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WHEREFORE, the instant petition is *DISMISSED.*

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Quisumbing, Purisima, Buena, and *Ynares-Santiago, JJ.*, concur.

Panganiban, and Pardo, JJ., no part. Former counsel of a party.

Pardo, J., no part.

EN BANC

[A.M. No. 98-3-34-MeTC. August 25, 1999]

REPORT ON THE SPOT JUDICIAL AUDIT CONDUCTED IN METROPOLITAN TRIAL COURT, BRANCH 36, QUEZON CITY.

SYNOPSIS

On September 25, and 26, 1997, a spot judicial audit and physical inventory of pending cases was conducted in the Metropolitan Trial Court, Branch 36 of Quezon City. As a result, it was discovered that as of July 31, 1997, the court has a total caseload of 3,197 cases, 55 of which were submitted for decision, while 6 cases were found to be beyond the reglementary period for their disposition. The audit team likewise found that 30 civil cases remained unacted upon since the respective dates of filing and in 8 cases no further proceedings were conducted for a considerable length of time. And for the period starting December, 1996 up to March 1997, warrants of arrests issued in 1,041 criminal cases were remained unserved but the cases were still reflected to be pending in the court docket. The audit team noted that the court had not been complying with Administrative Circular No. 90-94 (Submission of Semestral Docket Inventory) since the second semester of 1994, and that the Official Docket Book for criminal cases was not being used. In their comment, Judge Francisco Villanueva and Clerk of Court Danilo R. Buenaventura attributed the delay in the disposition of the cases and the failure to submit

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the inventory of cases since 1994 to the tremendous increase in caseload and due to the expanded jurisdiction of the MeTC.

The Court found unacceptable the explanation of Judge Villanueva. It declared that it is not unmindful of and does realize the heavy caseload that confronts most courts; it is for this reason precisely that it has been most sympathetic in acting on requests for extension of time submitted by judges. The period prescribed for the resolution of cases, however, is a legal mandate that cannot just be ignored even on account of pressure of work. The Court must still be informed by the judge of his difficulty in meeting with the prescribed deadlines and of the necessity of having the periods thereof correspondingly extended. Almost invariably, the Court responds favorably and grants a reasonable time for compliance with the rules, but it would be wrong for a judge, on his own, to pass by a duty incumbent upon him. In his case, Danilo R. Buenaventura did not heed Administrative Circular No. 10-94 directing Clerks of Court and Branch Clerks of Court to submit a docket Inventory Report every semester. The Court agreed with OCA that his similar excuse of a heavy caseload in their branch is not a valid justification for the infraction.

Judge Francisco Villanueva was imposed a FINE of Five Thousand Pesos and Clerk of Court Danilo R. Beunaventura a FINE of One Thousand Pesos.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; CANNOT IGNORE PERIOD PRESCRIBED FOR RESOLUTION OF CASES ON ACCOUNT OF PRESSURE OF WORK.**— The Court is not unmindful of and does realize the heavy caseload that confronts most courts; it is for this reason precisely that it has been most sympathetic in acting requests for extension of time submitted by judges. The period prescribed for the resolution of cases, however, is a legal mandate that cannot just be ignored even on account of pressure of work. The Court must still be informed by the judge of his difficulty in meeting with the prescribed deadlines and of the necessity of having the periods thereof correspondingly extended. Almost invariably, the Court responds favorably and grants a reasonable time for compliance with the rules but it would be wrong for a judge, on his own, to pass by a duty incumbent upon him.

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2. POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; ADMINISTRATIVE CIRCULAR NO. 10-94; HEAVY CASELOAD IS NOT A VALID JUSTIFICATION FOR INFRACTION THEREOF.— Danilo R. Buenaventura did not heed Administrative Circular No. 10-94 directing Clerks of Court and Branch Clerks of Court to submit a docket Inventory Report every semester. The Court agrees with OCA that his similar excuse of a heavy caseload in their branch is not a valid justification for the infraction.

