

THIRD DIVISION

[A.M. No. 08-4-253-RTC, January 12, 2011]

**IN RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE
REGIONAL TRIAL COURT, BRANCH 45, URDANETA CITY,
PANGASINAN, AND REPORT ON THE INCIDENT AT BRANCH 49,
SAME COURT.**

D E C I S I O N

BERSAMIN, J.:

The Court, through the Office of the Court Administrator (OCA), routinely conducts an audit of the caseload and performance of a retiring trial judge. The Court will unhesitatingly impose appropriate sanctions despite the intervening retirement of the judge or member of the staff should the audit establish any inefficiency on the part of the retiring trial judge or of any member of the staff.

Here, we sanction a judge of the Regional Trial Court (RTC) and his Branch Clerk of Court, despite the former's intervening retirement, for the inefficient management of their court records and caseload. The sanction should serve as a timely reminder yet again to all incumbent trial judges and court personnel to handle court records and to manage caseloads efficiently and systematically, or else they suffer the appropriate sanctions.

ANTECEDENTS

A.

Findings on Caseload and Docket Inventory of Branch 45

On September 18-19, 2007, the OCA conducted a judicial audit of the caseload of Branch 45 of the Regional Trial Court (RTC Branch 45) in Urdaneta City in view of the compulsory retirement of Presiding Judge Joven F. Costales (Judge Costales) by November 21, 2007.

As its preliminary findings,^[1] the judicial audit team reported that RTC Branch 45's caseload totaled 465 cases (*i.e.*, 197 civil cases and 268 criminal cases), of which:

- (a) 16 were submitted for decision or resolution but still unresolved;
- (b) 14 included unresolved incidents;
- (c) 11 had no action taken since their filing;
- (d) Three were criminal cases awaiting compliance relative to the last incidents;

(e) 39 underwent no further hearings or actions;

(f) Seven were civil cases awaiting *ex parte* reception of evidence; and

(g) 14 were criminal cases with unserved warrants or *alias* warrants of arrest.

Further, the judicial audit team concluded that the docket inventory of RTC Branch 45 was inaccurate, because:

(a) The docket inventory contained numerous typographical errors that led to the confusion about whether some cases were reported or not;

(b) The form prescribed in Administrative Circular No. 10-94 dated June 29, 1994 was not adopted;

(c) Some case records had no dates of receipt; and

(d) In Criminal Case No. U-13095, Branch 45 issued an order dated July 27, 2007 resetting the trial notwithstanding that one of the accused had not been arraigned.^[2]

On November 19, 2007, the OCA, through then Deputy Court Administrator (DCA) Jose P. Perez,^[3] issued a *memorandum* to Atty. Max Pascua (Atty. Pascua), the Branch Clerk of Court of RTC Branch 45,^[4] directing him thuswise:

In view of the compulsory retirement of Judge Joven F. Costales on November 21, 2007, you are DIRECTED to (a) bring these cases to the attention of your pairing/acting judge for his/her guidance and appropriate action; and (b) inform this Office, within ten (10) days from notice, if there were any changes in the status of the listed cases in Annex "A" attaching thereto certified true copies of the orders/decisions.

Further, you are DIRECTED to (a) COMMENT, within ten (10) days from notice, on the following findings: civil cases for reception of evidence *ex parte* listed under Table 10; inaccurate Docket Inventory Report described in letter H.2; and case records with no date of receipt; and (b) henceforth ADOPT THE PRESCRIBED FORM under Administrative Circular No. 10-94 dated June 29, 1994 re: Submission of Semestral Docket Inventory Report.

In partial compliance with the *memorandum*, Atty. Pascua replied by letter dated January 4, 2008 (accompanied by a report on the status of criminal and civil cases and on other matters),^[5] explaining:

Regarding the inaccurate Docket Inventory and the typographical errors in criminal cases records as observed by the audit team (letter H-2 of the

memorandum), rest assured Your Honor that undersigned is arranging things in its (*sic*) proper order and have instructed the civil and criminal records clerk-in-charge regarding the matter, including the adoption of the prescribed form under Adm. Circular No. 10-94 in submission of Semestral Docket Inventory Report.

It appears that on January 8, 2008,^[6] the OCA informed Judge Costales that (a) the clearance necessary for the approval of his claim for compulsory retirement benefits could not issue pending his compliance with the *memorandum* dated November 19, 2007; and (b) his request for the release of his retirement benefits, less the amount that might answer for any liability, was still under evaluation by the Court.

In his letter dated January 8, 2008,^[7] Judge Costales wrote to the OCA, *viz*:

This is in connection with your letter dated November 19, 2007 which the undersigned received on November 20, 2007, directing him to conduct an investigation regarding the irregularity in the punching of Bundy clock of the employees of RTC, Branch 49, Urdaneta City, Pangasinan and to submit his report within ten (10) days thereof.

