up in the cities of Manila, Pasig, and Mandaluyong. Consequently, the judges and court personnel of the RTC Manila underwent eCourt training from June 19, 2017 to July 7, 2017. On July 3, 2017, or before their training officially concluded, the Office of the Clerk of Court (OCC) of the RTC Manila started encoding cases using the eCourt system with the assistance of the American Bar Association Rule of Law Initiative (ABA ROLI) trainers and/or representatives as well as the Court's personnel from the Management Information Systems Office.[6]

Subsequently, the Office of the Court Administrator (OCA) received reports of persistent delays in the conduct of eRaffle and distribution of cases in the RTC Manila.[7] Thus, the OCA sent an Audit Team to investigate the matter in January 2018. It also instructed Assistant Court Administrator Atty. Maria Regina Adoracion Filomena M. Ignacio (ACA Ignacio) to conduct a dialogue with the RTC Manila judges and officials of the OCC.[8]

On January 10, 2018, the Audit Team went to the RTC Manila and observed the procedure undertaken by the OCC from the filing of cases and encoding of data required by the eCourt system

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[3] *Id.* at 580.

[4] Took effect on February 15, 2004.

[5] *Rollo*, pp. 584-585.

[6] *Id.* at 585.

[7] *Id.* at 580.

[8] *Id.* at 585.

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up to the actual eraffle of cases. The Audit Team learned that the cases filed for the day were simultaneously raffled in the afternoon through a formal raffle proceeding, and it noted the delay of several days before the cases were forwarded to the branches to which they were raffled.[9]

Thereafter, the OCA directed then RTC Manila Executive Judge Reynaldo A. Alhambra (Judge Alhambra) to do away with the simultaneous raffle of cases every afternoon and instead focus on the immediate encoding and eraffle of cases.[10]

On May 2, 2018, the Audit Team went back to the RTC Manila to again monitor the conduct of eRaffle therein. It found a backlog of 300 cases set to be raffled, which tally even increased to 423 cases by May 25, 2018. In addition, the Audit Team found that criminal cases with motions for consolidation were first referred to Judge Alhambra, as then the Executive Judge, for evaluation before raffle, and the inclusion of these cases in the eRaffle was done only after the motion for consolidation was granted or denied.[11]

On June 28, 2018, ACA Ignacio met with Judge Alhambra and Judge Andy S. De Vera, then the Executive Judge of the MeTC Manila, and learned that the latter had zero cases pending raffle while the RTC had 29 cases still not raffled. Judge Alhambra explained that the RTC OCC was having difficulty in using the eCourt system due to the influx of drug cases filed every day, internet connectivity issues, and lack of personnel to encode case details in the system. ACA Ignacio then requested Judge Alhambra to reduce the number of cases pending raffle, to aim for a zero backlog, and to submit a status report on the conduct of eRaffle twice a day.[12]

On July 2, 2018, ACA Ignacio held a dialogue with the following: 32 RTC Manila judges; Atty. Jennifer H. Dela Cruz-

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[9] *Id.* at 585-586.

[10] *Id.* at 586.

[11] *Id.*

[12] *Id.* at 587.

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Buendia (Atty. Dela Cruz-Buendia), the Clerk of Court (COC); Atty. Clemente M. Clemente (now Judge Clemente), then the Assistant COC; and other OCC staff. During the meeting, some judges voiced out their complaints on the delay in the eRaffle of cases and transmittal of records which also caused a lag in the issuance of commitment orders, as well as Judge Alhambra's action on the bail applications in several criminal cases that were already raffled to their branches.[13]

Upon the recommendation of the OCA, the Court *En Banc* issued the Resolutions dated July 17, 2018[14] and July 24, 2018[15] as follows:

Resolution dated July 17, 2018

(a) RELIEVE Judge Reynaldo A. Alhambra, Branch 53, Regional Trial Court (RTC), Manila, as Executive Judge; and

(b) DESIGNATE the following judges as new Executive and Vice Executive Judges of the RTC, Manila:

(i) Judge Thelma B. Medina, Branch 32, as Executive Judge;

(ii) Judge Marivic B. Umali, Branch 20, as 1st Vice Executive Judge;

(iii) Judge Virgilio V. Macaraig, Branch 37, as 2nd Vice-Executive Judge; and

(iv) Judge Jose Lorenzo R. Dela Rosa, Branch 4, as 3rd Vice-Executive Judge.[16]

Resolution dated July 24, 2018

(a) PREVENTIVELY SUSPEND Atty. Jennifer H. Dela Cruz Buendia, Clerk of Court, and Atty. Clemente M. Clemente, Assistant Clerk of Court, both of the Office of the Clerk of Court (OCC), Regional Trial Court, Manila, for ninety (90) days pending the completion of a more comprehensive investigation;

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[13] *Id.* at 587-589.

[14] *Id.* at 90-91.

[15] *Id.* at 92-93.

[16] *Id.* at 90.

