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given to the victim by way of civil indemnity, in addition to the ₱50,000.00 moral damages awarded by the trial court.

WHEREFORE, the decision of the trial court is *AFFIRMED*, with *MODIFICATION* that accused-appellant is further ordered to pay Imelda Mangonon the additional amount of ₱50,000.00 as civil indemnity.

SO ORDERED.

Melo, Vitug and *Purisima, JJ* ., concur.

Panganiban, J ., is on leave.

EN BANC

[A.M. No. 97-9-283-RTC. May 31, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN REGIONAL TRIAL COURT, BRANCH 1, BANGUED, ABRA.

SYNOPSIS

On 31 October 1996, a judicial audit and physical inventory of cases was conducted before the Regional Trial Court, Branch 1, of Bangued, Abra presided by Judge Francisco O. Villarta, Jr.. The audit resulted to a resolution dated 07 October 1997 wherein the Court, among others, directed Judge Villarta to explain in writing why no disciplinary action should be taken against him for his failure to decide/resolve cases/motions within the prescribed period. However, in a memorandum dated 26 November 1999, the Court Administrator reported that Judge Villarta who compulsorily retired on 01 September 1997 had not received a copy of the 07 October 1997 resolution, and that the Office of the Court Administrator (OCA) received information that Judge Villarta had passed away. As a result,

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the OCA recommended that a fine of ₱40,000.00 be imposed upon retired Judge Villarta to be deducted from the ₱200,000.00 ordered withheld from his retirement benefits because of his failure to decide 39 cases submitted before him and for his failure to resolve the incidents in the 7 cases within the reglementary period.

The Court ruled that it is evident that there had been a failure on the part of Judge Villarta to properly carry on his duties as so reflected by the judicial audit and confirmed by the report of the OCA; unfortunately, the judge had been unable to explain his inaction on the several aforenumbered cases before his untimely demise. The Court thus deemed it to be inappropriate the fine recommended by the OCA which was yet to be imposed. Its other recommendations, however, were well taken and thereby adopted by the Court.

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; IMPOSITION OF FINE IS INAPPROPRIATE TO A DECEASED JUDGE WHO WAS UNABLE TO EXPLAIN HIS INACTION ON SEVERAL CASES PENDING BEFORE HIS SALA.— It is evident that there has been a failure on the part of Judge Villarta to properly carry on his duties as so reflected by the judicial audit and confirmed by the report of the OCA; unfortunately, the judge has been unable to explain his inaction on the several aforenumbered cases before his untimely demise. The Court thus deems it to be inappropriate for the fine recommended by the OCA to yet be imposed. Its other recommendations, however, are well taken and thereby adopted by the Court.

R E S O L U T I O N

VITUG, *J* :

A report, following a judicial audit and physical inventory of cases pending before the Regional Trial Court of Bangued, Abra, Branch 1, presided by Judge Francisco O. Villarta, indicates that of the 510 cases outstanding as of 31 October 1996, Judge Villarta has failed to act on 59 criminal cases and 134 civil

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cases; 26 criminal cases and 27 civil cases have been submitted for decision and remain to be undecided beyond the 90-day reglementary period; 2 criminal cases and 4 civil cases although already submitted for decision, are still within the reglementary period for resolution; and 3 criminal cases and 3 civil cases submitted for decision during the tenure of Judge Jose V. Generoso, the predecessor of Judge Villarta, are yet to be decided as of audit date.

The audit team found that there were at least 70 criminal cases in which warrants of arrests had been issued but where the accused continue to be at large for over six months from the delivery of the arrest warrants to peace officers concerned that should thereby put the cases on archive pursuant to Administrative Circular No. 7-A-92.

Finally, the audit team observed that there had been no orderly filing of court records of decided, archived and pending cases. The records of the cases were not updated that, otherwise, would have allowed the team to establish an accurate count of the actual caseload of the court.

In its resolution of 07 October 1997, the Court resolved to:

"x x x (a) DIRECT Judge Francisco O. Villarta, Jr., to explain in writing, within ten (10) days from notice, why no disciplinary action should be taken against him for his failure to decide/resolve cases/motions within the prescribed period; (b) require the former OIC-Branch Clerk of Court, Legal Researcher Jose Marie T. Tuzon to EXPLAIN their failure to update their docket books and to submit their monthly reports of pending cases from November 1996 up to the present; and (c) meanwhile, DIRECT the Financial Management Office, Office of the Court Administrator, to WITHHOLD the sum of Two Hundred Thousand Pesos (₱200,000.00) from the retirement benefits which may be due to Judge Villarta to answer for whatever administrative liabilities which may be imposed upon him should he fail to satisfactorily explain the delay in the resolution and inaction in some cases pending in his sala."

