

EN BANC

[A.M. No. 06-6-340-RTC, October 17, 2007]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 4, DOLORES, EASTERN SAMAR

D E C I S I O N

PER CURIAM:

This administrative case arose from a memorandum^[1] an audit team of the Office of the Court Administrator (OCA) submitted. The audit team reported on the judicial audit conducted in the Regional Trial Court (RTC), Branch 4, Dolores, Eastern Samar (trial court) on 7 October 2004.

Judge Gorgonio T. Alvarez (Judge Alvarez), who was due for compulsory retirement on 9 September 2005, used to preside over the trial court. In view of his compulsory retirement, the audit team conducted a judicial audit of cases. The audit team found that the trial court had a total caseload of 200 cases consisting of 132 criminal cases and 68 civil cases.^[2]

The audit team found that Judge Alvarez inhibited himself from hearing Civil Case Nos. 3 (206), 53, and 139, and A.M. Nos. 03-1 and 03-2. Civil Case Nos. 3 (206), 53, and 139 were assigned to Judge Arnulfo O. Bugtas (Judge Bugtas), RTC, Branch 2, Borongan, Eastern Samar, while Administrative Matter Nos. 03-1 and 03-2 were assigned to Judge Juliana Adalim-White (Judge Adalim-White), RTC, Branch 5, Oras, Eastern Samar.^[3]

The audit team found that:

1. Judge Alvarez failed to act on 27 cases for a considerable length of time.
2. Judge Bugtas:
 - a. failed to decide Civil Case No. 3 (206) within the reglementary 90-day period;
 - b. failed to resolve pending incidents in Civil Case No. 53 for more than four years; and
 - c. failed to resolve a motion for reconsideration in Civil Case No. 139.
3. Judge Adalim-White failed to act on A.M. Nos. 03-1 and 03-2 for a considerable length of time.^[4]

The audit team also found that Judge Bugtas accepted the bail bonds in Criminal Case Nos. 393 and 358, both of which were pending before Judge Alvarez.^[5] In

Criminal Case No. 393, the supposed surety, Esperanza G. Aseo (Aseo), filed with Judge Alvarez an affidavit of disclaimer^[6] dated 28 January 2004 stating that (1) she did not know the accused, neither was she related to him; (2) the use of her property as bail bond was unauthorized; (3) the signature on the property bond was forged; (4) she did not sign as a surety; (5) her real signature was different from the signature on the property bond; (6) she did not sign her name as "Esperanza Galo," but as "Esperanza G. Aseo"; (7) "Galo" was her maiden name while "Aseo" was her family name; and (8) the truthfulness of the property bond was questionable because copies of the tax declaration and original certificate of title over the property were not attached to the bond.

In Criminal Case No. 358, Judge Bugtas accepted the bail bond on 9 December 1999 and, on the same day, then officer-in-charge Ernesto C. Quitariorio (Quitorio), now legal researcher, RTC, Branch 2, Borongan, Eastern Samar signed the order of release. Judge Bugtas and Quitorio did not forward the bail, order of release, and other supporting papers to Judge Alvarez until after a subpoena duces tecum was issued on 29 January 2002.^[7]

Thus, the audit team recommended to the OCA to:

1. Direct Judge Alvarez to explain his failure to act on the 27 cases for a considerable length of time, act on these cases, and submit to the Court a copy of his decisions, resolutions, orders, and other documents.
2. Direct Judge Bugtas to:
 - a. explain his failure to decide Civil Case No. 3 (206) within the 90-day reglementary period, decide the case, and submit to the Court a copy of his decision;
 - b. explain his failure to resolve the pending incidents in Civil Case No. 53 for more than four years, resolve the incidents, and submit to the Court a copy of his orders;
 - c. explain his acceptance of the bail bonds in Criminal Case Nos. 393 and 358;
 - d. explain his order to release the accused in Criminal Case No. 393 on the strength of a spurious property bond; and
 - e. resolve the motion for reconsideration in Civil Case No. 139 and submit to the Court a copy of his order.
3. Direct Judge Bugtas and Quitorio to explain their failure to forward the bail, order of release, and other supporting papers in Criminal Case No. 358.
4. Direct Judge Adalim-White to:
 - a. explain her failure to act on A.M. Nos. 03-1 and 03-2 for a considerable length of time, act on these cases, and submit to the Court a copy of her orders.^[8]

The OCA sent a memorandum^[9] dated 18 March 2005 to Judge Alvarez, Judge Bugtas, Quitorio, and Judge Adalim-White detailing the audit team's recommendations.

In his letter^[10] dated 6 April 2005, Judge Alvarez explained the status of the 27 cases. Thereafter, he submitted a copy of all his decisions, resolutions, orders, and other documents.^[11]

In his letter^[12] dated 25 April 2005, Judge Bugtas explained that he (1) failed to decide Civil Case No. 3 (206) within the 90-day reglementary period because the transcript of stenographic notes of the case was incomplete; (2) failed to resolve the pending incidents in Civil Case No. 53 for more than four years because he misplaced the records of the case; (3) accepted the bail bonds in Criminal Case Nos. 393 and 358 because Judge Alvarez was unavailable; (4) ordered the release of the accused in Criminal Case No. 393 because the property bond and other bail documents were regular on their face and the surety's signature was genuine; (5) was in the process of resolving the motion for reconsideration in Civil Case No. 139; and (6) failed to forward the bail, order of release, and other supporting papers in Criminal Case No. 358 because the accused failed to cause the annotation of the lien on the property's certificate of title.