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(b) DESIGNATE Atty. Marilou M. Anigan, Judicial Supervisor, OCA, as Officer-in Charge of the OCC, RTC, Manila; and

(c) DESIGNATE Atty. Abegail P. Layson, Branch Clerk of Court, Branch 32, as Acting Assistant Clerk of Court of the OCC, RTC, Manila.[17]

Pending investigation, Judge Clemente was appointed Presiding Judge of Branch 127, MeTC, Makati City.[18]

Pursuant to the Court's directive to investigate the delay in the eRaffle of cases, the OCA sent an Audit Team to conduct a spot audit of randomly-selected courts focusing on cases filed from January to July 2018, which included the RTC Manila.[19]

The Report on the Results of the Spot Audit

The Audit Team reported that the audited RTC Manila branches took an average of 4.95 days before commitment orders were issued, but this could not be considered as a delay because courts are given 10 days within which to determine probable cause and issue commitment orders for the transfer of the accused to a jail facility.[20] It also found that it took an average of 5.76 days for the OCC to eraffle the cases, which is contrary to the objective of real-time raffling of cases under the eCourt system.[21]

The Audit Team then observed that upon the assumption of office of Judge Thelma B. Medina (Judge Medina) as the new Executive Judge, Atty. Marilou M. Anigan (Atty. Anigan) as the Officer-in-Charge, and Atty. Abegail P. Layson (Atty. Layson) as the Acting Assistant COC, the eRaffle and distribution of cases to the RTC Manila branches in real-time were achieved within the following month.[22]

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[17] *Id.* at 92.

[18] *Id.* at 156.

[19] *Id.* at 593.

[20] *Id.* See also Section 5, Rule 112, Rules of Court.

[21] *Id.*

[22] *Id.* at 594-596.

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With respect to the procedure on the applications for bail and corporate surety bonds in the OCC, the Audit Team found that Judge Alhambra had issued several memoranda on the submission of reports on surety companies with outstanding obligations. It likewise noted that Atty. Dela Cruz-Buendia submitted to the Docket and Clearance Division, Legal Office, OCA, monthly reports from March to June 2018, which were based on orders directing the forfeiture of bonds and writ of execution issued by the Presiding Judge and the Branch Clerk of Court of the concerned branches. The Audit Team also learned that some branches referred the order of forfeiture of bonds to the OCC while the others executed their own orders through their sheriffs. It thus concluded that there was no uniform procedure in the implementation of the orders of forfeiture of bonds and writs of execution in the RTC Manila.[23]

Lastly, the Audit Team discovered that Judge Alhambra indeed approved bail bond applications in some criminal cases which were already raffled to other branches.[24]

In the Resolution[25] dated November 13, 2018, the Court, acting upon the recommendations of the OCA, resolved to:

(a) DIRECT Judge Reynaldo A. Alhambra, Branch 53, RTC, Manila, to EXPLAIN, within ten (10) days from notice hereof, why he acted on bail applications in the following cases that were already assigned to other branches during the time that he was the Executive Judge:

(i) Criminal Case Nos. R-MNL-17-03158; 18-01506, 18-03117; and 18-00248, already raffled to Branch 13;

(ii) Criminal Case Nos. R-MNL-18-05110-CR; 18-05118-CR; 18-05017-CR; and 18-05580-CR, already raffled to Branch 18; and

(iii) Criminal Case Nos. R-MNL-18-00396; 18-00487; 18-00393; 18-06043; and 18-00394, already raffled to Branch 31;

(b) DIRECT Judge Reynaldo Alhambra, Atty. [Jennifer H.] Dela Cruz-Buendia, and Judge Clemente M. Clemente, in his capacity as then

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[23] *Id.* at 458-460.

[24] *Id.* at 460.

[25] *Id.* at 149-151.

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Assistant Clerk of Court, Office of the Clerk of Court, RTC, Manila, to EXPLAIN, within ten (10) days from notice hereof, why they failed to address the problem of delay in the eRaffle of cases in the RTC, Manila, from the time of its launch in July 2017 until July 30, 2018;

(c) DIRECT Judge Clemente and Atty. Dela Cruz-Buendia to EXPLAIN, within ten (10) days from notice, why they failed to set up a uniform system in the execution of Order of Forfeiture of Bonds and in giving of clearance to bonding companies[.][26]

Comment of Judge Alhambra

Judge Alhambra asserted that he was not remiss in overseeing the functions of the OCC under Atty. Dela Cruz-Buendia. He countered that he had devised ways to address the problem of delay in the eRaffle of cases, such as: (1) assigning more OCC personnel to assist in the encoding of case data before their raffle; (2) the use of USB[27] flash drives to store the encoded data, which were later transferred to the computers set up for the purpose of the eCourt system; (3) requiring Atty. Dela Cruz-Buendia to submit a weekly update on the implementation of the eRaffle of cases; and (4) reminding the various RTC branches to back-encode the cases in their dockets.[28]

Further, Judge Alhambra intimated that notwithstanding the new setup, there was still a delay in the eRaffle of cases due to: (a) the limited number of existing eCourt ports; (b) the lack of expertise of some personnel; (c) the slow internet connection, especially when all the RTC branches were simultaneously utilizing the system for the back-encoding of their old cases not yet included in the eRaffle; (d) the work suspensions due to unforeseen events and holidays; (e) the voluminous number of drug cases filed; and (f) the eRaffle system itself, which disallowed the consolidation of more than 15 cases thereby causing an additional delay on how to raffle the cases exceeding the limit.[29]

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[26] *Id.* at 149-150.