In compliance with the Court's resolution, OIC-Branch Clerk of Court Jose Marie T. Tuzon submitted his explanation; thus:

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"The undersigned after being appointed as OIC Branch Clerk of Court was simply instructed by the former Hon. Executive Judge Francisco O. Villarta, Jr. not to update the docket books for not being necessary, after all, according to him (Judge) the cases were been tried and heard. Thus, I just then update the docket books as soon as the particular case is decided. In the submission of the required monthly reports, starting November, 1996 to July 1997, I was ordered to choose cases to submit, in protest, I did not submit but because I am ordered, I did the same. These said required monthly reports of the aforementioned months were personally submitted on October 24, 1997 to that office. Monthly reports from August, 1997 to the present were already been submitted by the new Branch Clerk of Court to that office.

"I humbly admit this failure to update the Court docket books and the monthly reports of pending cases because of fear and lack of courage to disobey the former Hon. Exec. Judge Francisco O. Villarta, Jr. I am just a lowly Court employee. I pray for benevolence, understanding, leniency and compassionate justice tempered with mercy. I promise such acts of omission will not be repeated anymore."

In a memorandum, dated 26 November 1999, Court Administrator Alfredo L. Benipayo reported that Judge Villarta, who compulsorily retired on 01 September 1997, had not received a copy of the resolution of 07 October 1997. The Office of the Court Administrator received information that Judge Villarta had passed away.

Meanwhile, a follow-up audit was conducted; the audit revealed the following updated data; to wit:

"There were *four hundred and seventy-nine (479) cases pending as of October 27, 1999* (272 criminal cases and 207 civil/other cases). Their statuses or stage of proceedings are as follows: *1 criminal case* with decision for promulgation, *36 criminal cases and 35 civil/other cases* submitted for decision, *8 criminal cases and 5 civil cases* with incidents for resolution, *79 criminal cases and 63 civil/other cases* on trial/set for hearing, *4 criminal cases* for pre-trial conference, *7 criminal cases* set for the arraignment of the accused, *6 criminal cases and 8 civil/other cases* with orders for compliance by parties, etc., *8 criminal cases and 15 civil/other cases* held in abeyance due to voluntary inhibition by the acting judge, *1 criminal case and 1 civil case* with suspended proceedings at the instance of litigants/

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counsels, *66 criminal cases and 78 civil/other cases* without further action/setting despite the lapse of a considerable length of time, *50 criminal cases* with warrants of arrest, *3 criminal cases* without initial action taken since they were raffled/assigned to this branch, and *5 newly filed cases* [3 criminal cases and 2 civil cases].

"The decision in Criminal Case No. 1115 (*People vs. Tolentino, et al.*, for Murder) was previously set for promulgation on October 12, 1999.

"The seventy-one (71) cases submitted for decision are tabulated hereunder (*with indications whether a case was inherited by or submitted before retired Judge Villarta, Jr. or Acting Judge Benesa*):

CASE NO.	*DATE SUBMITTED*	*DUE DATE OF DECISION*	*REMARKS*
Crim. Cases			
121	8/28/85	11/26/85	Inherited by retired Judge Villarta; Incomplete TSN
399	6/15/94	9/13/94	Partly tried by Judge Villarta;
409	5/13/94	8/11/94	- do -
411	5/05/93	8/03/94	- do -
423	10/25/93	1/23/94	- do -
489	7/31/89	10/29/89	Totally tried by Judge Villarta;
525	6/05/94	9/03/94	- do -
586	6/30/93	9/28/93	- do -
628	8/10/95	11/08/95	- do -
686	8/15/95	11/13/95	- do -
753	2/06/97	5/07/97	- do -
758	4/19/95	7/18/95	- do -

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798	3/22/99	6/20/99	Partly tried by APJ Benesa; Incomp. TSN
799	- do -	- do -	- do -
807	6/23/97	9/21/97	Totally tried by Judge Villarta
820	5/15/93	8/13/93	- do -
828	2/06/97	5/07/97	- do -
866	8/26/97	11/24/97	- do -
871	12/17/93	3/17/94	- do -
992	9/26/97	12/26/97	Inherited by APJ Benesa; Incomp. TSN
1005	2/27/97	5/28/97	Totally tried by Judge Villarta
1009	11/15/96	2/13/97	- do -
1059	11/30/95	2/28/95	- do -
1071	9/14/99	12/13/99	Partly tried by APJ Benesa; Incomp. TSN
1104	1/10/95	4/10/95	Totally tried by Judge Villarta
1152	10/29/96	1/27/97	- do -
1186	4/01/99	6/30/99	Partly tried by APJ Benesa; Incomp. TSN
1187	- do -	- do -	- do -
1214	5/19/94	8/17/94	Totally tried by Judge Villarta