RESOLUTION

VITUG, *J.*:

Following the spot judicial audit and physical inventory of pending cases, conducted on 25 and 26 September 1997, in the Metropolitan Trial Court of Quezon City, an Audit Team, composed of Atty. Maria Gracia C. Casaclang, Florentina A. Najarro, Susana M. Luber and Florencemaye Agbulos, with Justice Pedro A. Ramirez as consultant, reported that Presiding Judge Francisco P. Villanueva had, as of 31 July 1997, a caseload of 3,015 criminal and 182 civil cases, or a total of 3,197 cases, 55 of which (45 criminal and 10 civil) were submitted for decision. Six of the submitted cases, still unresolved, were found to be beyond the reglementary period for their disposition; to wit:

(1) Case No. 5469, *People vs. Alex Nicol y Nipal,* submitted for decision on 11 April 1997

(2) Case No. 15282, *People vs. Cuevas,* submitted for decision on 05 May 1997

(3) Case No. 55607-09, *People vs. Amor De Leon,* all submitted for decision on 19 May 1997

(4) Case No. 1994, *Country Bankers' Insurance vs. Ayala Integrated Steel*, submitted for decision on 07 February 1997

The Audit Team likewise found that 30 civil cases had remained unacted upon since the respective dates of the filing thereof, thus:

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"CASE FILED	TITLE	DATE FILED
1. 17929	Victorio, et al. *v.* Patnongon	6-20-97
2. 18085	Monterey Protective Gen. Services *v.* Gomez	7-2-97
3. 17972	Pascual *v.* Guianan	6-26-97
4. 17839	Quedan & Rural Credit Guarantee Corp. *v.* Landicho, et al.	6-5-97
5. 17749	Dilidili *v.* Aguidan, et al.	5-19-97
6. 17643	VCD Intermed *v.* David	4-28-97
7. 17506	Avon Cosmetics *v.* Macayan	4-8-97
8. 16565	Aguilar *v.* Elepano	11-5-96
9. 16500	My Realty, Inc. *v.* Butihin	10-28-96
10. 15916	Balagtas, et al. *v.* Ignacio, et al.	7-3-96
11. 15713	Dra. Jongio *v.* Lapid	7-1-96
12. 804-E	U.P. *v.* Lometillo	9-18-96
13. 798-E	U.P. *v.* Itao	8-23-96
14. 15858	Cash Management *v.* Sps. Espanol	7-17-96
15. 15624	Bandera Publishing *v.* Amboy	6-14-96
16. 15488	Avon Cosmetics *v.* Novida	6-4-96
17. 16360	RMB Security & Gen. Services Corp. *v.* South Rock Realty Dev't Corp.	10-10-96
18. 14409	Pamandanan *v.* Sps. Vecla	1-29-96
19. 17338	Quedan & Rural Credit Guarantee Corp. *v.* Sps. Dulatre	3-11-97
20. 17172	Capitol Appliance Center, Inc. *v.* Marquez	2-24-97
21. 16047	Lopez *v.* Dr. Miguel	8-26-96
22. 16730	Fil-American Hardware Co. Inc. *v.* LMV Construction Corp.	11-29-96
23. 16692	Maristela *v.* Tamorong, et al.	11-21-96
24. 15363	Metro Resources Ent. *v.* Magsino, et al.	5-21-96
25. 15329	Quedan & Rural Credit Guarantee Corp. *v.* Uy, et al.	5-17-96
26. 15084	Quedan & Rural Credit Guarantee Corp. *v.* Samarita, et al.	4-19-96
27. 14707	RS Recapping Plant *v.* Colonina	2-27-96

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28. 14011	Halili *v.* Cruz	11-21-95
29. 13663	Capistrano *v.* Agustin	9-29-95
30. 13140	Sanchez *v.* Mitra	7-20-95"[1]

No further proceedings were reported to have been conducted for a considerable length of time on the following 8 cases:

"CASE NUMBER	TITLE	REMARKS
1. 17982	HHP Multipurpose Coop. Inc. *v.* Guasis	No setting since sheriff's return dtd. 7-28-97.
2. 17988	HHP Multipurpose Coop. Inc. *v.* Gongora	No setting since sheriff's return dtd. 7-29-97.
3. 17413	Monte de Piedad & Savings Bank *v.* Caluscusan	No setting since order dtd. 4-17-97 directing the issuance of Writ of Replevin.
4. 16937	Fernando *v.* Carlos, et al.	No setting since the hearing set last 2-11-97
5. 14294	Pepsi-Cola Products Phil. *v.* Valerio	No setting since the issuance of order granting MR & noting the notice of appearance
6. 15092	MWSS *v.* Dionisio	Case was forwarded to this branch per order dtd. 5-7-96 of Judge Apalit, MeTC, Br. 43 as replacement for Civil Case No. 14938,

[1] *Rollo*, pp. 2-3.

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		however no further action since then.
7. 15074	Dayanghirang *v.* Castañeda	Forwarded to this branch per order dtd. 5-7-96 of Judge Apalit as replacement to Civil Case No. 14946, however no further action since then.
8. 15219	Colis *v.* Villanueva	Motion to Declare Def. In Default received by this branch on 10-29-96 thereafter no further action"[2]

For the period starting December 1996 up until March 1997, warrants of arrests, issued in 1,041 criminal cases, remained unserved. The cases were reflected to be pending in the court docket.

Finally, the Audit Team noted that the court had not been complying with Administrative Circular No. 90-94 (submission of Semestral Docket Inventory) since the second semester of 1994, and the Official Docket Book for criminal cases was not being used.

In its resolution of 24 March 1998, the Court resolved to:

"x x x (a) DIRECT: (1) Judge Francisco C. Villanueva to: (1-a) DECIDE within thirty (30) days from notice the following six (6) cases

[2] *Rollo*, p. 3.

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which he deemed submitted for decision and are already beyond the reglementary period, to wit: Criminal Cases Nos. 5469, 15282, 55607, 55608, 55609 and Civil Case No. 1994; (1-b) INFORM this Court within ten (10) days from notice whether or not the following cases submitted for his decision/resolution but still within the prescribed period during the time of audit have been decided/resolved by him, to wit: Criminal Case Nos. 49874, 49875, 32878, 32879, 32880, 32881, 51489, 65598, 30001, 33667, 33467, 34046, 40440, 40441, 40442, 40443, 40444, 40445, 48845, 18846, 48847, 48848, 48849, 48850, 48851, 48852, 48853, 48854, 48855, 48856, 48857, 48858, 48859, 48860, 48861, 48862, 40794, 63571, 63572, 63573, Civil Cases Nos. 15055, 17729, 15565, 17976, 17178, 10354, 10355, 10356 and 10357; (1-c) EXPLAIN in writing within ten (10) days from notice why no disciplinary action should be taken against him for his failure to decide/resolve the abovementioned cases; (2) Clerk of Court III Danilo R. Buenaventura, Branch Clerk of Court, Metropolitan Trial Court, Branch 36, Quezon City, to: (2-a) take appropriate action within ten (10) days from notice on (aa) the following 30 civil cases which have no initial action taken thereon since the date of filing, to wit: 17929, 18085, 17972, 17839, 17749, 17643, 17506, 16565, 16500, 15916, 15713, 804-E, 798-E, 15858, 15624, 15488, 16360, 14409, 17338, 17172, 16047, 16730, 16692, 15363, 15329, 15084, 14707, 14011, 13663, 13140 and (bb) the following 8 civil cases with no further proceedings for a considerable length of time, to wit: Civil Cases Nos. 17982, 17988, 17413, 16937, 14294, 15092, 15074 and 15219 and (2-b) EXPLAIN in writing also within ten (10) days from notice why no disciplinary action should be taken against him for the delay in the aforementioned cases and for failure to submit the Semestral Docket Inventory of cases since the second semester of 1994 and to submit the same within the same period."

