

THIRD DIVISION

[A.M. No. MTJ-07-1664 (Formerly OCA IPI No. 05-8-244-MTC), February 18, 2008]

RE: Administrative Matter No. 05-8-244-MTC (records of cases which remained in the custody of Retired Judge Romulo G. Carteciano, Municipal Trial Court, Los Baños, Laguna)

R E S O L U T I O N

CHICO-NAZARIO, J.:

The administrative case at bar arose from the letter^[1] dated 4 November 2003 of Judge Katherine A. Go (Judge Go), Presiding Judge of the Municipal Trial Court (MTC), Los Baños, Laguna, which informed the Office of the Court Administrator (OCA) that during a physical inventory of records in her court, she discovered that there were records of cases which remained in the possession of former Presiding Judge Romulo G. Carteciano (Judge Carteciano). Judge Carteciano was the presiding judge of MTC, Los Baños, Laguna, until his compulsory retirement on 29 August 2000.

On 4 November 2003, Judge Go informed the OCA that during a physical inventory of records in her court, she discovered that there were records of cases which remained in the possession of former Judge Carteciano who had already compulsorily retired from the service on 29 August 2000. Acting on her inquiry, the OCA directed Judge Go to issue an order directing Judge Carteciano to immediately return to the court the case records in his possession. A number of months passed and still Judge Carteciano failed to comply with Judge Go's order.

Judge Go also claimed that Judge Carteciano, despite his retirement, had the habit of returning records to the court on a piecemeal basis with an attached draft decision despite the fact that the case had been submitted for decision years before, expecting the incumbent judge to just sign his draft. She reported that Judge Carteciano recently returned to the court the case records of Civil Cases No. 1459 and No. 1460, which showed that the last action taken was way back on 8 April 1992 when a hearing was held on a Motion for the Issuance of a Writ of Injunction, after which no further action was taken on the said cases.

In a Resolution^[2] dated 28 September 2005, the Court, upon the recommendation of the OCA, directed Judge Carteciano to (a) explain, within 10 days from receipt, why no action should be taken against him for failure to return to the court the records of cases which were in his possession prior to his compulsory retirement; and (b) return the records which were still in his possession within the same period. Judge Go was also directed to cause the inventory of records of cases pending in the aforesaid court using the previous and current semestral docket inventory of cases in order to determine the cases which were still in the custody of Judge Carteciano, and to report to the court whether Judge Carteciano had really fully complied with

the court directives, within 10 days from Carteciano's compliance.

In a letter^[3] dated 25 November 2005, Judge Carteciano denied having in his possession the records of Criminal Cases No. 3501, No. 3682, No. 3921, No. 3986, No. 4003, No. 4021, No. 4140, No. 4112, No. 4209, No. 5984, No. 5943, No. 5944, and No. 6154, and of an undetermined number of civil cases. He explained that he had repeatedly informed the MTC personnel that the above-mentioned cases were not in his possession and custody, as they could have been just misplaced in the *bodega* files for old cases. He presumed that everything was in order, as he did not receive any follow-up call from the court since then.

While admitting taking machine copies of pertinent records of cases to facilitate the issuance of pre-trial orders and resolutions on pending motions and decisions, especially during the last several months prior to his retirement date, Judge Carteciano explained that his desire to decide, resolve or update his docket of pending cases before his retirement date impelled him to bring home some records because there was no computer in the court office and he had to use his own private personal computer and printer at home. He averred that all the records of cases which were acted upon or decided by him had been returned to the court prior to his retirement date, although the records in some civil cases remained with him even after his retirement date which he unwittingly thought had been included among those returned. He also alleged that he was blind on the left eye and with partial blindness of the right, and was suffering from hypertension, prostate illness and, lately, from suspected malignant kidney cyst, all of which had greatly weakened him physically and heavily deterred his normal activities.

