

## THIRD DIVISION

[ **A.M. NO. P-06-2172 (FORMERLY A.M. NO. 02-6-373-RTC), December 06, 2006** ]

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE  
REGIONAL TRIAL COURT, BRANCH 134, MAKATI CITY**

### RESOLUTION

**QUISUMBING, J.:**

This administrative matter stemmed from the judicial audit and inventory of cases conducted in the Regional Trial Court (RTC) of Makati City, Branch 134, presided by Judge Ignacio M. Capulong who was to retire on July 21, 2002.

The report of the judicial audit team of the Office of the Court Administrator (OCA) [1] disclosed that as of March 2002, RTC Branch 134, had an inventory of one hundred seventy nine (179) civil and criminal cases; and that there were two cases due for promulgation and seven cases already submitted for decision.

In addition, the audit team noted that there were cases listed in the RTC's docket inventory for July to December 2001 which were not audited, and there were cases that were audited but not listed in the said docket inventory.

On the recommendation of the OCA, this Court issued a resolution dated August 5, 2002 directing Atty. Leilia R. Llanes, Clerk of Court V of RTC Branch 134, to:

(a) **INFORM** the Court [through] the Office of the Court Administrator within five (5) [days] from notice, whether the decision in Criminal Case No. 99-1398 has been promulgated as scheduled and Criminal Case Nos. 99-728-29, 90-474-75 and Civil Case Nos. 97-970, 90-1277 and 93-2089 were decided within the reglementary period and the pending motions in Civil Case Nos. 99-1171, 98-1797, 00-1497, 01-919, 01-1312, 01-1689, 02-067, 02-019 and 01-1058 were resolved within the period, and **SUBMIT** within the same period, copies of the decisions and resolutions on the said cases;

(b) **SUBMIT** a report on (sic) within five [5] days from notice, the latest status of the following cases: Criminal Case Nos. 99-1689, 01-2469, 01-203-204 and 01-2748, Civil Case Nos. 97-2785, 98-1048, 98-2089, 98-2505, 99-1211, 99-1450, 99-1611, 00-218, 00-321, 00-1360, 00-792, 00-957, 00-143, 01-276, 01-979, 01-1104, 01-1325, 01-484 and 01-1632, and **EXPLAIN** why the said cases were not presented to the audit team despite the directive to produce the records of all cases pending before said branch; and

(c) **RECONCILE** the Semestral Docket Inventory Report for July to

December 2001 by incorporating the following cases: Criminal Case Nos. 97-254, 00-446, 01-1014, Civil Case Nos. 90-1277, 01-919, 01-484, 00-284, 00-173, 01-1705, 00-698, 00-143, 95-624, 99-2122, 01-1632, 01-972, 01-1762, 00-792, 97-441, 98-1360, 99-1278, 98-2620, 98-1630 and 00-218.<sup>[2]</sup>

In a letter dated September 13, 2002, Atty. Llanes submitted to the OCA the list of the cases and their status. Atty. Llanes explained that some cases were not presented to the audit team because they were no longer on active status, *i.e.*, they were decided, dismissed or archived, while two cases were not presented because the folders were with Judge Capulong for his review and signature. Further, Atty. Llanes manifested that she had complied with the reconciliation of the docket inventory for the second semester of 2001.

The OCA, in its Memorandum<sup>[3]</sup> dated May 6, 2003, found that Judge Capulong should be held administratively liable for failing to decide six cases within the reglementary period for deciding cases. But taking into consideration his poor health as mitigating circumstance to his inability to perform his judicial duties, the OCA recommended the imposition only of P5,000 fine.

Further, the OCA found that Atty. Llanes failed to include Criminal Case No. 01-1014 in the Docket Inventory Report for July to December 2001. For such failure, the OCA recommended that Atty. Llanes be directed to explain her failure.

In a Resolution dated July 28, 2003, this Court directed Atty. Llanes to explain within 15 days from receipt of the resolution why she failed to include Criminal Case No. 01-1014 in the docket inventory for the second semester of 2001.<sup>[4]</sup>

Following Atty. Llanes's failure to comply with the abovesited directive, this Court issued a Resolution<sup>[5]</sup> dated September 14, 2005 requiring her to show cause why she should not be disciplinary dealt with or held in contempt for her failure to comply with the July 28, 2003 Resolution.

On November 3, 2005, Atty. Llanes manifested that she already resigned from the judiciary on October 2, 2002 and was employed with the Department of Justice as Assistant City Prosecutor. She claimed that the July 28, 2003 Resolution was received by Branch 134 on September 1, 2003 when she had left. Further she only learned of the July 28, 2003 Resolution after a staff of Branch 134 called her.

Atty. Llanes averred that she could no longer remember the circumstances that led to the non-inclusion of Criminal Case No. 01-1014 in the inventory since it had been more than two years already. She asked to be excused for her failure was inadvertent and unintentional since in the succeeding inventory report, the case was included. She asked to be excused considering her heavy work load then.

After review of the records, the OCA recommended that the instant case be re-docketed as an administrative matter against Atty. Llanes and that she be reprimanded for simple neglect of duty. The OCA also said her heavy work load and resignation from the judiciary were not acceptable excuses.<sup>[6]</sup>

Now before us, two administrative matters are to be addressed, (1) the failure of