

THIRD DIVISION

[A.M. NO. 00-4-09-SC, February 23, 2005]

RE: REPORT OF DEPUTY COURT ADMINISTRATOR BERNARDO T. PONFERADA RE JUDICIAL AUDIT CONDUCTED IN THE RTC, BRANCH 26, ARGAO, CEBU.

DECISION

SANDOVAL-GUTIERREZ, J.:

The instant case stemmed from the Report^[1] of then Deputy Court Administrator (DCA) Bernardo T. Ponferada, dated March 31, 2000, on the judicial audit and physical inventory of cases conducted by the Judicial Audit Team of the Office of the Court Administrator (OCA) in the Regional Trial Court (RTC), Branch 26, Argao, Cebu, then presided by Judge Epifanio C. Llanos who retired compulsorily on April 7, 2002.

The Report^[2] of the Judicial Audit Team dated March 28, 2000 shows that as of the end of February 2000, there were 583 cases pending in the said court. Of this total, 43 civil cases and 44 criminal cases have been submitted for decision but have remained undecided beyond the reglementary period. Several of these undecided cases have been pending for more than 7 years.

The Judicial Audit Team also found that: (1) in 5 civil cases and 10 criminal cases, there are motions which have not been resolved; (2) there are 55 civil cases and 31 criminal cases pending decision for more than 3 months; and (3) in 7 civil cases, no action at all have been taken from the dates of filing.

Acting on DCA Ponferada's Recommendation, on April 11, 2000, we issued a Resolution quoted as follows:

"(1) DIRECT Judge Epifanio Llanos, Presiding Judge, Branch 26, Argao, Cebu to:

(a) EXPLAIN within ten (10) days from notice why no administrative sanction should be imposed on him for failure to decide within the mandatory period the following cases submitted to him, to wit: Civil Cases Nos. 308, 402, 497, 501, 507, 564, 58, 591, 595, 657, 691, 716, 726, 738, 756, 758, 763, 774, 778, 784, 793, 799, 800, 851, 877, 895, 896, 900, 929, 931, 947, 951, 958, 979, 984, 985, 1005, 1032, 1040 and Sp. Proc. No. 270; Criminal Cases Nos. 799, 1095, 1319, 1446, 1450, 1469, 1488, 1501, 1515, 1554, 1571, 1578, 1610, 1625, 1632, 1663, 1634, 1784, 1785, 1786, 1803, 1824, 1834, 1931, 1948, 1951, 1968, 1972, 1997, 1998, 2006-2008, 2019, 2031, 2047, 2052, 2098, 2120, 2129,

2151, 2207;

(b) EXPLAIN why no administrative sanction should be imposed upon him for failure to resolve the pending incidents in Civil Cases Nos. 764, 856, 865, 910, 1042, Criminal Cases Nos. 1708, 1841, 1842, 1844, 1932, 1974, 2180, and 2380, which remained unresolved despite the lapse of the reglementary period;

(c) DECIDE/RESOLVE the aforesaid cases mentioned in paragraph (a) and (b) within one hundred eighty (180) days from notice, and to submit immediately to this Court through the Office of the Court Administrator copies of his decisions giving priority to Criminal Cases 1824, 1834, 1931, 1968, 2019, 2031, 2098, 2122, 2207, 2217 which are with detention prisoners; his *salary* checks be withheld and shall be released only upon showing proof of his full compliance with this directive;

(d) DESIST from trying and hearing cases at RTC, Branch 26, Argao, Cebu and to concentrate mainly on decision making;

(2) **DESIGNATE Judge Rafael B. Yrastorza, Jr., Presiding Judge, RTC, Branch 14, Cebu City as Assisting Judge of RTC, Branch 26, Argao, Cebu,** to hear cases pending thereat effective immediately and to remain thereat until further orders from this Court;