On 11 May 2005, the OCA received a copy of Judge Bugtas' resolution in Civil Case No. 139. On 2 August 2005, it received a copy of his decision in Civil Case No. 3 (206).^[13]

In his letter^[14] dated 25 April 2005, Quitorio stated that he failed to forward the bail, order of release, and other supporting papers in Criminal Case No. 358 because the accused failed to cause the annotation of the lien on the property's certificate of title.

In a letter,^[15] Judge Adalim-White stated that she had already resolved A.M. Nos. 03-1 and 03-2 by her orders dated 24 November 2004 and 31 January 2005, respectively. She submitted a copy of these orders.^[16]

In its 1st indorsement^[17] dated 16 May 2005, the OCA referred Judge Bugtas' explanation regarding his acceptance of the bail bonds in Criminal Case Nos. 393 and 358 to Judge Alvarez for comment. On Criminal Case No. 393, Judge Alvarez stated that he issued several orders for the arrest of the accused and forfeiture of the property bond after the supposed surety, one Esperanza Galo, failed to produce the accused before the trial court. Thereafter, Aseo filed with Judge Alvarez the affidavit of disclaimer dated 28 January 2004.^[18]

Judge Alvarez directed Aseo to furnish the trial court a copy of her voter's affidavit. He then compared Aseo's signatures on her voter's affidavit and affidavit of disclaimer with the signature on the property bond. After a very careful study, Judge Alvarez concluded that the signature on the property bond was forged -- the signatures on the voter's affidavit and the affidavit of disclaimer were different from the signature on the property bond.^[19] On 12 May 2004, Judge Alvarez cancelled the property bond and ordered the issuance of an alias warrant of arrest.^[20]

On Criminal Case No. 358, Judge Alvarez stated that Judge Bugtas accepted the bail bond and Qutorio signed the order of release on 9 December 1999.^[21] However, Judge Bugtas and Qutorio failed to forward the bail, order of release, and other supporting papers to Judge Alvarez until after a subpoena duces tecum was issued on 29 January 2002. Judge Alvarez directed Qutorio to appear before him and answer questions regarding the bail. Instead of appearing before Judge Alvarez, Qutorio sent a written explanation stating that he did not forward the bail documents because the accused failed to cause the annotation of the lien on the property's certificate of title.^[22]

In its memorandum^[23] dated 6 May 2006, the OCA:

1. Found that Judge Alvarez had fully complied with its directives when he acted on the 27 cases within the given period and submitted a copy of all his decisions, resolutions, orders, and other documents;
2. Found that Judge Bugtas:
 - a. failed to decide Civil Case No. 3 (206) within the 90-day reglementary period;
 - b. failed to resolve the pending incidents in Civil Case No. 53 for more than four years;
 - c. acted without authority when he accepted the bail bonds in Criminal Case Nos. 393 and 358;
 - d. violated the Rules of Court when he failed to forward the bail, order of release, and other supporting papers in Criminal Case No. 358; and
 - e. went beyond the call of his duties when he approved the spurious property bond in Criminal Case No. 393.
3. Found that Qutorio erred when he:
 - a. presented to Judge Bugtas for acceptance the bail bonds in Criminal Case Nos. 393 and 358; and
 - b. signed the order of release in Criminal Case No. 358.
4. Found that Judge Adalim-White had substantially complied with its directives when she acted on the two administrative cases and submitted a copy of her orders.
5. Recommended that:
 - a. the audit team's memorandum dated 18 March 2005 be treated as an administrative complaint against Judge Bugtas and Qutorio;

b. Judge Bugtas be dismissed from the service for gross inefficiency and gross ignorance of the law; and

c. Quitaro be suspended for one month and one day for simple misconduct.

In a Resolution dated 3 July 2006, the Court approved Judge Bugtas' application for optional retirement effective 31 January 2006, but held in abeyance the release of his retirement benefits. In a Resolution^[24] dated 2 August 2006, the Court required the parties to manifest whether they were willing to submit the case for decision based on the pleadings already filed.

In his manifestation dated 11 August 2006, Judge Bugtas stated that (1) the Court had no jurisdiction over the instant case because of the approval of his optional retirement effective 31 January 2006, and (2) the Court's attitude towards judges is the reason why there are many unfilled positions in the judiciary. He told the Court to dismiss the instant case outright for lack of jurisdiction and order the immediate release of his retirement benefits.

In a Resolution dated 11 December 2006, the Court (1) considered Judge Bugtas to have waived his compliance with the Resolution dated 2 August 2006 and (2) dispensed with Judge Alvarez's compliance with the Resolution dated 2 August 2006. In a Resolution dated 26 February 2007, the Court considered Quitaro and Judge Adalim-White to have waived their compliance with the Resolution dated 2 August 2006.

The Court agrees with the OCA's recommendations, with some modifications.

Section 15, Article VIII of the Constitution^[25] states that judges must decide all cases *within three months* from the date of submission. In *Re: Report on the Judicial Audit Conducted at the Municipal Trial Court in Cities (Branch 1), Surigao City*,^[26] the Court held that:

A judge is mandated to render a decision not more than 90 days from the time a case is submitted for decision. Judges are to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, 3 months from the filing of the last pleading, brief or memorandum. Failure to observe said rule constitutes a ground for administrative sanction against the defaulting judge, absent sufficient justification for his non-compliance therewith. (Emphasis ours)

Rule 1.02, Canon 1 of the Code of Judicial Conduct states that judges should administer justice *without delay*. Rule 3.05 of Canon 3 states that judges shall dispose of the court's business *promptly* and decide cases *within the required periods*. In *Office of the Court Administrator v. Javellana*,^[27] the Court held that:

A judge cannot choose his deadline for deciding cases pending before him. Without an extension granted by this Court, the failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

The Code of Judicial Conduct, specifically Canon 3, Rule 3.05