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1221	8/17/98	11/15/98	Partly tried by APJ Benesa; Incomp. TSN
1240	10/17/97	1/15/98	Inherited by APJ Benesa; Incomp. TSN
1253	1/20/96	4/19/96	Totally tried by Judge Villarta
1255	4/17/97	7/16/97	- do -
1301	4/21/98	7/20/98	Partly tried by APJ Benesa; Incomp. TSN
1553	8/16/98	11/14/98	- do -
1585	8/12/97	11/19/97	Totally tried by ret. Judge Villarta
Civil & Other Cases			
1535	12/16/84	3/16/85	Inherited by Judge Villarta; Incomp. TSN
1645	8/07/87	11/05/97	Partly heard by Judge Villarta; Incomp. TSN
1739	9/28/86	12/27/86	Inherited by Judge Villarta; Incomp. TSN
207	12/22/90	3/22/91	Partly heard by Judge Villarta; Incomp. TSN
233	5/20/93	8/18/93	- do -

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285	1/08/87	4/08/87	Inherited by Judge Villarta; Incomp. TSN
297	12/08/90	3/08/91	Partly heard by Judge Villarta
305	4/19/88	7/18/88	- do -
315	3/30/89	6/28/89	- do -
321	2/21/92	5/21/92	- do -
351	6/26/88	9/24/88	- do -
361	9/29/94	12/28/94	- do -
363	1/10/89	4/10/89	- do -
367	6/06/90	9/04/90	- do -
399	7/24/97	10/22/97	- do -
417	1/31/96	4/29/96	- do -
453	8/03/97	11/02/97	Totally heard by Judge Villarta
482	10/06/94	1/04/95	- do -
489	5/11/96	8/09/96	- do -
655	7/22/98	10/20/98	Partly heard by APJ Benesa; Incomp. TSN
751	9/06/99	12/05/99	- do -
761	7/14/95	10/12/95	Totally heard by Judge Villarta
803	1/23/91	4/23/91	- do -
902	4/20/95	7/19/95	- do -
977*	5/20/98	8/18/98	- do -

* The only participation of APJ Benesa in this case was in having admitted the offer of evidence.

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985	2/27/97	5/28/97	- do -
1143	8/10/99	11/09/99	Partly heard by APJ Benesa; Incomp. TSN
1321	3/17/99	6/15/99	- do -
1472	2/02/99	5/03/99	- do -
1499	12/09/98	3/09/99	- do -
1560	8/31/99	11/30/99	- do -
1611	4/21/99	7/20/99	- do -
SP-299	6/23/98	9/21/98	- do -
LRC-N-09	3/27/85	6/25/85	Inherited by Judge Villarta Incomp. TSN
LRC-N-71	10/15/99	1/13/00	Totally heard by APJ Benesa

'Tabulated below are the thirteen (13) cases with incidents for resolution:

CASE NO.	*DATE SUBMITTED*	*DUE DATE OF RESOLUTION*	*JUDGE BEFORE WHOM MATTER WAS SUBMITTED*
Crim. Cases			
556	5/25/94	8/23/94	Ret. Judge Villarta
713	9/24/93	12/23/93	- do -
1275	8/30/96	11/28/96	- do -
1304	3/11/99	6/09/99	APJ Benesa
1305	- do -	- do -	- do -
1700	12/13/96	3/11/96	Ret. Judge Villarta
99-298	9/21/99	12/20/99	APJ Benesa
99-339	8/28/99	11/26/99	- do -

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Civil & Other Cases			
261	6/14/88	9/12/88	Ret. Judge Villarta
469	5/16/89	8/14/89	- do -
484	12/10/92	3/08/93	- do -
1525	11/04/98	2/02/99	APJ Benesa
1675	4/13/99	7/12/99	- do -

"Judge Benesa had been the counsel in several cases prior to his appointment to the Judiciary on June 24, 1994, thus, he voluntarily inhibited himself from taking cognizance of and/or deciding the following thirty-three (33) cases (18 criminal and 15 civil cases and ordered the proceedings held in abeyance until the appointment of a permanent judge, to wit: Criminal Cases Nos. 411, 423, 586, 628, 820, 841, 866, 871, 915, 968, 983, 988, 989, 1152, 1244, 1255, 1275 and 1364, and Civil Cases Nos. 633, 722, 747, 768, 819, 821, 822, 826, 929, 1062, 1128, 1183, 1228, 1232 and 1438. (*Criminal Cases Nos. 411, 423, 586, 628, 820, 866, 871, 1152 and 1255 [submitted for decision] and Criminal Cases No. 1275 [with matter for resolution] were inherited by Judge Benesa from his predecessors.*)

