SECOND DIVISION

[A.M. NO. 08-3-73-METC, July 31, 2009]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED AT THE METROPOLITAN TRIAL COURT, BRANCH 55, MALABON CITY.

D E C I S I O N

QUISUMBING, J.:

From July 12 to 19, 2007, the audit team of the Office of the Court Administrator (OCA) conducted a judicial audit and physical inventory of cases pending before Branch 55 of the Metropolitan Trial Court (MeTC) of Malabon City in light of the compulsory retirement of its presiding judge, the Honorable Judge Francisco S. Lindo, on July 24, 2007.

The OCA reported in its Memorandum[1] dated March 17, 2008 that the sala of Judge Lindo has a total caseload of 2,052 cases, consisting of 1,970 criminal and 82 civil cases. They are classified as follows:

STATUS/STAGES OF PROCEEDING	CRIMINAL CASES	CIVIL CASES	TOTAL
Submitted for Decision	15	8	23
With Pending Incidents Submitted for Resolution	4	3	7
No Further Action/Unacted Upon for Considerable Length of Time	1,229	29	1,258
No Action Taken Since Filing	21	-	21
With Warrant of Arrest/Summons	67	8	75
For Arraignment	72	-	72
For Setting	28	-	28
For Preliminary Conference/Pre-Trial	138	16	154
For Compliance	-	6	6
With Pending Motions	-	2	2
With Court Order for Compliance	24	-	24
On Trial/For Initial Trial	371	9	380
Suspended Proceedings	1	1	2
TOTAL	**1,970**	**82**	**2,052**

Of the 23 cases submitted for decision, 22 cases, 19 of which were inherited cases, remained undecided despite the lapse of the reglementary period;[2] 7 cases with pending incidents were still awaiting resolution;[3] 1,258 cases were not acted upon for a considerable length of time;[4] while no action had been taken by the court in 21 cases since their filing therein.[5]

Reconciliation of the audited records with the court records revealed that 175 criminal cases were not presented to the audit team for examination, while 270 criminal cases were not reported/reflected in the docket inventory for the years 2006 and 2007.[6]

In a Resolution[7] dated April 22, 2008, the Court, acting on the memorandum submitted by OCA, resolved, among others to:

1. **DIRECT** Hon. Francisco S. Lindo, former Presiding Judge, Metropolitan Trial Court, Branch 55, Malabon City to **EXPLAIN** in writing within fifteen (15) days from notice why no administrative sanction shall be imposed on him for

   1.1 failure to report to this Court, through the Office of the Court Administrator, about the following nineteen (19) inherited cases which were allegedly discovered sometime in 2002 or to decide them considering that these cases were submitted for decision way back in the 80's, to wit: Criminal Case Nos. 525-81 & 525-82, 54839, 634-84, 777-84, 909-84, 974-84, 1025-85, 1023-85, 2122-86, 2223-86, 2256-86 & 2249-87; and Civil Case Nos. 529-86, 621-86, 755-87, 767-87, 774-87 & 819-88;

   1.2 failure to decide within the reglementary period the following three (3) cases which were submitted for his decision, to wit: Criminal Case Nos. 360-90 and 361-90; and Civil Case No. 1870-98;

   1.3 failure to resolve within the reglementary period the following seven (7) cases with pending incident or matter for his resolution, to wit: Criminal Case Nos. 7305-98, 7818-98, JL00-577 & JL00-578; and Civil Case Nos. JL00-258, JL00-259 & JL00-272;

   1.4 failure to act on the one thousand two hundred twenty-nine (1,229) criminal cases and twenty-nine (29) civil cases, as enumerated in Annex "A" of the audit report, despite the lapse of a considerable length of time;

   1.5 failure to act on the following twenty-one (21) criminal cases which have not been set in court calendar despite the lapse of a considerable period of time from date of filing, to wit: Criminal Case Nos. JL00-5822 to JL00-5831, JL00-5963 to JL00-5967, JL00-5934, Jl00-7247, JL00-7248, JL00-7571, JL00-7572, JL00-7573; and

   1.6 failure to reflect, in all the Monthly Report of Cases he filed with this Office, the nineteen (19) inherited cases submitted for decision as well as Criminal Case Nos. 360-91 and 361-91 submitted for his decision on October 17, 1994 and Civil Case No. 1870-98 submitted for his decision on August 10, 1999.