[27] Universal Serial Bus.

[28] *Rollo*, pp. 598-599.

[29] *Id.* at 599.

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With respect to his action on the bail applications in some criminal cases, Judge Alhambra argued that as the Executive Judge, he was authorized to resolve motions to post bail if the criminal case had yet to be raffled to a particular branch pursuant to the Manual for Executive Judges.[30] Thus, he explained that he only acted on the subject criminal cases, which were not yet raffled at the time, as he needed to act expeditiously on motions submitted for his action so that the public would have a positive impression that the RTC Manila delays no man for money or malice.[31]

Comment of Atty. Dela Cruz-Buendia

Meanwhile, Atty. Dela Cruz-Buendia alleged, among others, that during the first few months of the implementation of the eCourt system, the eRaffle was only conducted once a day, usually between 2:30 p.m. and 4:00 p.m. She pointed out that the ABA ROLI trainers were present in many instances when the eRaffle of cases was conducted, but they never called the attention of the OCC regarding the procedure it adopted.[32] She also asserted that the eCourt system itself was not perfect as the ABA ROLI was not able to anticipate the problems that the OCC encountered in its implementation, and the ABA ROLI personnel, too, was scarcely available in the court to handle queries and to provide solutions.[33]

Atty. Dela Cruz-Buendia insisted that the cause of delay in the eRaffle of cases are: (1) the long holidays and inclement weather; (2) the slow internet connection; (3) no control as to how many cases were filed by the Office of the City Prosecutor; (4) the sheer volume of cases filed; (5) the lack of additional ports; and (6) no assistance coming from the ABA ROLI.[34]

As to the system regarding the execution of orders of forfeiture of bonds and the issuance of bail bonds and clearances, Atty. Dela Cruz-Buendia explained as follows:

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[30] *Id.* at 600.

[31] *Id.* at 600-602.

[32] *Id.* at 607.

[33] *Id.* at 607-608.

[34] *Id.* at 608.

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First, the writs of execution against the bonds issued by the RTC branches were, in most cases, implemented by the branch sheriff, who reported directly to the court where the writ was issued; and that the OCC was not furnished or notified of these issuances, or of the action taken by the branch sheriff. In fact, there were branches that had their own list of blacklisted bonding companies only known to them. Thus, she can only report on the pending liability of surety companies if the OCC is furnished with a copy of the writs of execution issued against them;[35] and

Second, there is no occasion that a surety company will be issued clearance if there is a pending liability appearing on the OCC files. However, it has been observed that several surety companies have been allowed accreditation by the OCA even before a clearance is issued by the OCC. Hence, when the list of the accredited bonding companies was issued and their office furnished copies by the OCA, such list became its guide as to which bonding companies are of good standing.[36]

Comment of Judge Clemente

For his part, Judge Clemente admitted that there was indeed a delay in the eRaffle of cases on multiple occasions,[37] but he asserted that such delay was due to extraneous factors[38] including: (a) the unfamiliarity of court personnel to the new eCourt system and how to use and troubleshoot it; (b) the insufficient work stations and slow internet connection that affected the encoding process; (c) the multiple times when the eCourt system slowed down or completely shut down because of the simultaneous use thereof by the OCC and the other RTC branches for the back-encoding of previous cases; and (d) the work suspensions due to natural conditions or holidays.[39]

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[35] *Id.* at 609-610.

[36] *Id.*

[37] *Id.* at 603-604.

[38] *Id.* at 604.

[39] *Id.* at 603.

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Judge Clemente maintained that he and the OCC tried their best to find solutions to the problems in the implementation of the eCourt system. Nevertheless, he extended his apologies if any of his actions directly contributed to the delays in the eRaffle of cases in the RTC Manila.[40]

The OCA's Report and Recommendation

At the outset, the OCA noted that Judge Alhambra, Atty. Dela Cruz-Buendia, and Judge Clemente (collectively, respondents), who all had a direct part in the raffle of cases, failed not only to comply with the mandate to fully implement the eCourt system[41] but also to address the serious delay in the eRaffle of cases in the RTC Manila.[42]

The OCA pointed to the backlog of 520 cases pending raffle for the month of July 2018, which then steadily declined upon the assumption of office of Atty. Anigan and Atty. Layson as the Officer-in-Charge and the Acting Assistant COC, respectively, until the OCC achieved the real-time eRaffle of cases about a month later.[43]

The OCA considered respondents' repeated failure to implement a real-time raffle of cases for a period of more than one year to be a blatant relegation of their duties and functions as administrative officers of the court.[44] It also observed that even the simple act of indicating the time when the document was received, which is a very basic rule in the receipt of the documents as required under Section 4 of A.M. No. 03-8-02-SC, was not followed.[45]

Moreover, the OCA found that Judge Alhambra inappropriately acted on the bail applications in Criminal Case Nos. R-MNL-

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[40] *Id.* at 604.