"The one hundred and forty-five (145) cases (67 criminal cases and 78 civil/other cases) without further action or setting after the lapse of considerable length of time are as follows: Criminal Cases Nos. 463, 926, 1089, 1225, 1341, 1446, 1470, 1505, 1508, 1513, 1514, 1516, 1519, 1523, 1524, 1530, 1532, 1533, 1538, 1543, 1544, 1546, 1653, 1654, 1672, 1768, 97-074, 97-081, 97-102, 97-108, 97-119, 97-130, 97-132 to 97-135, 97-137, 98-140, 98-141, 98-155, 98-162 to 98-177, 98-182, 98-183, 98-202, 98-219, 98-229, 98-240, 98-254, 98-283, 99-342, 99-367 and 99-401, and Civil/Other Cases Nos. 69, 421, 441, 457, 471, 478, 487, 514, 546, 580, 634, 701, 764, 798, 921, 931, 949, 965, 979, 1101, 1163, 1180, 1242, 1338, 1432, 1464, 1478, 1491, 1536, 1537, 1539, 1601, 1632, 1639, 1646, 1652, 1659, 1668, 1673, 1677, 1693, 1710, 1739, 1742, 1748, 1749, 1750A, 1755, 1760, 1776, SCA-1191, SCA-1617, SP-491, SP-670, SP-682, SP-753, SP-759, SP-838, SP-853, SP-1070, SP-1464, SP-1561, SP-1602, SP-1570, SP-1587, SP-1604, SP-1625, SP-1787, LRC-N-18, LRC-N-21, LRC-N-50, LRC-N-56, LRC-N-66, LRC-N-74, LRC-N-269, LRC-N-270, EC-N-2 and EC-N-6.

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"Of the fifty (50) criminal cases with warrants of arrest, the following twenty-six (26) cases may be acted upon pursuant to Administrative Circular No. 7-A-92 dated June 21, 1993, re: Guidelines in the Archiving of Cases, to wit: Criminal Cases Nos. 1070, 1106, 1286, 1312, 1325, 1606, 97-052, 97-088, 97-101, 97-103, 97-116, 98-143, 98-144, 98-158, 98-159, 98-199, 98-232, 98-269, 99-293, 99-297, 99-309, 99-314, 99-317, 99-320, 99-325 and 99-337.

"Three (3) criminal cases (Nos. 99-343, 99-382 and 99-398) have not been initially acted upon since they were raffled to this branch on February 17, 1999, August 9, 1999 and September 20, 1999."

After a final tally, it was established that, reckoned from the time of his compulsory retirement, Judge Villarta had failed to decide the following 39 cases: Criminal Cases Numbered 399, 409, 411, 423, 489, 525, 586, 628, 686, 753, 758, 820, 828, 871, 1005, 1009, 1059, 1104, 1152, 1214, 1253 and 1255, and Civil Cases Numbered 207, 233, 297, 405, 315, 321, 351, 361, 363, 367, 417, 482, 489, 761, 803, 912 and 985. He likewise failed to resolve pending incidents in Criminal Cases Numbered 556, 713, 1275 and 1700 and Civil Cases Numbered 261, 469 and 484.

The OCA, on the basis of the foregoing findings, recommended that —

"1. A *FINE* in the amount of Forty Thousand Pesos (₱40,000.00) be imposed upon retired Judge Francisco O. Villarta, Jr., formerly of the Regional Trial Court, Branch 1, Bangued, Abra [the amount to be deducted from the Two Hundred Thousand Pesos (₱200,000.00) ordered withheld from his retirement benefits] for his failure to decide the thirty-nine (39) cases (22 criminal cases and 17 civil cases) submitted before him and for his failure to resolve the incidents in the seven (7) cases (4 criminal cases and 3 civil cases), within the 90 day reglementary period reckoned from his compulsory retirement on September 1, 1997.

"2. Hon. Alberto V. Benesa, Acting Presiding Judge of the Regional Trial Court, Branch 1, Bangued, Abra, be *DIRECTED* to: *(2-a) INFORM* this Court through the Office of the Court Administrator, within ten (10) days from notice, whether or not his decision in Criminal Case No. 1115 was promulgated as scheduled; *(2-b) DECIDE* the following sixteen (16) cases (7 criminal cases and 9 civil/other cases)

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which he party/totally (sic) tried, to wit: Criminal Cases Nos. 798, 799, 1071, 1186, 1187, 1221 and 1301, and Civil/Other Cases Nos. 655, 751, 1143, 1321, 1472, 1499, 1560, 1611 and LRC-N-71, and *RESOLVE* the incidents for resolution in the following six (6) cases (4 criminal cases and 2 civil cases), to wit: Criminal Cases Nos. 1304, 1305, 99-298 and 99-339, and Civil Cases Nos. 1525 and 1675, both within thirty (30) days from the completion of the transcripts of the stenographic notes; and *(2-c) SUBMIT* to this Court through the Office of the Court Administrator copies of the decisions/orders pertaining to the aforementioned cases, within five (5) days after promulgating/releasing the same.