In his comment, Judge Villanueva informed the Court of the status of the cases; *viz*:

CASE NUMBER	TITLE	DATE DEEMED SUBMITTED	STATUS
1. 5469	PP *v.* Alex Nicol Y. Nipal	4-11-97	Decided – 4-24-98
2. 15282	PP *v.* Cuevas	5-5-97	Archived – 12-26-97
3. 55607	PP *v.* Amor de Leon	5-19-97	Promulgated– 11-7-97
4. 55608	-do-	-do-	-do-
5. 55609	-do-	-do-	-do-

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6.	49874	PP *v.* Anres	8-4-97	Decided – 5-20-98
7.	49875	-do-	-do-	-do-
8.	32878	PP *v.* Tuan	8-20-97	Promulgated– 5-27-98
9.	32879	-do-	-do-	-do-
10.	32880	-do-	-do-	-do-
11.	32881	-do-	-do-	-do-
12.	51489	PP *v.* Atienza	9-18-97	Promulgated– 2-13-98
13.	65598	PP *v.* Apolonio	6-13-97	Promulgated– 4-29-98
14.	30001	PP *v.* Prado	7-7-97	Promulgated– 5-27-98
15.	33667	PP *v.* Cataina	7-14-97	Promulgated– 5-28-98
16.	33467	PP *v.* Laginon	9-15-97	Promulgated– 5-27-98
17.	34046	PP *v.* Mesa	9-5-97	Promulgated– 5-27-98
18.	40440	PP *v.* Manalo	7-21-97	Dismissed – 1-19-98
19.	40441	-do-	-do-	-do-
20.	40442	-do-	-do-	-do-
21.	40443	-do-	-do-	-do-
22.	40444	-do-	-do-	-do-
23.	40445	-do-	-do-	-do-
24.	48845	PP *v.* Ortiz	9-10-97	Pending Trial
25.	48846	-do-	-do-	-do-
26.	48847	-do-	-do-	-do-
27.	48848	-do-	-do-	-do-
28.	48849	-do-	-do-	-do-
29.	48850	-do-	-do-	-do-
30.	48851	-do-	-do-	-do-
31.	48852	-do-	-do-	-do-
32.	48853	-do-	-do-	-do-
33.	48854	-do-	-do-	-do-
34.	48855	-do-	-do-	-do-
35.	48856	-do-	-do-	-do-
36.	48857	-do-	-do-	-do-
37.	48858	-do-	-do-	-do-
38.	48859	-do-	-do-	-do-

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39.	48860	-do-	-do-	-do-
40.	48861	-do-	-do-	-do-
41.	48862	-do-	-do-	-do-
42.	40794	PP *v.* Robel	9-12-97	-do-
43.	63571	PP *v.* Gabat	9-5-97	Dismissed – 8-26-97
44.	63572	-do-	-do-	-do-
45.	63573	-do-	-do-	-do-
46.	15055	Caparas *v.* Dr. Lustestica	6-24-97	Decided – 11-28-97
47.	17729	Cabodil *v.* Indelible	7-10-97	Pending Trial
48.	17178	Kadano, Jr. *v.* Disalongan	10-14-97	Decided – 1-30-98
49.	15565	Inigo *vs.* Sps. Panlilio	10-2-97	Assigned to Branch 34
50.	17976	Payawal *v.* Pulidan	10-9-97	Decided – 1-30-98
51.	10354	Dela Cruz *v.* Moneda	7-31-97	Decided – 8-9-96 with Writ of Execution
52.	10356	-do-	-do-	-do-
53.	10355	Moneda *v.* Lita	-do-	-do-
54.	10357	-do-	-do-	-do-
55.	1994	Country Bankers' Insurance *v.* Ayala Integrated Steel	2-7-97	Assigned to Branch 42

He attributed the delay in the disposition of the cases to the expanded jurisdiction of the MeTC and claimed that all efforts were being exerted, nevertheless, to resolve all pending incidents in his *sala*.