(3) DIRECT Assisting Judge Rafael Yrastorza, Jr. to take immediate action on the following cases not acted upon/resolved or set in the calendar after the lapse of a considerable length of time, to wit: Civil Cases Nos. 227, 265, 329, 355, 370, 384, 385, 417, 418, 422, 435, 439, 480, 569, 670, 717, 723, 732, 734, 746, 816, 821, 835, 836, 858, 866, 887, 893, 901, 914, 934, 936, 942, 988, 993, 1007, 1012, 1014, 1020, 1036, 1041, 1043, 1045, 1047, 1051, 1054, 1061, 1062, 1064, 1065, 1067, 1077, Sp. Proc. No. 342 and Cad. Case No. 25; Criminal Cases Nos. 820, 844, 952, 1645, 1711, 1875, 1970, 1971, 1986, 2091, 2130-37, 2158-59, 2219-20, 2331, 2355, 2392-93, 2411, 2431, 2415, 2421, 2422, 2433, 2458, 2469, 2470; and on the following Civil Cases where no action at all were taken since filing, to wit: 892, 912, 1048, 1094, 1095, Sp. Proc. 358 and 465; and

(4) DIRECT Judge Llanos to explain why no administrative sanction should be imposed on him for his failure to act on the cases mentioned in No. 3 above."^[3]

On February 15, 2001, Judge Rafael B. Yrastorza, Jr., requested that he be relieved as assisting judge in the RTC of Argao, Cebu to enable him to attend to the needs of his children as his wife is working abroad.^[4]

On March 27, 2001, DCA Porferada recommended to this Court that Judge Llanos be allowed to resume hearing cases in his *sala* effective upon notice. DCA Porferada pointed out that as per records of the Statistical Reports Division of the OCA, Judge

Llanos has decided 63 of the 82 cases and has resolved the incidents in 11 of the 13 cases he was directed to resolve. DCA Ponferada further recommended that the designation of Judge Yrastorza, Jr. as assisting judge in the RTC of Argao, Branch 26, be revoked.^[5]

On June 26, 2001, we issued a Resolution: (1) allowing Judge Llanos to resume hearing cases in his *sala* effective upon notice; (2) directing him to submit, through the OCA, duly certified copies of his decisions/resolutions in the cases he was directed to decide/resolve; and (3) revoking the designation of Judge Yrastoza as assisting judge of the RTC of Argao, Cebu, Branch 26.^[6]

In a letter^[7] dated August 15, 2001 addressed to DCA Zenaida N. Elepaño, then Acting Court Administrator, Judge Llanos stated that in partial compliance with our Resolution of April 11, 2000, he rendered decisions in the following cases:

Criminal Cases Nos. AR-799; AR-1095; AR-1319; AR-1446; AR-1450; AR-1649; AR-1488; AR-1501; AR-1515; AR-1554; AR-1571; AR-1578; AR-1610; AR-1625; AR-1632; AR-1663; AR-1634; AR-1784; AR-1785; AR-1786; AR-1803; AR-1824; AR-1931; AR-1251; AR-1948; AR-1951; AR-1968; AR-1972; AR-1997; AR-1998; AR-2006; AR-2008; AR-2019; AR-2129; AR-2031; AR-2047; AR-2052; AR-2098; and AR-2021.

Civil Cases Nos. AV-402; AV-654; AV-58; AV-657; AV-756; AV-784; AV-793; AV-799; AV-800; AV-851; AV-877; AV-896; AV-929; AV-979; AV-984; AV-985; AV-1005; AV-1040; AV-865; AV-856; AV-910; AV-774; Sp. Proc. A-270; and AV-1032.

A follow-up audit and physical inventory of cases in the same court was conducted by the Judicial Audit Team of the OCA. The Team recommended that:

"1. Hon. Epifanio C. Llanos, RTC, Branch 26, Argao, Cebu , be DIRECTED to EXPLAIN within ten (10) days from notice why no administrative sanction should be imposed upon him for his failure to decide the following cases despite the directive to him by the Court in its resolution dated 11 April 2000, to wit: Civil Cases Nos. AV-308, AV-497, AV-716, AV-726, and AV-730; the following cases within the reglementary period, to wit: AV-265, AV-704, AV-764, AV-883, AV-918, AV-1125, AV-1091 and SP-A-285 and to resolve within the reglementary period the motions in the following two (2) Civil Cases, to wit: Civil Cases Nos. AV-507, AV-689, and AV-1143.

2. The Financial Management Office, Office of the Court Administrator be AUTHORIZED to WITHHOLD the amount of Fifty Thousand Pesos (P50,000.00) from the retirement benefits of Judge Epifanio C. Llanos which may serve as a contingent to any sanction that may be imposed on him for his failure to decide the thirteen (13) civil cases and to resolve the motions in two (2) civil cases, within the mandatory/reglementary period.

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