"3. Upon assumption to office of Hon. Charito B. Gonzales, the newly appointed Presiding Judge of the Regional Trial Court, Branch 1, Bangued, Abra, he be *DIRECTED* to: *(3-a) DECIDE* with dispatch upon the completion of the stenographic notes in the following forty-seven cases (20 criminal and 27 civil/other cases) which he inherited from his predecessors, to wit: Criminal Cases Nos. 121, 399, 409, 489, 525, 686, 753, 758, 807, 828, 992, 1005, 1009, 1059, 1104, 1214, 1240, 1253, 1553 and 1585, and Civil/Other Cases Nos. 1535, 1645, 1739, 207, 233, 285, 297, 305, 315, 321, 351, 361, 363, 367, 399, 417, 453, 482, 489, 761, 803, 902, 977, 985, SP-299 and LRC-N-09, and *RESOLVE* with dispatch the incidents pending resolution in the following six (6) cases (3 criminal cases and 3 civil cases), to wit: Criminal Cases Nos. 556, 713 and 1700, and Civil Cases Nos. 261, 469 and 484; *(3-b) DECIDE/RESOLVE* with dispatch upon completion of the transcripts of stenographic notes in the following nine (9) cases submitted for decision which are the subject of inhibition by Judge Benesa, to wit: Criminal Cases Nos. 411, 423, 586, 628, 820, 866, 871, 1152 and 1255, and the matter for resolution in Criminal Case No. 1275; *(3-c) SUBMIT* to this Court through the Office of the Court Administrator the copies of the decisions/orders pertaining to the aforementioned cases, within five (5) days after promulgating/releasing the same; *(3-d) TAKE COGNIZANCE* of the other cases which are likewise the subject of voluntary inhibition by Judge Benesa: *(3-e) TAKE APPROPRIATE ACTION* on the following one hundred and forty-five (145) cases (67 criminal cases and 78 civil/other cases) which were not further acted on or set in the calendar despite the lapse of a considerable length of time, to wit: Criminal Cases Nos. 463, 926, 1089, 1225, 1341, 1446, 1470, 1505, 1508, 1513, 1514, 1516, 1519, 1523, 1524, 1530, 1532, 1533, 1538, 1543, 1544, 1546, 1653, 1654, 1672, 1768, 97-074, 97-081, 97-102, 97-108, 97-119, 97-130, 97-132 to 97-135, 97-137, 98-140, 98-141, 98-155, 98-162

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to 98-177, 98-182, 98-183, 98-202, 98-219, 98-229, 98-240, 98-254, 98-283, 99-342, 99-367 and 99-401, and Civil/Other Cases Nos. 69, 421, 441, 457, 471, 478, 487, 514, 546, 580, 634, 701, 764, 798, 921, 931, 949, 965, 979, 1101, 1163, 1180, 1242, 1338, 1432, 1464, 1478, 1491, 1536, 1537, 1539, 1601, 1632, 1639, 1646, 1652, 1659, 1668, 1673, 1677, 1693, 1710, 1739, 1742, 1748, 1749, 1750A, 1755, 1760, 1776, SCA-1191, SCA-1617, SP-491, SP-670, SP-682, SP-753, SP-759, SP-838, SP-853, SP-1070, SP-1464, SP-1561, SP-1602, SP-1570, SP-1587, SP-1604, SP-1625, SP-1787, LRC-N-18, LRC-N-21, LRC-N-50, LRC-N-56, LRC-N-66, LRC-N-74, LRC-N-269, LRC-N-270, EC-N-2 and EC-N-6, on the three (3) criminal cases (Nos. 99-343, 99-382 and 99-398) which were not initially acted on since they were raffled thereto, and on the twenty-six (26) criminal cases (Nos. 1070, 1106, 1286, 1312, 1325, 1606, 97-052, 97-088, 97-101, 97-103, 97-116, 98-143, 98-144, 98-158, 98-159, 98-199, 98-232, 98-269, 99-293, 99-297, 99-309, 99-314, 99-317, 99-320, 99-325 and 99-337), in accordance with Administrative Circular No. 7-A-92 dated June 21, 1993, re: Guidelines in the Archiving of Cases, then *SUBMIT*, within fifteen (15) days from notice, a report on the compliance with the preceding directive.