Clerk of Court Danilo R. Buenaventura also submitted his own report; thus:

CASE NUMBER	TITLE	DATE FILED	STATUS
1. 17929	Victorio, et al. *v.* Patnongon	6-20-97	Dismissed – 4-30-98
2. 18085	Monterey Protective Gen. Services *v.* Gomez	7-2-97	-do-

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3.	17972	Pascual *v.* Guianan	6-26-97	-do-
4.	17839	Quedan & Rural Credit Guarantee Corp. *v.* Landicho, *et al.*	6-5-97	-do-
5.	17749	Dilidili *v.* Aguidan, *et al.*	5-19-97	-do-
6.	17643	VCD Intermed *v.* David	4-28-97	-do-
7.	17506	Avon Cosmetics *v.* Macayan	4-8-97	-do-
8.	16565	Aguilar *v.* Elepano	11-5-96	Dismissed – 9-30-97
9.	16500	My Realty, Inc. *v.* Butihin	10-28-96	-do-
10.	15916	Balagtas, *et al. v.* Ignacio, *et al.*	7-3-96	-do-
11.	15713	Dra. Jongio *v.* Lapid	7-1-96	-do-
12.	804-E	U.P. *v.* Lometillo	9-18-96	-do-
13.	798-E	U.P. *v.* Itao	8-23-96	Summons issued- 1-27-98
14.	15858	Cash Management *v.* Sps. Espanol	7-17-96	Dismissed – 9-30-97
15.	15624	Bandera Publishing *v.* Amboy	6-14-96	-do-
16.	15488	Avon Cosmetics v. Novida	6-4-96	-do-
17.	16360	RMB Security & Gen. Services Corp. *v.* South Rock Realty Dev't Corp.	10-10-96	Dismissed – 10-31-97
18.	14409	Pamandanan *v.* Sps. Vecla	1-29-96	-do-
19.	17338	Quedan & Rural Credit Guarantee Corp. *v.* Sps. Dulatre	3-11-97	Dismissed – 4-30-98
20.	17172	Capitol Appliance Center, Inc. *v.* Marquez	2-24-97	Dismissed – 9-30-97
21.	16047	Lopez *v.* Dr. Miguel	8-26-96	Decided – 4-30-98
22.	16730	Fil-American Hardware Co. Inc. *v.* LMV Construction Corp.	11-29-96	For Trial – 6-9-98
23.	16692	Maristela *v.* Tamorong, *et al.*	11-21-96	Dismissed – 9-30-97
24.	15363	Metro Resources Ent. *v.* Magsino, *et al.*	5-21-96	-do-
25.	15329	Quedan & Rural Credit Guarantee Corp. *v.* Uy, *et al.*	5-17-96	Dismissed – 4-30-97

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26.	15084	Quedan & Rural Guarantee Corp. v. Samarita, et al.	4-19-96	For Continuance of Trial
27.	14707	RS Recapping Plant *v.* Colonina	2-27-96	Dismissed – 9-30-97
28.	14011	Halili *v.* Cruz	11-21-95	-do-
29.	13663	Capistrano *v.* Agustin	9-29-95	-do-
30.	13140	Sanchez *v.* Mitra	7-20-95	-do-

With regard to the cases "unacted on for a considerable length of time," Buenaventura reported the status thereof, as follows:

CASE NUMBER	TITLE	REMARKS AS OF AUDIT DATE	STATUS
1. 17982	HHP Multipurpose Coop. Inc. *v.* Guasis	No setting since sheriff's return dtd. 7-28-97.	Assigned to Branch 43
2. 17988	HHP Multipurpose Coop. Inc. *v.* Gongora	No setting since sheriff's return dtd. 7-29-97.	Assigned to Branch 40
3. 17413	Monte de Piedad & Savings Bank *v.* Caluscusan	No setting since order dtd. 4-17-97 directing the issuance of Writ of Replevin.	Dismissed-11-28-97
4. 16937	Fernando *v.* Carlos, *et al.*	No setting since the hearing set last 2-11-97	Dismissed – 9-30-97
5. 14294	Pepsi-Cola Products Phil. *v.* Valerio	No setting since the issuance of order granting MR & noting the notice of appearance	Dismissed – 4-30-94
6. 15092	MWSS *v.* Dionisio	Case was forwarded to this branch per order dtd. 5-7-96 of Judge Apalit, MeTC, Br. 43 as replacement for	Dismissed – 9-30-97

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			Civil Case No. 14938, however no further action since then.	
7.	15074	Dayanghirang *v.* Castañeda	Forwarded to this branch per order dtd. 5-7-96 of Judge Apalit as replacement to Civil Case No. 14946, however no further action since then.	Dismissed – 9-30-97
8.	15219	Colis *v.* Villanueva	Motion to Declare Def. In Default received by this branch on 10-29-96 thereafter no further action.	Dismissed – 4-30-97

Buenaventura stated that he was not able to attend to, and submit, the required semestral docket and inventory of cases since 1994 because of the tremendous increase in caseload, the court receiving an average of 100 cases monthly.

