

SECOND DIVISION

[A.M. NO. RTJ-05-1941 (FORMERLY OCA IPI NO. 05-6-373-RTC), April 25, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LOURDES M. GARCIA-BLANCO AND ATTY. LOLITA R.
MERCADO, BRANCH CLERK OF COURT, BOTH OF THE REGIONAL
TRIAL COURT, CARIGARA, LEYTE, BRANCH 36, RESPONDENTS.**

R E S O L U T I O N

GARCIA, J.:

This administrative complaint stemmed from the report of the judicial audit team^[1] which conducted a judicial audit on November 17, 2004 in the Regional Trial Court (RTC), Branch 36, of Carigara, Leyte, then presided over by Judge Lourdes M.G. Blanco, who compulsorily retired on February 16, 2005.

Dated January 5, 2005, the Judicial Audit Report disclosed that as of November 17, 2004, Judge Blanco had a total caseload of 297 cases, consisting of 125 criminal and 172 civil cases. The Report tabulated the cases assigned to Judge Blanco with unresolved incidents and those undecided beyond the reglementary period, viz:

I. CASES SUBMITTED FOR DECISION:

CASE NO.	TITLE	NATURE	DATE SUBMITTED FOR DECISION	DUE DATE	REMARKS
CRIMINAL CASE:					
4265	Bito	Acts of Lasciviosness	09-29-04	12-28-04	WITHIN
2366	Lepasana, et al.	Robbery	09-22-04	12-21-04	WITHIN
4007	J. Dela Cruz	Sec.68 P.D. 705	09-20-04	12-19-04	WITHIN
2675	Cesar Azores, et al.	HOMICIDE	10-18-04	01-16-05	WITHIN
CIVIL CASE:					

2097	Sps. Leo H. Blanco, et al. vs. Municipality of Carigaea, Leyte	Quieting of title, Recovery of Real Property	09-10-04	12-09-04	WITHIN
SCA 44	NAPOCOR vs. Sps. Yu, et al.	Eminent Domain	06-25-04	09-23-04	BEYOND
1523	E. Cadavez, et al. vs. E. Mendoza	Recovery of Real Property	02-20-04	05-20-04	BEYOND
SP 772	Sps. Brian Mark Arret & Nimfa Arret	Adoption	11-04-04	02-02-05	WITHIN
2193	L. Tablate vs. Sps. Emilio and Irene Castroverde	Forcible Entry w/ prayer fro issuance of writ of prohibitory injunction w/ application for the issuance of a status quo order	11-09-04	02-07-05	WITHIN
2171	Ma. Clara Carolino vs. Sps.	Illegal Detainer w/ Damages (Appealed case from MCTC, Carigara, Leyte	02-21-04	05-21-04	BEYOND

II. CASES WITH PENDING MOTIONS/INCIDENTS FOR RESOLUTION:

CASE NO.	TITLE	PENDING MOTION FOR RESOLUTION	DATE SUBMITTED FOR RESOLUTION	DUE DATE	REMARKS
<i>CRIMINAL CASE:</i>					
3037	Pilandre	Opposition to the Formal filed by accused	08-18-04	11-16-04	BEYOND
3072	Seneneng, et. al.	Motion for Leave of Court to file Demurrer to evidence	08-20-04	11-18-04	WITHIN

4357	J. Eda'o	Motion to Quash	11-12-04	02-10-05	WITHIN
4169	M. Redulla, et al.	Motion to insert the true name of accused John Doe in the information and record	01-21-04	04-20-04	BEYOND
<i>CIVIL CASE:</i>					
2170	F. Negado vs. P. Bough, et al.	Omnibus Motion to Declare defendant in default	12-09-03	03-08-04	BEYOND
		Manifestation w/ reiteration for appointment of receiver by plaintiff	07-29-04	10-27-04	BEYOND
2047	R. Salvacion vs. SPO1 T. Asis, et al.	Motion for Reconsideration by public defendant on the denial of the Motion to Dismiss	11-19-99	02-16-00	BEYOND
		Manifestation and Motion by public defendant to immediately resolve MR and suspend PTC	07-26-00	10-24-00	BEYOND
SP 775	Adelaida Vallar Grapilon	Letter of Guardianship be issued	10-26-04	01-25-05	WITHIN
2183	F. Negado vs. S. Apostol	Motion to Dismiss	08-17-04	11-15-04	BEYOND
2145	Heirs of Rufino Serdoncillo vs. Rodolfo Constaniano	Motion to Dismiss	10-08-04	01-06-05	WITHIN
2096	W. Co vs. Sulpicio Lines	Demurrer to evidence	06-19-04	09-17-04	BEYOND
1885	Republic of the Phils.	MR on the denial of the Motion for	03-07-03	06-05-03	BEYOND