[41] *Id.* at 616.

[42] *Id.*

[43] *Id.*

[44] *Id.* at 618.

[45] *Id.* at 620.

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17-03158-CR, 18-03117-CR, 18-05110-CR, 18-05017-CR, 18-05580-CR, 18-00396-CR, 18-00487-CR, 18-00393-CR, 18-06043-CR, and 18-00394-CR considering that the cases had already been raffled to various branches of the RTC Manila when he took cognizance of the applications in his capacity as the Executive Judge.[46] In this regard, the OCA noted that Judge Alhambra, in the guise of expeditiously resolving such applications for bail, had wantonly disregarded the rules and order of preference set forth in the Manual for Executive Judges and plainly stepped into the jurisdiction of his fellow RTC judges.[47]

As for Atty. Dela Cruz-Buendia, the OCA noted that she, too, had failed to set up a uniform system in the OCC for the execution of orders of forfeiture of bonds and in giving clearances to surety companies with pending obligations.[48] It pointed out that Atty. Dela Cruz-Buendia's failure to accurately report the status of surety companies resulted in prejudice not only to the court users but also to the judiciary as a whole.[49]

Thus, the OCA deemed respondents administratively liable for their individual actions as follows:

For Judge Alhambra, the OCA found him guilty of: (a) Simple Neglect of Duty for his failure to observe the procedure in the conduct of eRaffle; and (b) Grave Misconduct for inappropriately acting on bail applications in criminal cases that had already been raffled to other branches.[50]

In the case of Atty. Dela Cruz-Buendia, the OCA found her guilty of Gross Neglect of Duty on two counts: (a) for failing to observe the procedure for the eRaffle in the RTC Manila, which resulted in the persistent delay in the raffle of cases therein; and (b) for issuing four certifications of no pending obligation and/

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[46] *Id.* at 624-628.

[47] *Id.* at 629.

[48] *Id.* at 632.

[49] *Id.*

[50] *Id.* at 633-634.

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or liability to four surety companies found to have outstanding obligations in the RTC Manila.[51]

Finally, as regards Judge Clemente, the OCA found him guilty of Simple Neglect of Duty for his failure to observe the procedure in the conduct of eRaffle and to address the problem of delay in the raffle of cases in the RTC Manila.[52] However, as then the Assistant COC, the OCA noted that his administrative liability is only secondary to his superiors given that he was under the supervision of both Judge Alhambra and Atty. Dela Cruz-Buendia at the time.[53]

The OCA recommended the imposition of the following penalties, to wit:

> IN VIEW OF THE FOREGOING we respectfully recommend for the consideration of the Honorable Court that:
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> (1) Presiding Judge Reynaldo A. Alhambra, Branch 53, RTC, Manila, be found GUILTY of Simple Neglect of Duty and Grave Misconduct, and be meted the following penalties:
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> (a) FINE in the amount of Ten Thousand Pesos (Php10,000.00) for Simple Neglect of Duty; and
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> (b) FINE in the amount equivalent to his one (1) month salary for Grave Misconduct, with a stern warning that a repetition of the same or similar act shall be dealt with more severely;
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> (2) Atty. Jennifer H. Dela Cruz-Buendia, Clerk of Court, RTC, Manila, be found GUILTY of two (2) counts of Gross Neglect of Duty and be meted [out] the penalty of DISMISSAL FROM THE SERVICE, with forfeiture of all retirement benefits except accrued leave benefits, and with prejudice to re-employment in the government, including government-owned or controlled corporations; and
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> (3) Presiding Judge Clemente M. Clemente, Branch 127, Metropolitan Trial Court, Makati City, in his capacity as then Assistant Clerk of Court, RTC, Manila, be found GUILTY of Simple Neglect of Duty and

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[51] *Id.* at 634.

[52] *Id.* at 635.

[53] *Id.* at 622.

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be meted the penalty of FINE in the amount equivalent to his one (1) month salary with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[54]

The Court's Ruling

It cannot be denied that there was indeed a delay in the eRaffle of cases in the RTC Manila for the months of July 2017 to July 2018 or during its *transition period* from the manual raffle of cases to the implementation of the eCourt system. Nevertheless, after careful consideration, the Court does *not* find the actions of Judge Alhambra, Atty. Dela Cruz-Buendia, and Judge Clemente to be tantamount to neglect of duty, whether it be simple or gross in nature, as to warrant the imposition of any administrative sanction on their parts for such delay.