"4. The Officer-In-Charge, Regional Trial Court, Branch 1, Bangued, Abra, be *DIRECTED* to: *(4-a) CAUSE*, within thirty (30) days from notice, the completion of the stenographic notes in the following seventy-one (71) cases (36 criminal cases and 35 civil/other cases) which remained undecided as of audit, to wit: Criminal Cases Nos. 121, 399, 409, 411, 423, 489, 525, 586, 628, 686, 753, 758, 798, 799, 807, 820, 828, 866, 871, 992, 1005, 1009, 1059, 1071, 1104, 1152, 1186, 1187, 1214, 1221, 1240, 1253, 1255, 1301, 1553 and 1585, and Civil/Other Cases Nos. 1535, 1645, 1739, 207, 233, 285, 297, 305, 315, 321, 351, 361, 363, 367, 399, 417, 453, 482, 489, 655, 751, 761, 803, 902, 977, 985, 1143, 1321, 1472, 1499, 1560, 1611, SP-299, LRC-N-09 and LRC-N-71 and in the following thirteen (13) cases (8 criminal and 5 civil cases with incidents for resolution, to wit: Criminal Cases Nos. 556, 713, 1275, 1304, 1305, 1700, 99-298 and 99-339, and Civil Cases Nos. 261, 469, 484, 1525 and 1675, then *SUBMIT* immediately after the expiration of the 30-day period a report on the compliance with this directive by the concerned stenographers; *(4-b) SUBMIT* a report on actual statuses of the following cases which were found by the 1997 audit team as having been submitted for decision before the compulsory retirement of Judge Francisco O. Villarta, Jr., to wit: Criminal Cases Nos. 33, 413, 463, 774, 890, 893, 1032, 1058, 1115, 1158, 1232, 1235, 1242,

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1253, 1297, 1311 and 1674, and Civil/Other Cases Nos. 411, 495, 628, 636, 678, 768, 778, 823, 891, 912, 1038, 1047, 1211, SP-674, SP-865, SP01540 and LRC-N-276; *(4-c) APPRISE* the presiding judge of the following one hundred and forty-five (145) cases (67 criminal cases and 78 civil/other cases) which were not further acted on or set in the calendar despite the lapse of a considerable length of time, to wit: Criminal Cases Nos. 463, 926, 1089, 1225, 1341, 1446, 1470, 1505, 1508, 1513, 1514, 1516, 1519, 1523, 1524, 1530, 1532, 1533, 1538, 1543, 1544, 1546, 1653, 1654, 1672, 1768, 97-074, 97-081, 97-102, 97-108, 97-119, 97-130, 97-132 to 97-135, 97-137, 98-140, 98-141, 98-155, 98-162 to 98-177, 98-182, 98-183, 98-202, 98-219, 98-229, 98-240, 98-254, 98-283, 99-342, 99-367 and 99-401, and Civil/Other Cases Nos. 69, 421, 441, 457, 471, 478, 487, 514, 546, 580, 634, 701, 764, 798, 921, 931, 949, 965, 979, 1101, 1163, 1180, 1242, 1338, 1432, 1464, 1478, 1491, 1536, 1537, 1539, 1601, 1632, 1639, 1646, 1652, 1659, 1668, 1673, 1677, 1693, 1710, 1739, 1742, 1748, 1749, 1750A, 1755, 1760, 1776, SCA-1191, SCA-1617, SP-491, SP-670, SP-682, SP-753, SP-759, SP-838, SP-853, SP-1070, SP-1464, SP-1561, SP-1602, SP-1570, SP-1587, SP-1604, SP-1625, SP-1787, LRC-N-18, LRC-N-21, LRC-N-50, LRC-N-56, LRC-N-66, LRC-N-74, LRC-N-269, LRC-N-270, EC-N-2 and EC-N-6, of the three (3) criminal cases (Nos. 99-343, 99-382 and 99-398) which were not initially acted on since they were raffled thereto, and of the following twenty-six (26) criminal cases: Nos. 1070, 1106, 1286, 1312, 1325, 1606, 97-052, 97-088, 97-101, 97-103, 97-116, 98-143, 98-144, 98-158, 98-159, 98-199, 98-232, 98-269, 99-293, 99-297, 99-309, 99-314, 99-317, 99-320, 99-325 and 99-337), so that appropriate action could be taken thereon; and *(4-d) SUBMIT*, within ten (10) days from notice, a report on the compliance with the preceding directives *(4-b)* and *(4-c)*."

It is evident that there has been a failure on the part of Judge Villarta to properly carry on his duties as so reflected by the judicial audit and confirmed by the report of the OCA; unfortunately, the judge has been unable to explain his inaction on the several aforenumbered cases before his untimely demise. The Court thus deems it to be inappropriate for the fine recommended by the OCA to yet be imposed. Its other recommendations, however, are well taken and thereby adopted by the Court.