	vs. R. Avila, et al.	attachment Supplemental MR - Joint Motion of plaintiff-intervenor' Ex parte Urgent joint motion to resolve joint motion			
2180	Rizal Teachers Kilusang Bayan Credit vs. Teresa Juntilla	MR on the dismissal of appealed case	11-20-04	02-18-05	WITHIN
2196	Francisca Cañeda vs. Atty. Rafael Iriarte	Motion to Dismiss and Opposition to Motion to Dismiss	11-13-04	02-11-05	WITHIN
2181	Ernest Campos, et al. vs. Sps. Magdalino & Florida Arnosa, et al.	Motion to Declare defendants in Default filed by plaintiff	07-06-04	10-04-04	BEYOND
SP 654	Rosario P. Glana, et al. vs. Remegio S. Pilapil	Notice of Death w/ Motion for Substitution of Parties	11-17-04	02-15-05	WITHIN
2039	Urbida Sedillo vs. Sps. Rufino and Apolinaria Sedillo	Formal Offer of Exhibit filed by the defendant/Comment to defendant's formal offer of exhibit	10-16-04	01-14-05	WITHIN
2150	Nierna S. Doller vs. Arnold James Ysidoro	Ex Parte Motion to set case for Pre-Trial	05-12-03	08-18-04	BEYOND
		Motion for Clarification	08-18-04	11-26-04	WITHIN

Of the 10 cases submitted for decision, three (3) remained undecided beyond the mandatory 90-day period, while motions already submitted for resolution in 11 out

of the 19 cases were already beyond the reglementary period to resolve.^[2] There were also six (6) cases that have not been initially acted upon from the time they were filed,^[3] and 72 cases have not also been acted upon despite the lapse of a considerable length of time.^[4]

Acting on the report, the Office of the Court Administrator (OCA), by Memorandum dated January 5, 2005, directed Judge Blanco to:

1. **EXPLAIN** the causes for delay in deciding the following cases within the 90-day reglementary period, to wit: Civil Case Nos. SCA 44, 1523 and 2171 and to **DECIDE** the said cases with dispatch, furnishing the Court copies of the decisions within five (5) days from the rendition/promulgation of judgment.
2. **INFORM** the Court whether the following cases which are submitted for decision but still within the mandatory period to decide have already been decided to wit: Criminal Case Nos. 4265, 2366, 4007, 2675 and Civil Case Nos. 2097, SP 772 and 2193 and **SUBMIT** copies of the decisions.
3. **EXPLAIN** the causes for delay in resolving the pending incidents/motions within the mandatory period in the following cases, namely: Criminal Case Nos. 3037, 4169 and Civil Case Nos. SP 775, 2145, 2180, 2196, SP 654 and 2039 and **SUBMIT** copies of the Orders taken thereon.
4. **EXPLAIN** why the following cases have not been acted upon for a considerable length of time, to wit: Criminal Case Nos. 4125, 4140, 4156, 4191, 2906, 2985, 2003, 3015, 4247, 4248, 4254, 4273, 4290, 4302, 2882, 2891, 2892, 4327, 2714, 2817, 2045, 4228, 4364, 4372, 2825, 2633, 4337, 4159, 4095, 3036, and Civil Case Nos. 2103, 2137, 2049, 2040, 2080, 2147, 2038, 2129, 2062, 2123, SCA 28, 2169, 2165, 2173, 2127, 2157, SCA 61, SP 746, SP 735, SP 734, 1943, SCA 67, LRC 12, SCA 29, SCA 10, SP 743, SCA 39, SP 398, 2089, 2026, 2027, SP 749, SP 729, SP 728, SCA 42, SCA 41, 2078, SCA 36, SCA 47, C-1956, SCA 39 and 1083.
5. **IMMEDIATELY ACT** on the following cases which remain dormant, to wit: Criminal Case No. 2003 and Civil Case Nos. 2049, 2147, 2038, 2169, 2165, 2173, 2127, 2157, 1943, SCA 67, SCA 29, SCA 10, SP 743, SCA 39, SP 398, 2089, SP 728 and 1083 and **SUBMIT** copies of the Orders taken thereon.
6. **DEVISE** a records management system that will promote an efficient and effective tracking of movement of cases to ensure prompt action on all pending cases.^[5]

In another Memorandum also dated January 5, 2005, the OCA directed Atty. Lolita Mercado, Branch Clerk of Court, to explain why Civil Case Nos. 2166, LRC No. 14, SP NO. 771, CAD 3-04 and LRC No. 18 have not been acted upon since the time of filing.^[6]