

EN BANC

[A.M. No. 96-8-301-RTC, July 08, 1998]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC, BRANCH 82, ODIONGAN, ROMBLON.

R E S O L U T I O N

PUNO, J.:

On July 16-19, 1996, a judicial audit and physical inventory of pending cases in Branch 82, Regional Trial Court, Odiongan, Romblon, presided over by Judge Cezar C. Maravilla,^[1] was conducted by the Judicial Audit Team of the Office of the Court Administrator.^[2] The report^[3] of the Audit Team revealed that as of July 19, 1996, Branch 82, has 276 cases (203 criminal and 73 ordinary civil cases, special civil actions, special proceedings, land registration and agrarian cases). The team found that: (a) nine (9) cases (5 criminal and 4 civil) had been submitted for decision; (b) three (3) criminal cases with matter for resolution were pending; (c) Special Proceeding No. OD 263 has not been acted upon since its filing on April 18, 1994; (d) the transcript of stenographic notes in Civil Case No. OD 316 submitted for decision on June 4, 1996 has not been transcribed; and (e) forty-seven (47) criminal cases have not been set in the court calendar and have remained unacted upon after the lapse of six months.

Acting on the report and recommendation of the Judicial Audit Team, the Court En Banc, on September 17, 1996, resolved^[4] to:

- (a) DESIGNATE the Presiding Judge, Regional Trial Court, Branch 81, Romblon, Romblon, as Acting Presiding Judge of the Regional Trial Court, Branch 82, with station at Odiongan, Romblon, effective immediately, in addition to his regular duties in his own court, to try, hear and decide cases thereat during the second half of every month and to continue until the appointment of a new Presiding Judge or until further orders from this Court, without additional compensation, except for the reimbursement of transportation and travel expenses;
- (b) require the Clerk-in-Charge of Civil case to EXPLAIN why no action has been taken in Special Proceedings No. OD 263 from the time it was filed on April 18, 1994;
- (c) DIRECT Ms. Jeanne M. Ferranco, the Stenographer, who took down the transcript of the proceedings in Civil Case No. OD 316, to transcribe the stenographic notes, within thirty (30) days from notice hereof and to submit the transcripts to the Officer-in-Charge who shall immediately report to this Court compliance with this directive;
- (d) require Ms. Melinda C. Quierrez, Clerk-in-Charge of criminal cases

to EXPLAIN, within ten (10) days from notice hereof, why no administrative sanctions should be imposed upon her for her failure to schedule in the court calendar the forty-seven (47) criminal cases which have remained unacted upon; and

(e) APPRISE Judge Placido O. Marquez, in the event he is designated as Acting Presiding Judge of the Regional Trial Court, Branch 82, of the forty-seven (47) criminal cases which have remained unacted upon after the lapse of a considerable length of time and DIRECT him to expedite the early disposition thereof.

Pursuant to the Resolution, the following documents were submitted to the Office of the Court Administrator:

1. LETTER dated 23 October 1996 of Baltazar Ll. Firmalo, Officer-in-Charge, RTC, Branch 82, Odiongan, Romblon.
2. Undated COMMENT/EXPLANATION of Melinda C. Quierrez, Clerk III, RTC, Branch 82, Odiongan, Romblon.
3. Another undated "ADDENDUM EXPLANATION" from Melinda C. Quierrez.
4. LETTER dated 5 November 1996 from Mr. Baltazar Ll. Firmalo; and
5. Copies of the transcript of stenographic notes taken on the proceedings held in Civil Case No. OD-316 signed and certified by Ms. Madelyn Montojo, Stenographer III, RTC, Branch 82, Odiongan, Romblon.

In compliance with paragraph (b) of the Resolution, Mr. Baltazar Ll. Firmalo, Officer-in-Charge, RTC, Branch 82 explained that:

"(n)o action had been taken in Special Proceeding No. OD-263 since its filing on April 18, 1994 because the petitioner conferred with Atty. Gadon, (former Branch Clerk of Court, RTC, Branch 82, Odiongan, Romblon) regarding petitioner's desire not to pursue the case for lack of interest. Atty. Gadon had advised the petitioner to file a formal motion alleging disinterest but the latter was not able to do so since he left for Oriental Mindoro and has not returned since then. Firmalo added that they could have withdrawn the said case from the docket had it not been for the retirement of Judge Maravilla."^[5]

With regard to paragraph (c) of the resolution, Mr. Firmalo, in his letter dated November 5, 1996 explained that:

"x x x (Ms. Madelyn) Montojo was the one who signed and certified the copies of the transcript instead of (Ms.) Ferrano (in compliance with the Resolution) because Ms. Montojo was assigned to take down the testimony of the witness on the scheduled hearing on 4 June 1994 when the case was submitted for decision. Firmalo claims that: "When the audit team came to this office sometime in July 1996 the transcript of