2. **DIRECT** Ms. Edrine T. Borgonia, Court Legal Researcher and Officer-in-Charge, MeTC, Branch 55, Malabon City to

   1.1 **EXPLAIN** within fifteen (15) days from notice why no administrative sanction shall be imposed upon her for

      1.1.1 failure to set in the court calendar the following twenty-one (21) criminal cases despite the lapse of considerable period of time, with further directive for her to immediately include them in the court calendar, to wit: Criminal Case Nos. JL00-5822 to JL00-5831, JL00-5963 to JL00-5967, JL00-5934, JL00-7247, JL00-7248, JL00-7571, JL00-7572, JL00-7573;

      1.1.2 failure to present to the audit team for examination the following one hundred seventy-five (175) criminal cases:

3621-96	JL00-5214	JL00-6683	JL00-9034
6719-97	JL00-5235	JL00-6817	JL00-9046
7354-98	JL00-5242	JL00-6818	JL00-9081
9830-00	JL00-5249	JL00-6853	JL00-9090
9641-00	JL00-5391	JL00-6869	JL00-9091
8242-99	JL00-5437	JL00-6939 to	JL00-9094
8457-99	JL00-5446	JL00-6946	JL00-9101
8458-99	JL00-5461	JL00-7074	JL00-9109
8459-99	JL00-5483	JL00-7711	JL00-9119
8460-99	JL00-5489	JL00-7882	JL00-9138 to
8490-99	JL00-5681	JL00-7910	JL00-9140
JL00-087	JL00-5777	JL00-7946	JL00-9150
JL00-117	JL00-6022	JL00-7947	JL00-9156
JL00-758	JL00-6271 to	JL00-7952	JL00-9174
JL00-940	JL00-6278	JL00-8094	JL00-9177
JL00-947	JL00-6336	JL00-8210	JL00-9211
JL00-948	JL00-6337	JL00-8226	JL00-9222
JL00-1079	JL00-6343	JL00-8227	JL00-9238 to
JL00-1517	JL00-6360	JL00-8229	JL00-9241
JL00-1666	JL00-6367	JL00-8237	JL00-9247
JL00-2643	JL00-6378	JL00-8287	JL00-9248
JL00-2779	JL00-6490	JL00-8488	JL00-9414
JL00-3058	JL00-6512	JL00-8558 to	JL00-9467
JL00-3220	JL00-6521	JL00-8584	JL00-9494 to
JL00-3221	JL00-6533	JL00-8776	JL00-9499
JL00-3269	JL00-6564	JL00-8781	JL00-9742
JL00-3564	JL00-6574	JL00-8822	JL00-9755
JL00-3785	JL00-6575	JL00-8862 to	JL00-9770
JL00-4088 to	JL00-6631	JL00-8867	JL00-9938
JL00-4090	JL00-6670	JL00-9001	
JL00-4198	JL00-6674	JL00-9028	
JL00-4211	JL00-6698	JL00-9030	

1.1.3 failure to include the following cases in the semestral docket inventory for the years 2006 and 2007:

525-81	8199-99	JL00-2584 to	JL00-9056 to
525-82	8231-99	JL00-2588	JL00-9061
54839	8298-99	JL00-2778	JL00-9073
634-84	8638-99	JL00-2825 to	JL00-9095
777-84	8846-99	JL00-2874	JL00-5822 to
909-84	9001-99	JL00-2892 to	JL00-5828
974-84	9002-99	JL00-2917	JL00-9146
1023-85	9182-99	JL00-3109	JL00-9179
1025-85	9287-99 to	JL00-3241	JL00-9277 to
2122-86	9295-99	JL00-3322	JL00-9280
2223-86	9395-99	JL00-3446	JL00-9281 to
2256-86	9579-99	JL00-3620	JL00-9304
2249-87	9599-99	JL00-3621	JL00-9370
253-90	9600-99	JL00-3622	JL00-9536
360-91	9697-00	JL00-3860 to	JL00-9540
361-91	9739-00	JL00-3869	JL00-9580
402-91	9839-00 to	JL00-4328	JL00-9581
1029-94	9845-00	JL00-4685	JL00-9582
1541-94	9986-00	JL00-5246	JL00-9605
2584-95 to	10016-00	JL00-5417	JL00-9632
2587-95	10273-00	JL00-5622	JL00-9709
2661-95 to	JL00-275	JL00-5749	JL00-9742
2669-95	JL00-311	JL00-5967	JL00-9886
3998-96	JL00-767	JL00-6677 &	JL00-9887
4000-96	JL00-893 to	JL00-4821	8102
6639-97	JL00-899	JL00-7133	8242
6847-97	JL00-900 to	JL00-7456	8243
6976-98	JL00-904	JL00-7562	6934
7203-98	JL00-1101	JL00-9014	
7305-98	JL00-1829	JL00-9015	
7426-98	JL00-2020	JL00-9016	
7818-98	JL00-2033		

