

FIRST DIVISION

[A.M. No. 13-8-185-RTC, October 17, 2018]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT BRANCH 24, CEBU CITY

D E C I S I O N

DEL CASTILLO, J.:

"Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. Not only does it magnify the cost of seeking justice, it undermines the people's faith and confidence in the judiciary, lowers its standards, and brings it to disrepute."^[1]

The Facts

From September 24-28, 2012, the Office of the Court Administrator (OCA) conducted a judicial audit in Branch 24 of the Regional Trial Court of Cebu City in view of the application for optional retirement of Presiding Judge Olegario B. Sarmiento, Jr. (Judge Sarmiento) effective September 14, 2012. Judge Sarmiento was already on terminal leave beginning July 12, 2012 and ceased to report for office. Judge James Stewart Ramon E. Himalaloan (Judge Himalaloan) was designated to be the Acting Presiding Judge of said Branch 24 under Administrative Order No. 150-2012 dated October 3, 2012.

In its Report^[2] dated October 19, 2012, the judicial audit team reported that the court under Judge Sarmiento had a total pending caseload of 519, *i.e.*, 308 pending criminal and 211 pending civil cases. Out of the total caseload: (a) 42 cases were deemed submitted for decision, 21 of which were already beyond the 90-day reglementary period to decide; (b) 46 cases were with pending incidents/motions for resolution, 6 of which were already beyond the 90-day reglementary period to resolve; (c) 10 cases which have no further action and/or cases with orders that have not been complied with, after a lapse of a considerable length of time; (d) 5 criminal cases with no initial action taken from the time they were raffled/re-raffled to the branch; and (e) 18 cases have no further settings/proceedings.

The audit team also found, upon verification with the OCA's Docket and Clearance Division, that Judge Sarmiento never ever asked for extension of time to decide/resolve these cases.

The audit team thus recommended *viz.*:

1. This matter be considered/treated as an administrative case against **Judge OLEGARIO B. SARMIENTO, JR.** and that he be fined the amount of fifty thousand (50,000.00) pesos for his failure to decide forty-two (42) cases, twenty-one (21) of which are beyond the reglementary period to decide and for his failure to resolve pending motions and or incidents in forty-six (46) cases.

2. **Acting Presiding Judge JAMES STEWART RAMON E. HIMALALOAN** (designated under A.O. No. 150-2012 dated October 3, 2012) be directed to:

- 2.1 **DECIDE** with **DISPATCH** the forty (42) cases listed in **Table I** of this Report, giving priority to the Criminal Cases with detention prisoners and also taking into consideration the [aging] of cases, furnishing this Office with copies of such decisions;
- 2.2 **RESOLVE** the pending motions/incidents in the forty-six (46) cases listed in **Table II** of this Report, giving priority to those which are already beyond the reglementary period, furnishing this Office with copies of such resolutions; and

3. **Branch Clerk of Court ATTY. VIRGINIA VIVENCITA L. MONTECLAR** be directed to:

- 3.1.1 **TAKE APPROPRIATE ACTION** on the five (5) cases with no initial action since they were raffled/re-raffled to this Branch as listed in Table IV of this Report.
- 3.1.2 **TAKE APPROPRIATE ACTION/INCLUDE IN THE COURT'S CALENDAR** (if she has not yet done so) the eighteen (18) cases which have **no further setting/proceedings** when audited, as listed in Table III and V of this Report.
- 3.2 **INSTRUCT** the Interpreter to henceforth cause the accused and their respective counsel/s to sign the Certificates of Arraignment;
- 3.3 **CAUSE** the Stenographers concerned to complete their respective TSNs, particularly in cases submitted for decision[.]

In the meantime, the OCA directed Judge Himalaloan to decide the 42 cases and resolve the 46 motions/incidents. As acknowledged by the OCA in its April 8, 2013 Memorandum, Judge Himalaloan had already complied with the directive.

The OCA's Recommendation

In its January 6, 2014 Memorandum,^[3] the OCA recommended to this Court that:

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2. the administrative case against Judge Olegario B. Sarmiento, Jr., Branch 24, Regional Trial Court, Cebu City, Cebu be RE-DOCKETED as a regular administrative matter;
3. respondent Judge Olegario B. Sarmiento, Jr. be imposed a FINE of FIFTY THOUSAND PESOS (Php50,000.00) for his failure to decide forty-two (42) cases, twenty-one (21) of which were already beyond the reglementary period to decide, and for his failure to resolve pending motions and incidents in forty-six (46) cases; and,