The Office of the Court Administrator, through Senior Deputy Court Administrator Reynaldo L. Suarez, following its evaluation of the matter, took to task respondents for failing to live up to their respective responsibilities and recommended that:

"1. Judge Francisco Villanueva, MeTC, Branch 36, Quezon City, be *FINED* of ₱5,000.00:

"a) for his failure to decide the following cases within the required period of ninety days:

"CRIMINAL CASE NO.

1. 5469
2. 15282
3. 55607-55609

"b) for his failure to act with dispatch on the following cases pending in his sala:

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"CIVIL CASE NO.

1. 17929	13. 798-E	24. 15363
2. 18085	14. 15858	25. 15329
3. 17972	15. 15624	26. 14707
4. 17839	16. 15488	27. 14011
5. 17749	17. 16360	28. 13663
6. 17643	18. 14409	29. 13140
7. 17506	19. 17338	30. 17413
8. 16565	20. 17172	31. 16937
9. 16500	21. 16047	32. 15092
10. 15916	22. 16730	33. 15074
11. 15713	23. 16692	34. 15219
12. 804-E		

"2. Mr. Danilo R. Buenaventura, Branch Clerk of Court, MeTC, Branch 30, Quezon City, be *FINED* ₱1,000.00 for his failure to submit the required Semestral Docket and Inventory of Cases with a warning that a repetition of the same act in the future will be dealt with more severely."

The Court accepts the findings of the OCA and concurs with it in its recommendation.

Indeed unacceptable is the explanation of Judge Villanueva. The Court is not unmindful of and does realize the heavy caseload that confronts most courts; it is for this reason precisely that it has been most sympathetic in acting requests for extension of time submitted by judges. The period prescribed for the resolution of cases, however, is a legal mandate that cannot just be ignored even on account of pressure of work. The Court must still be informed by the judge of his difficulty in meeting with the prescribed deadlines and of the necessity of having the periods thereof correspondingly extended. Almost invariably, the Court responds favorably and grants a reasonable time for compliance with the rules but it would be wrong for a judge, on his own, to pass by a duty incumbent upon him.

It would additionally appear that Judge Villanueva has disregarded Administrative Circular No. 3-90[3] requiring all trial

[3] Dated 31 January 1990.

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courts to adopt the mandatory continuous trial system in accordance with (1) Administrative Circular No. 4[4] to the effect that the trial courts should, after arraignment, fix the specific dates needed to complete the presentation of evidence by the parties and conduct the trial without unnecessary postponements, and (2) Circular No. 1-89,[5] which has established the guidelines to be observed by the trial courts in the conduct of such trials.

In his case, Danilo R. Buenaventura did not heed Administrative Circular No. 10-94[6] directing Clerks of Court and Branch Clerks of Court to submit a docket Inventory Report every semester. The Court agrees with OCA that his similar excuse of a heavy caseload in their branch is not a valid justification for the infraction.

WHEREFORE, for failing to so act seasonably as aforementioned on the cases pending before him, Judge Francisco Villanueva is imposed a FINE of Five Thousand (₱5,000.00) Pesos. For failing to submit the Semestral Docket and Inventory of Cases, Clerk of Court Danilo R. Buenaventura is imposed a FINE of One Thousand (₱1,000.00) Pesos. Any further infraction by either respondent will be dealt with severely.

SO ORDERED.

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

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[4] Dated 22 September 1998.

[5] Dated 19 January 1989.

[6] Dated 29 June 1994.