1.2 **SUBMIT** within thirty (30) days from notice a written report, duly noted by the Acting Presiding Judge, on the status of the one hundred seventy-five (175) criminal cases enumerated in Item [2.1.1.2] above;

1.3 **IMPLEMENT** a systematic records management; and

1.4 **FILE ON TIME** the Monthly Report of Cases and the Semestral Docket Inventory of Cases following strictly the prescribed format therefor.[8]

x x x x

In the same Resolution, this Court directed Judge Edward D. Pacis, the designated acting presiding judge in that court,[9] to decide within 90 days from receipt of notice

the 19[10] inherited cases of Judge Lindo and the 4[11] cases submitted for decision but were left undecided; to resolve the pending incidents in the 7[12] cases mentioned in paragraph 1.3 of the subject resolution within 90 days; and to act with dispatch on the 1,229 criminal cases and 29 civil cases which have not been acted upon for a considerable length of time.[13]

In compliance with this Court's Resolution of April 22, 2008, Judge Lindo and Court Legal Researcher and Officer-In-Charge Edrine Borgonia submitted their respective explanations.

In his Explanation[14] dated July 1, 2008, Judge Lindo admitted that he inherited the 19 cases mentioned in this Court's Resolution of April 22, 2008 from Branch 56 of the Malabon MeTC. However, he pointed out that even after a thorough inquiry from his court personnel, no one can say for sure when these cases were turned over to their branch; consequently, they were left undecided. He added that since these cases were not included in the monthly report, the same were not referred to him by the OCA. Hence, he does not know what action should be taken thereon.[15] He also faults the absence of an updated docket inventory which could have helped him in scheduling his work on priority cases for resolution/decision.[16]

As to the three other cases mentioned in Paragraph 1.2 of the subject Resolution, Judge Lindo presented a copy of the decisions[17] rendered therein which show that said cases have been disposed of, belying the allegation that such cases have not yet been decided.

With regard to the 7 cases alluded to in Paragraph 1.3 of the subject Resolution, he stated that Criminal Case Nos. JL00-577, JL00-578, and 7305-98 were all dismissed. The first two cases were set for preliminary investigation upon motion of the accused, but subsequently dismissed upon the recommendation of the State Prosecutor. Criminal Case No. 7305-98 on the other hand, was dismissed on the ground of prescription of offense. As regards Civil Case Nos. JL00-258, JL00-259, and JL00-272, he clarified that such cases were not resolved by mere oversight. He explained that plaintiff's failure to inform the court that the defendants therein had received a copy of the Motion to Render Summary Judgment filed by the former, prevented the court from acting upon the said cases.[18] With regard to Criminal Case No. 7818-98, Judge Lindo reasoned that he was not able to decide the case because the accused has not presented any proof that he furnished the public and private prosecutors a copy of his motion for reconsideration. Also, the accused has not informed the court of the name of his new counsel of record.[19]

As to Paragraph 1.4 of the subject Resolution, Judge Lindo claimed that appropriate actions were taken on all of the 1,258 cases mentioned in Annex "A" of the subject Resolution as can be seen in the status remark column in Annex "A" itself.[20] To further bolster his contention that said cases were sufficiently acted upon, he recounted the action he had taken thereon, viz:

> Criminal Case Nos. 14610, 6975-98, 7130-98, 7156-98, 7372-98, 7875-98, 8368-99, 8724-99, JL00-711, JL00-795, JL00-992, JL00-1049, JL00-1078, JL00-1080, JL00-1090, JL00-1097, JL00-1138, JL00-1176 & JL00-