Dereliction of duty is classified as either *simple* or *gross* depending on the gravity of negligence or the character of neglect of an official or employee in the performance of his or her duties.[55] Simple Neglect of Duty is the failure to give proper attention to a required task, thereby signifying a disregard of a duty resulting from *carelessness* or *indifference*.[56] The offense then becomes Gross Neglect of Duty when such failure to perform a required task or to discharge a duty is *willful* and *intentional*,[57] "characterized by want of even the slightest care, or by conscious indifference to the consequences insofar as other persons may be affected, or by flagrant and palpable breach of duty."[58]

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[54] *Id.* at 637.

[55] *Trinidad, Jr. v. Ombudsman*, G.R. No. 227440, December 2, 2020, citing *Re: Complaint of Aero Engr. Reci Against CA Marquez and DCA Bahia Relative to Crim. Case No. 05-236956*, 805 Phil. 290, 292 (2017).

[56] *Id.*, citing *Court of Appeals by: COC Marigamen v. Manabat, Jr.,* 676 Phil. 157, 164 (2011).

[57] *Id.*, citing *Re: Complaint of Aero Engr. Reci Against CA Marquez and DCA Bahia Relative to Crim. Case No. 05-236956*, *supra*.

[58] *Civil Service Commission v. Catacutan*, G.R. Nos. 224651 & 224656, July 3, 2019.

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In the case, the Court sees no indication that the actions of respondents, in relation to the implementation of the eCourt system and the consequent delay in the eRaffle of cases, are a result of carelessness and indifference or a flagrant and palpable breach of their respective duties as the Executive Judge, the Clerk of Court, and then the Assistant Clerk of Court of the RTC Manila, respectively.

Though it is true that the delay in the eRaffle of cases in the RTC Manila was not sufficiently addressed by respondents, the Court cannot disregard outright the following solutions they devised in order to remedy the issue:

For his part Judge Alhambra concluded personal visits to the OCC to observe how the eRaffle was being implemented and held meetings with Atty. Dela Cruz-Buendia to address the backlog of cases for raffle. To this end, some OCC personnel were pulled out of their regular duties and reassigned to assist in the encoding of data for the eRaffle of cases. Judge Alhambra also required the OCC to provide him with a weekly update on the implementation of the eRaffle of cases.[59]

In addition, Judge Alhambra likewise visited various RTC Manila branches, met with the judges and staff therein to obtain information regarding their implementation of the eCourt system, and reminded them to back-encode the cases in their dockets.[60] Lastly, he directed the OCC to add encoders and to use USB flash drives to store data to be encoded in the system, in addition to desktop Computers.[61]

The directives were then implemented by Atty. Dela Cruz-Buendia and Judge Clemente in the OCC to ease the backlog of cases for eRaffle.

Similarly, the Court, too, cannot just overlook the various reasons that *contributed* to the delay in the eRaffle of cases cited

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[59] *Rollo*, p. 598.

[60] *Id.*

[61] *Id.* at 599.

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by respondents, which the OCA apparently failed to take into account in determining their administrative liabilities:

a) the limited number of computers set up for the purpose of implementing the eCourt system;

b) the lack of expertise of court personnel in using and troubleshooting the eCourt software;

c) the slow internet connection;

d) the slow down or complete shut down of the eCourt system due to the simultaneous use thereof by the OCC and the other RTC branches for the back-encoding of previous cases;

e) the work suspensions due to unforeseen events and holidays; and

f) the voluminous number of drug cases filed in the RTC Manila.

While the reasons do not completely justify the delay in the eRaffle of cases in the RTC Manila, the fact that respondents did their best to solve the issues in the new eCourt system is enough to *exonerate* them from any administrative liability in relation thereto. After all, the eCourt system is still in its *early stages of implementation* even now, which means that the problems that the RTC Manila encountered *during its transition period* are not only to be *expected*, but also, in a way, are *welcomed* so that solutions can be formulated early on before the system goes live in all counts nationwide. More importantly, there is no evidence presented that respondents' actions were tainted with bad faith.

In this regard, the OCA itself pointed out that persons with active participation in the raffle of cases, such as herein respondents, are tasked *to devise a new process* to achieve the objectives of the eCourt system.[62] This shows that as of the moment, there is *no fixed procedure* in implementing the eRaffle of cases, particularly in the method and time of raffle. In fact, the pertinent guideline for

[62] *Id.* at 615.

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eRaffle per OCA Circular No. 57-2013 only provides that the cases shall be immediately docketed and the raffle thereof shall be done "in real-time."[63] As the OCA observed, this rendered nugatory the existing procedure for manual raffle under A.M. No. 03-8-02-SC, which, in effect, gave the eCourts, like the RTC Manila, limited discretion as to the implementation of the eRaffle of cases in their jurisdictions.

Notably, the eRaffle in the case was conducted *once* on a *daily basis*,[64] though it appears that the delay at the outset was largely due to the fact that 172 cases scheduled for manual raffle had to first be encoded,[65] coupled with the influx of new cases that needed to be raffled "in real-time" under the eCourt system. Viewed from this perspective, the backlog in the eRaffle of cases hardly seems unreasonable considering, among others, the lack of expertise of the RTC Manila's court personnel in using the eCourt software as well as the other hardware and technical issues that they encountered at the time.