In her letter^[4] dated 27 January 2006, Judge Go informed the court that she had directed her staff to conduct a physical inventory of all the records presently in the possession of the court, using as basis the last semestral report accomplished by Judge Carteciano and the first semestral report done under Judge Amy Melba S. Belulia (Judge Belulia), who immediately succeeded him as Presiding Judge of the MTC. Upon a comparison of the said reports, she found out that there was a discrepancy of 187 civil cases. She also found out that there were 114 civil cases which remained unresolved and pending but were not included in the semestral report of Judge Belulia.

On 1 March 2006, Judge Go submitted a supplemental report^[5] enumerating the cases which were returned by Judge Carteciano. She reported that Judge Carteciano was able to return on 1 February 2006 the case folders of Civil Cases No. 1940 and No. 1992, and Criminal Cases No. 3501, No. 3502, Nos. 5584-85, No. 4140, No. 4112, No. 5943, No. 5944 and No. 5469. She claimed that Judge Carteciano still had possession of the records of about eight criminal cases and an undetermined number of civil cases.

On 3 April 2006, Judge Go submitted a final report^[6] on Judge Carteciano's return on 6 and 13 March 2006 of the records in five more criminal cases: Criminal Cases No. 3682, No. 3921, No. 3986, No. 4003 and No. 4021. The said cases were already disposed of by Judge Carteciano as there were copies of the decisions already appended thereto.

With respect to the civil cases unaccounted for, Judge Go explained that out of the

187 civil cases previously reported, the court was able to find, after a thorough and exhausting physical inventory, that 116 civil cases were already acted upon by the court and copies of the decisions were already included in the Monthly Report of February 2006. Another physical inventory was conducted by the court to verify if the rest of the civil cases were still in its possession, and it was found that 38 more cases had been disposed of by Judge Carteciano but were not reflected in the semestral report; while the remaining 33 cases were disposed of by Judge Go herself, copies of the orders therein having been appended to the Monthly Report for March 2006. Finally, she reported that all cases deemed missing were all accounted for.

Records also reveal that Judge Carteciano brought home records of cases and failed to return the same even after he had already compulsorily retired.

On 20 November 2006, the OCA found Judge Carteciano guilty of gross inefficiency, grave misconduct and for delay in the disposition of Civil Case No. 1459 and No. 1460 and for taking home the records of cases and failing to return the same even after he had already retired. The OCA recommended^[7] the imposition of a P40,000.00 fine on Judge Carteciano, to be deducted from his retirement benefits, as it appeared that his retirement papers had not yet been acted upon for failure to comply with some requirements.

While we agree with the findings and recommendation of the OCA that Judge Carteciano should be sanctioned, however, we opt to impose a reduced penalty.

Initially, it appears that all the alleged missing records have all been retrieved and accounted for. They were already disposed of by Judge Carteciano or Judge Go; they were not actually missing but only misplaced, or Judge Carteciano overlooked the fact that they were still in his possession.

As reported by the OCA, however, Judge Carteciano failed to timely dispose of Civil Cases No. 1459 and No. 1460. Records show that the last hearing was conducted on 8 April 1992 on a Motion for the Issuance of a Writ of Injunction. From then on, until Judge Carteciano's retirement on 29 August 2000, no further action was taken on the said cases. What is more, he returned the records of the said cases to the court only after he was directed by Judge Go to return all the records of cases still in his possession. Certainly, Judge Carteciano's actuation is indicative of gross inefficiency.

As we have often stressed, the judge is the visible representation of the law and, more importantly, of justice. Thus, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid committing even the slightest infraction of the Rules.^[8]

Canons 2, 6 and 31 of the Canons of Judicial Ethics provide, respectively, that the "administration of justice should be speedy and careful;" that judges "should be prompt in disposing of all matters submitted to [them], remembering that justice delayed is often justice denied;" and that in the discharge of his judicial duties, a judge "should be conscientious x x x [and] thorough x x x." Rule 3.05 of Canon 3 of the Code of Judicial Conduct expressly directs that a judge should dispose of the