I am awfully sorry for failing to comply the same (*sic*) on the following grounds:

1. I received said memorandum only on November 20, 2007, the date of my compulsory retirement.
2. That a week before my retirement on November 21, 2007, I was too busy reading and signing decisions and resolutions of motions in order that at the time of my retirement all cases submitted for decision are decided and all motions for resolutions are resolved, which I was able to do so.
3. That during my last day of the service, November 20, 2007, I instructed my Branch Clerk of Court, Atty. Max Pascua to write your Honor to inform you that as much as I am already retired after November 21, 2007, the Executive Judge should be the one to conduct such investigation. However, I only learned yesterday that the Branch Clerk of Court was unable to do what I directed him to do by writing you on the matter.
4. Anent my comments on the findings of the Audit Team regarding the cases pending before Branch 45, I have also ordered Atty. Pascua to make the necessary reply, comment and/or explanations on the matter, as I am no longer in the Judiciary after November 21, 2007. Nonetheless, I was told by Atty. Pascua that he would submit said comments, reply and/or explanations by next week.
5. That I have not gone to Branch 45 Office since I retired last November 21, 2007, and I was of the notion and belief that Atty. Pascua had written you on the matter.

On the above reasons, as I am no longer connected with the Judiciary, my failure to comply with the said memorandum dated November 10, 2007 earlier is reasonable and well-founded.

Again, I would like to reiterate my apology for what happened.

Thank you, Sir!

Judge Costales sent to the OCA another letter dated January 26, 2008,^[8] as follows:

The undersigned received last January 23, 2008 the following:

1. Memorandum dated November 19, 2007 directing me to submit my report and recommendation relative to the irregularity in the punching of Bundy clock at RTC, Branch 49 when I was the Acting Executive Judge of the RTC, Urdaneta City, Pangasinan.
2. A letter dated November 19, 2007 directing me to give my comment on the findings of the Judicial Audit Team conducted in my sala, RTC, Branch 45.
3. Annex "A", re findings of the Audit Team.
4. Memorandum dated November 19, 2007, addressed to Atty. Max Pascua, Branch Clerk of Court of RTC, Branch 45, Urdaneta City, Pangasinan.

Anent No. 1, Please be informed that I sent to Your Honor a letter last January 8, 2008, explaining my failure to submit my comments on the matter, a copy of which is hereto attached and marked as Annex "A".

With regards (sic) to No. 2, my explanation is also contained in my letter dated January 8, 2008. Nonetheless, if I am directed to personally submit my comment, I would like then to state that on Tables 1 and 2: A. CASES SUBMITTED FOR DECISION on Civil and Criminal Cases, I have already decided all said cases, a Certification issued by the Branch Clerk of Court Atty. Max Pascua, marked as Annex "B" is hereto attached. Likewise, a copy of the letter-comment of Atty. Pascua marked as Annex "C" is hereto attached. In said comments, Annex "C", of Atty. Pascua, all the comments and/or explanations on the findings of the Audit Team from Table 1 to Table 11 are sufficiently indicated therein. I am adopting thereof, the comments and/or explanations of Atty. Pascua as my comments and/or explanation on the matter.

I hope Your Honor, that the above comments and/or explanations on my part would suffice on the matter/s I am directed to do.

Your Honor, it is indeed regrettable, that up to this time or more two months since I retired after rendering continuous or almost 40 years of Government service, I have not yet received a single centavo of the Retirement Benefits I am supposed to receive. It is true that an Administrative Case was filed against me, however, a Letter of Retention in order that I can also receive the benefits accorded to me was also submitted by me. I hope that the resolution/decision of my administrative case be resolved/decided by the Honorable Supreme Court at the soonest.

In the interest of justice, I should be given my Retirement Benefits as soon as possible. I am earnestly requesting Your Honor, to please help me on the matter for the early release of my Retirement Benefits.

Thank you very much, Your Honor!

B.
**Failure of Judge Costales to investigate
and to report on bundy clock incident**

In addition to being the Presiding Judge of RTC Branch 45, Judge Costales served as the acting Executive Judge in the absence of the Executive Judge. In that capacity, he discharged duties, among them the investigation of administrative complaints brought against court personnel within his administrative area; and the submission of his findings and recommendations to the Court.^[9]

On September 19, 2007, in the course of the judicial audit of Branch 45, Fernando S. Agbulos, Jr. (Agbulos, Jr.), team leader of the judicial audit, visited RTC Branch 49 to remind the Branch Clerk of Court on the monthly report of cases to be submitted to the OCA. After finding only two employees actually present in Branch 49, he inspected the bundy cards and discovered that all of the court personnel of Branch 49 except two - Helen Lim and Rowena Espinosa - had punched in on that day. He immediately referred his discovery (bundy-cards incident) to the attention of Judge Costales as acting Executive Judge.

When nothing was heard from Judge Costales about his action on the bundy-cards incident, the OCA issued to him a *memorandum* on November 19, 2007 to remind him that his report on the incident was already overdue, and to direct him to submit his report within ten days from notice. However, Judge Costales still did not comply with the directive of the OCA.

Later on, Judge Costales explained through his aforecited letter dated January 8, 2008 that he had instructed Atty. Pascua upon his receipt of the *memorandum* on November 20, 2007 to advise the OCA of his forthcoming retirement, but that Atty. Pascua had failed to so inform the OCA; that in the week prior to his retirement on November 21, 2007, he had been too busy reading and signing decisions and resolutions to conduct the investigation of the bundy-cards incident; and that his intervening retirement had left to the new Executive Judge the duty to investigate and report on the bundy-cards incident.