Hence, it would be quite unfair for the Court to penalize respondents for formulating their own procedure for the eRaffle, given that they were mandated to do so in the first place.

The Court likewise cannot assign administrative liability on the part of respondents for the backlog in the eRaffle of cases simply because of the improvements in the implementation of the eCourt system upon the assumption of office of Atty. Anigan and Atty. Layson as Officer-in-Charge and Assistant Clerk of Court of the OCC, respectively.

It bears noting that the problems faced by respondents in the eRaffle of cases were *no longer novel* by the time Atty. Anigan and Atty. Layson took over. The OCC staff, too, by then, had a year of experience in using and troubleshooting the new eCourt software. In other words, the conclusion reached by the OCA that Atty. Anigan and Atty. Layson would have done a better job

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[63] *Id.* at 584-585.

[64] *Id.* at 586.

[65] *Id.* at 607.

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than respondents is *purely speculative* at this point. The peculiar situation of the RTC Manila during its transition period from the manual raffle to the eCourt system clearly played a huge role in how the eRaffle of cases therein turned out to be under respondents' leadership.

In finding respondents administratively liable, the OCA cited as a judicial precedent the case of *Ferrer, Jr. v. Judge Dating*[66] (*Ferrer, Jr.*) wherein the respondent judge was found guilty of Simple Neglect of Duty for his failure to adhere to the provisions of A.M. No. 03-8-02-SC, specifically on the conduct of raffle of cases.

The circumstances in *Ferrer, Jr.*, however, are vastly different from those in the present case. In particular, *Ferrer, Jr.* involved the manual raffle of cases, and the respondent judge therein undoubtedly violated A.M. No. 03-8-02-SC since *he purposely delayed the raffle of cases* for unjustifiable reasons, *i.e.*, there was supposedly no urgency to conduct a raffle and the number of cases was not sufficient for a raffle—meaning, there was *no raffle conducted at all*, in blatant violation of the *required procedure* under Section 2, Chapter V of A.M. No. 03-8-02-SC. Here, the delay in the eRaffle of cases was clearly *unintentional and without bad faith* on the part of respondents and, as earlier mentioned, they did try to solve the issues they faced in order to better implement the eCourt system.

In view of the foregoing reasons, the Court exonerates respondents from any administrative liability for the delay in the eRaffle of cases in the RTC Manila during its first year of implementation of the eCourt system, or in the months of July 2017 to July 2018.

It is also for the above-mentioned reasons that the Court *cannot* hold Judge Alhambra accountable for acting on the bail applications in several criminal cases in the RTC Manila in his capacity as the Executive Judge.

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[66] 820 Phil. 547 (2017).

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A review of the records clearly shows that Judge Alhambra only acted upon those bail applications in criminal cases *which had yet to be raffled*. In other words, he acted on these matters *as a necessary consequence of the delay in the eRaffle of cases* in the RTC Manila. Though it is true that in some instances, Judge Alhambra appears to have acted on bail applications on the same day that the criminal cases were eraffled, he sufficiently explained that he resolved those motions before the cases were actually raffled to a particular branch.

Under the circumstances, Judge Alhambra cannot be deemed to have acted inappropriately when he resolved the bail applications in criminal cases that were still pending eraffle in the OCC. After all, Executive Judges are given the power to grant bail when the application is filed *before* the criminal case is raffled, or in this case, eraffled, to a particular branch.[67]

In this regard, the OCA justified its recommendation to find Judge Alhambra guilty of Grave Misconduct for acting on these bail applications as follows:

> x x x As such, for all intents and purposes, once filed with the OCC, it is presumed that the case details were encoded and case numbers were generated. *Therefore, for all intents and purposes under the eRaffle, the said cases were already considered raffled to a particular branch*. Clearly, Judge Alhambra, as Executive Judge, should have realized the impropriety of taking cognizance of those bail applications. For this, we construe his acts as deliberate violations of the rules on bail.[68] (Italics supplied)

The Court strongly disagrees. To be sure, an Executive Judge in any multi-branch eCourt should *not* be prevented from acting on a pending bail application under the *mere presumption* that the criminal case should have already been encoded and eraffled in real-time to a particular branch that can resolve the motion. To hold otherwise would result in an absurd situation where a bail application cannot be acted upon because the criminal case was

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[67] *Rollo*, pp. 623-624. See also Manual for Executive Judges, p. 36.

[68] *Id.* at 627.

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"considered" to have already been assigned to a branch, when, in reality, it was still actually pending eraffle with the OCC.

Besides, to be held administratively liable for Grave Misconduct, it must be sufficiently shown that there was an *intentional* wrong doing or *deliberate* violation of a rule of law or standard of behavior involving any of the additional elements of corruption, willful intent to violate the law, and/or a flagrant disregard of an established rule.[69]

To reiterate, Judge Alhambra only acted on bail applications in criminal cases that were still pending raffle, which means that he neither disregarded the rules and order of preference on who must resolve motions for bail nor overstepped into the jurisdiction of his fellow RTC judges. Simply put, Judge Alhambra acted within the bounds of his authority as the Executive Judge under the Manual of Executive Judges on the guidelines concerning bail.