WHEREFORE. It is hereby ordered that —

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(1) Hon. Alberto V. Benesa, Acting Presiding Judge of the Regional Trial Court Branch 1, Bangued, Abra, be, as he is hereby so, DIRECTED to (a) INFORM this Court through the Office of the Court Administrator, within ten (10) days from notice, whether or not his decision in Criminal Case No 1115 was promulgated as so scheduled; (b) DECIDE the following sixteen cases (7 criminal cases and 9 civil/other cases) which he partly or totally tried, to wit Criminal Cases No. 798, 799, 1071, 1186, 1187, 1221 and 1301, and Civil/Other Cases No. 655, 751, 1143, 1321, 1472, 1499, 1560, 1611 and LRC-N-71, and RESOLVE the incidents for resolution in the following six cases (4 criminal cases and 2 civil cases), to wit: Criminal Cases No. 1304, 1305, 99-298 and 99-339, and Civil Cases No. 1525 and 1675, both within thirty (30) days from the completion of the transcripts of the stenographic notes; and (c) SUBMIT to this Court through the Office of the Court Administrator copies of the decisions/orders pertaining to the aforementioned cases, within five (5) days after their promulgation/release.

(2) Upon her assumption to office, Hon. Charito B. Gonzales, the newly appointed Presiding Judge of the Regional Trial Court, Branch 1, Bangued, Abra, be, as she is hereby so, DIRECTED to: (a) DECIDE with dispatch, upon the completion of the stenographic notes, the following forty-seven cases (20 criminal and 27 civil/other cases) which she inherited from her predecessors, to wit: Criminal Cases No. 121, 399, 409, 489, 525, 686, 753, 758, 807, 828, 992, 1005, 1009, 1059, 1104, 1214, 1240, 1253, 1553 and 1585, and Civil/Other Cases No. 1535, 1645, 1739, 207, 233, 285, 297, 305, 315, 321, 351, 361, 363, 367, 399, 417, 453, 482, 489, 761, 803, 902, 977, 985, SP-299 and LRC-N-09, and RESOLVE with dispatch the incidents pending resolution in the following six cases (3 criminal cases and 3 civil cases), to wit: Criminal Cases No. 556, 713 and 1700, and Civil Cases No. 261, 469 and 484; (b) DECIDE with dispatch, upon completion of the transcripts of stenographic notes, the following nine cases submitted for decision which are the subject of inhibition by Judge Benesa, to wit: Criminal Cases No. 411, 423, 586, 628, 820, 866, 871, 1152 and 1255,

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and RESOLVE with dispatch the matter for resolution in Criminal Case No. 1275; (c) SUBMIT to this Court, through the Office of the Court Administrator, copies of the decisions/orders pertaining to the aforementioned cases, within five (5) days after their promulgation/release; (d) TAKE COGNIZANCE of the other cases which are likewise the subject of voluntary inhibition by Judge Benesa; (e) TAKE APPROPRIATE ACTION on the following one hundred and forty-five cases (67 criminal cases and 78 civil/other cases) which were not acted on or set in the calendar despite the lapse of a considerable length of time, to wit: Criminal Cases No. 463, 926, 1089, 1225, 1341, 1446, 1470, 1505, 1508, 1513, 1514, 1516, 1519, 1523, 1524, 1530, 1532, 1533, 1538, 1543, 1544, 1546, 1653, 1654, 1672, 1768, 97-074, 97-081, 97-102, 97-108, 97-119, 97-130, 97-132 to 97-135, 97-137, 98-140, 98-141, 98-155, 98-162 to 98-177, 98-182, 98-183, 98-202, 98-219, 98-229, 98-240. 98-254, 98-283, 99-342, 99-367 and 99-401, and Civil/Other Cases No. 69, 421, 441, 457, 471, 478, 487, 514, 546, 580, 634, 701, 764, 798, 921, 931, 949, 965, 979, 1101, 1163, 1180, 1242, 1338, 1432, 1464, 1478, 1491, 1536, 1537, 1539, 1601, 1632, 1639, 1646, 1652, 1659, 1668, 1673, 1677, 1693, 1710, 1739, 1742, 1748, 1749, 1750A, 1755, 1760, 1776, SCA-1191, SCA-1617, SP-491, SP-670, SP-682, SP-753, SP-759, SP-838, SP-853, SP-1070, SP-1464, SP-1561, SP-1602, SP-1570, SP-1587, SP-1604, SP-1625, SP-1787, LRC-N-18, LRC-N-21, LRC-N-50, LRC-N-56, LRC-N-66, LRC-N-74, LRC-N-269, LRC-N-270, EC-N-2 and EC-N-6, on the three criminal cases (No. 99-343, 99-382 and 99-398) which were not initially acted on since being raffled and on the twenty-six criminal cases (No. 1070, 1106, 1286, 1312, 1325, 1606, 97-052, 97-0878, 97-101, 97-103, 97-116, 98-143, 98-144, 98-158, 98-159, 98-199, 98-232, 98-269, 99-293, 99-297, 99-309, 99-314, 99-317, 99-320, 99-325 and 99-337), in accordance with Administrative Circular No. 7-A-92, dated 21 June 1993 (re: Guidelines in the Archiving of Cases); and (f) SUBMIT, within fifteen (15) days from notice, a report on the compliance with the preceding directive.