As earlier explained in detail, the delay in the eRaffle of cases in the RTC Manila is not a result of respondents' neglect of duty. In the same way, the Court cannot penalize Judge Alhambra for exercising his authority to expeditiously act on bail applications in criminal cases whose eRaffle had been unintentionally delayed.

The Court now discusses the alleged irregularities in the processing of bail bonds, forfeiture of bonds, and issuances of clearances to bonding companies in the RTC Manila.

Section E(l), paragraph 1.3.5 (j.2) of The 2002 Revised Manual for Clerks of Court[70] provides the reportorial requirements for judgments of forfeiture and writs of execution on bail and/or judicial bonds as well as for bonding companies with outstanding obligations, *viz.*:

> All Branch Clerks of Court shall furnish the Clerk of Court a copy of all judgments of forfeiture and writs of execution, including subsequent orders/proceedings relative thereto. The Clerk of Court shall keep a separate file of such orders for his ready reference.

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[69] *Office of the Court Administrator v. Borja*, A.M. No. P-18-3902, June 28, 2021. See also *Malit v. Gloria*, A.M. No. P-15-3301, May 11, 2021.

[70] A.M. No. 02-5-07-SC, approved on May 21, 2002.

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The Clerk of Court shall submit to the Office of the Court Administrator a quarterly report of all bonding companies with outstanding obligations, the amount executed together with the judgment of forfeiture and writ of execution, and subsequent motions/orders relative thereto.

In addition, Item IV of A.M. No. 04-7-02-SC,[71] or the Proposed Guidelines on Corporate Surety Bonds, also mandates Clerks of Court to submit to the Docket and Clearance Division of the OCA a *monthly* report on surety companies with outstanding obligations, *viz.*:

The Clerks of Courts of all concerned courts shall submit to the Docket and Clearance Division, Legal Office, OCA, a monthly report on surety companies with outstanding obligations on or before the 10th day of the succeeding month (SB Form No. 06-2004, Annex "B"). The report shall specify the name of the surety company, the amount of bond, bond number, the case, number, case title, name of the accused or party in a case, date of order of forfeiture and status or action taken thereon, attaching in support thereto, the following:

1. Judgment of forfeiture with the corresponding writ of execution;

2. Subsequent motions/orders relative thereto; and

3. Sheriff's Return.

Thus, as a matter of procedure, the reports on the status of surety companies begin with the Branch Clerks of Court, who are tasked to furnish the Clerk of Court with copies of judgments of forfeiture and writs of execution on surety bonds. Thereafter, the Clerk of Court must, in turn, submit two reports to the OCA which are: (1) a *monthly report* on surety companies with outstanding obligations on or before the 10th day of the succeeding month pursuant to the Guidelines on Corporate Surety Bonds; and (2) a *quarterly report* of all bonding companies with outstanding obligations in accordance with The 2002 Revised Manual for Clerks of Court.

The importance of these reports cannot be understated as they later become the bases for the OCA's action on applications for

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[71] Took effect on August 16, 2004.

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accreditation filed by surety companies pursuant to Item II (A) (A.8)[72] of the Guidelines on Corporate Surety Bonds.

In the case, the records show that Atty. Dela Cruz-Buendia issued certifications that the following surety companies had no pending obligation and/or liability for the period February 1, 2018 to July 31, 2018: (a) Travellers Insurance Surety Corporation; (b) Commonwealth Insurance Company; (c) Milestone Guaranty and Assurance Corp.; and (d) Alpha Insurance & Surety Co., Inc. However, as the OCA observed, the four surety companies had, in fact, been issued judgments of forfeiture and writs of execution during the same period per the sworn reports of the RTC Manila's Branch Clerks of Court.[73]

In her defense, Atty. Dela Cruz-Buendia explained that the OCC is guided by the list issued by the Supreme Court as to which bonding companies are in good standing.[74]

The Court, however, finds this excuse unacceptable. After all, as the Clerk of Court, it is Atty. Dela Cruz-Buendia's duty to report to the OCA which surety companies had outstanding obligations with the RTC Manila branches. This presupposes that she had competent knowledge of the surety companies transacting in the RTC Manila that are in good standing. Thus, she *cannot* evade accountability for issuing the above-mentioned certifications to

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[72] Item II(A)(A.8) of the Guidelines on Corporate Surety Bonds provides:

II. ACCREDITATION OF SURETY COMPANIES

x x x x

A. Procedure for Accreditation

x x x x

The following documents shall be attached to the application form:

x x x x

A.8. Clearance certificates from all offices of the Clerks of Court (Executive Clerks of Court, Office of the Clerks of Court and Branch Clerks of Court) where the surety company intends to transact business or where it had transacted business before the approval of this guideline showing that the applicant has no outstanding obligation pertaining to forfeited bonds;

[73] *Rollo*, p. 631.

[74] *Id.*

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surety companies with pending obligations, which effectively enabled the latter to continue transacting with the RTC Manila, when their respective certifications of accreditation and authority should have been suspended or cancelled instead.

Based on these considerations, there is no question that Atty. Dela Cruz-Buendia had failed in her duty to *accurately* report the standing of surety companies in the RTC Manila. Even so, this failure appears to be a product of *mere inadvertence* and is *not* willful and intentional on her part. Thus, the Court finds Atty. Dela Cruz-Buendia guilty of Simple Neglect of Duty as her apparent carelessness or indifference in discharging her duty resulted in the issuance of certifications of no pending obligation and/or liability to *delinquent* surety companies.[75]

Notably, Atty. Dela Cruz-Buendia has previously been held administratively liable for Simple Neglect of Duty or Simple Negligence on two separate occasions: the *first* was in the 2006 case of *Sy v. Esponilla*,[76] wherein she was meted out with the penalty of a fine of ₱1,000.00 for having failed to verify the authenticity and origin of a court order pertaining to the withdrawal of deposits; and the *second* was in the 2010 case of *Bangko Sentral ng Pilipinas v. Lanzanas*[77] in which the Court suspended her for a period of three months for having failed to check the veracity of the documents presented to her in relation to the release of funds. In both cases, Atty. Dela Cruz-Buendia was sternly warned that a repetition of the same or similar infraction shall be dealt with more severely.

Under Section 50(D), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service,[78] Simple Neglect of Duty is classified as a *less grave offense* that is punishable by suspension from office for a period of one (1) month and one (1) day to six (6) months for the *first offense* and dismissal from the service on the *second offense*.

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[75] See *Trinidad, Jr. v. Ombudsman*, *supra* note 55.

[76] 536 Phil. 755 (2006).

[77] 652 Phil. 1 (2010).

[78] CSC Resolution No. 1701077, approved on July 3, 2017.

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As the law dictates, the penalty of dismissal from the service is imposed when the administrative offense of Simple Neglect of Duty is committed more than once. However, despite Atty. Dela Cruz-Buendia's previous violations, significant factors attending the case call for the Court to reduce the penalty to be imposed.

In several administrative cases,[79] the Court has refrained from imposing the actual penalties after considering certain mitigating factors, including, among others, respondent's length of service, acknowledgment of infractions and feeling of remorse, family circumstances, humanitarian and equitable considerations, and advanced age.[80]

In the present case, the Court similarly takes into consideration the following mitigating factors: (1) Atty. Dela Cruz-Buendia's 34 years of service in the government; (2) her advanced age of 60 years old; (3) the absence of any indication of malice or some ulterior motive behind her actions; and (4) humanitarian considerations in relation to the adverse economic effects of the Corona Virus Disease 2019 to the country. "Indeed, while the Court is duty-bound to sternly wield a corrective hand to discipline errant employees and weed out those who are undesirable, it also has the discretion to temper the harshness of its judgment with mercy."[81] Thus, in view of the aforementioned significant mitigating factors, the Court resolves to impose the penalty of *reprimand* with a *stern warning* that a repetition of the same or similar act will be dealt with more severely.

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[79] See *In Re: Delayed Remittance of Collections of Odtuhan*, 445 Phil. 220 (2003); *Report on the Financial Audit Conducted on the Books of Accounts of the MCTC, Mondragon San-Roque, Northern Samar*, 626 Phil. 425 (2010); *Office of the Court Administrator v. Former Clerk of Court Jamora*, 698 Phil. 610 (2012); *Office of the Court Administrator v. Lizondra*, 762 Phil. 304 (2015); *Office of the Court Administrator v. Judge Chavez*, 815 Phil. 41 (2017); and *Office of the Court Administrator v. Viesca*, 219 Phil. 582 (2017).

[80] *Office of the Court Administrator v. Viesca*, 819 Phil. 582, 585 (2017), citing *Rayos v. Hernandez*, 558 Phil. 228, 230 (2007).

[81] *Id.*; see also *Judge Baguio v. Lacuna*, 811 Phil. 13, 19 (2017).

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WHEREFORE, the Court finds Atty. Jennifer H. Dela Cruz-Buendia, Clerk of Court, Regional Trial Court, Manila, **GUILTY** of Simple Neglect of Duty for issuing certifications of no pending obligation and/or liability to delinquent surety companies. She is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or similar act will be dealt with more severely.

The other charges against Presiding Judge Reynaldo A. Alhambra, Branch 53, Regional Trial Court, Manila, and Presiding Judge Clemente M. Clemente, Branch 127, Metropolitan Trial Court, Makati City, in his capacity as then Assistant Clerk of Court, Regional Trial Court, Manila, are **DISMISSED** for lack of merit.

SO ORDERED.

Gesmundo, C.J., Perlas-Bernabe, Leonen, Caguioa, Hernando, Lazaro-Javier, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, and *Dimaampao, JJ.*, concur.

Marquez, J., no part.