3. The Officer-In-Charge, Regional Trial Court, Branch 1, Bangued, Abra, be, as he is hereby so, DIRECTED to: (a)

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CAUSE, within thirty (30) days from notice, the completion of the stenographic notes in the following seventy-one cases (36 criminal cases and 35 civil/other cases) which remained undecided as of audit, to wit: Criminal Cases No. 121, 399, 409, 411, 423, 489, 535, 586, 628, 686, 753, 758, 798, 799, 807, 820, 828, 866, 871, 992, 1005, 1009, 1059, 1071, 1104, 1152, 1186, 1187, 1214, 1221, 1240, 1253, 1255, 1301, 1553 and 1585, and Civil/Other Cases No. 1535, 1645, 1739, 207, 233, 285, 297, 305, 315, 321, 351, 361, 363, 367, 399, 417, 453, 482, 489, 655, 751, 761, 803, 902, 977, 985, 1143, 1321, 1472, 1499, 1560, 1611, SP-299, LRC-N-09 AND LRC-N-71 and in the following thirteen cases (8 criminal and 5 civil cases with incidents for resolution, to wit: Criminal Cases No. 556, 713, 1275, 1304, 1305, 1700, 99-298 and 99-339, and Civil Cases No. 261, 469, 484, 1525 and 1675, then SUBMIT immediately after the expiration of the 30-day period a report on the compliance with this directive by the concerned stenographers; (b) SUBMIT a report on actual status of the following cases which were found by the 1997 audit teams to have been submitted for decision prior to the compulsory retirement of Judge Francisco O. Villarta, Jr., to wit: Criminal Cases No. 33, 413, 463, 774, 890, 893, 1032, 1058, 1115, 1158, 1232, 1235, 1242, 1253, 1297, 1311 and 1674, and Civil/Other Cases No. 411, 495, 628, 636, 678, 768, 778, 823, 891, 912, 1038, 1047, 1211, SP-674, SP-865, SP01540 and LRC-N-276; (c) APPRISE the presiding judge of the following one hundred and forty-five cases (67 criminal cases and 78 civil/other cases) which were not acted on or set in the calendar despite the lapse of a considerable length of time, to wit: Criminal Cases No. 463, 926, 1089, 1225, 1341, 1446, 1470, 1505, 1508, 1513, 1514, 1516, 1519, 1523, 1524, 1530, 1532, 1533, 1538, 1543, 1544, 1546, 1653, 1654, 1672, 1768, 97-074, 97-081, 97-102, 97-108, 97-119, 97-130, 97-132 to 97-135, 97-137, 98-140, 98-141, 98-155, 98-162 to 98-177, 98-182, 98-183, 98-202, 98-219, 98-229, 98-240, 98-254, 98-283, 99-342, 99-367 and 99-401, and Civil/Other Cases No. 69, 421, 441, 457, 471, 478, 487, 514, 546, 580, 634, 701, 764, 798, 921, 931, 949, 965, 979, 1101, 1163, 1180, 1242, 1338, 1432, 1464, 1478, 1491, 1536, 1537, 1539, 1601, 1632, 1639, 1646, 1652, 1659, 1668,

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1673, 1677, 1693, 1710, 1739, 1742, 1748, 1759, 1750A, 1755, 1760, 1776, SCA-1191, SCA-1617, SP-491, SP-670, SP-682, SP-753, SP-759, SP-838. SP-853, SP-1070, SP-1464, SP-1561, SP-1602, SP-1570, SP-1587. SP-1604, SP-1625, SP-1787, LRC-N-18, LRC-N-21, LRC-N-50, LRC-N-56, LRC-N-66, LRC-N-74, LRC-N-269, LRC-N-270, EC-N-2 and EC-N-6, of the three criminal cases (No. 99-343, 99-382 and 99-398) which were not initially acted on since they were raffled thereto, and of the following twenty-six criminal cases: No. 1070, 1106, 1286, 1312, 1325, 1606, 97-052, 97-088, 97-101, 97-103, 97-116, 98-143, 98-144, 98-158, 98-159, 98-199, 98-232, 98-269, 99-293, 99-297, 99-309, 99-314, 99-317, 99-320, 99-325 and 99-337), so that appropriate action could be taken thereon; and (d) SUBMIT, within ten (10) days from notice, a report on the compliance with the preceding directives.

(4) The Fiscal Management Office, OCA, is, as it is hereby so, DIRECTED to release to the heirs, upon presentation of the proper documents, the amount of Two Hundred Thousand (₱200,000.00) Pesos withheld from the retirement benefits of the late Judge Francisco O. Villarta

SO ORDERED.

Bellosillo, Melo, Puno, Kapunan, Mendoza, Purisima, Pardo, Buena and *Gonzaga-Reyes, JJ .,* concur.

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

Panganiban, Quisumbing, Ynares-Santiago and *De Leon, Jr., JJ.,* are on leave.