

FIRST DIVISION

[A.M. NO. 05-2-101-RTC, April 26, 2005]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 8, CEBU CITY,

D E C I S I O N

YNARES-SANTIAGO, J.:

Every person shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.^[1] Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the court's business promptly and to act, one way or the other, on cases pending before him within the period prescribed therefor. Inability to decide a case within the required period is not excusable and constitutes gross inefficiency.^[2]

On May 31 to June 1, 2004, a judicial audit was conducted in the Regional Trial Court of Cebu City, Branch 8, in connection with the impending compulsory retirement of Judge Antonio T. Echavez on August 14, 2004. As of audit date, the branch had a total caseload of 365 cases, broken down as follows:

CASE STATUS/ STAGE OF PROCEEDINGS	CIVIL CASES	CRIMINAL CASES	TOTAL
Submitted for Decision	10	3	13
Decided with Motion for Reconsideration	4	-	4
With Pending Incidents for Resolution	9	4	13
With Court Order for Compliance	18	7	25
On Trial/Pre Trial	72	84	156
With Suspended Proceedings	4	1	5
Unacted Upon for a Considerable Length of Time	49	57	106
For Arraignment	-	25	25
For Ex-parte Hearing	5	-	5
For Mediation	4	-	4
For Issuance of Writ	1	-	1
With Summons	7	-	7
For Unloading/Re-raffle	1	-	1
TOTAL	184	181	365^[3]

Of the 13 cases submitted for decision, 7 have not yet been decided despite the

lapse of the 90-day reglementary period, to wit: Civil Cases Nos. 16957, 20822, 26802, 27132, 29353, 29830 and Criminal Case No. 53593.

There were also 13 cases with pending incidents for resolution, 5 of which have not yet been resolved despite the lapse of the 90-day reglementary period, to wit: Civil Cases Nos. 19941, 27308, Criminal Cases Nos. 46731, 64938 and 66673.

In addition, 106 cases were not acted upon despite lapse of considerable length of time. Judge Echavez also failed to enforce the confiscation of bail bonds posted for the temporary liberty of the accused in Criminal Cases Nos. 53593 and 62356, despite the orders of confiscation having attained finality. It was also observed that Judge Echavez demonstrated undue leniency in granting postponements and in enforcing the orders in Criminal Cases Nos. 61500, 50314, 62526-A and 63410.

The audit team also discovered that the Branch Clerk of Court, Atty. Ma. Teresa Lagahino-Dadula, has not yet prepared and submitted the Monthly Report of Cases for the months of January to April 2004 in violation of Administrative Circular No. 4-2004.^[4] She also did not strictly follow the prescribed form of the semestral docket inventory provided for under Administrative Circular No. 10-94, dated June 20, 1994,^[5] as amended by Administrative Circular No. 2-2001, dated January 2, 2001.^[6] While Branch 8 regularly holds a Judicial Service Team (JST) meeting every last Friday of the month in compliance with OCA Circular No. 12-2002, dated June 3, 2002, it does not prepare the Court Performance Inventory at the end of every quarter, as required under the same circular.

In view of the report^[7] dated June 22, 2004 submitted by the judicial audit team, Deputy Court Administrator Zenaida N. Elepaño, in a memorandum^[8] dated June 23, 2004, directed Judge Echavez to: (a) explain his failure to decide 7 cases already submitted for decision within the reglementary period and to decide and resolve the 13 cases already submitted for decision; (b) explain his failure to resolve the pending incidents in 5 cases within the reglementary period and to decide and resolve the pending incidents in the 13 cases; (c) explain his failure to take further action on 106 cases despite the lapse of considerable length of time and to take appropriate action thereon; (d) immediately cause the execution or enforcement of the orders of confiscation of bail bonds in Criminal Cases Nos. 53593 and 62356.

DCA Elepaño also ordered Atty. Lagahino-Dadula, to: (a) explain her failure to submit the Monthly Report of Cases for the months of January to April 2004 and to submit said reports; (b) strictly adhere to the prescribed form under Administrative Circular No. 10-94, dated June 20, 1994, as amended by Administrative Circular No. 2-2001, dated January 2, 2001, in the preparation of the Semestral Docket Inventory; and (c) prepare and submit regularly the Court Performance Inventory as required under OCA Circular No. 12-2002, dated June 3, 2002.

In his letter-compliance^[9] dated July 15, 2004, Judge Echavez explained that he had no intention of delaying the decision or resolution of any case or pending incident. He attributed his failure to decide the cases and resolve pending incidents as specified in the June 23, 2004 memorandum of DCA Elepaño to the extensions of time he accorded to the parties to file their respective memoranda or comments. He thought that because of the extensions he gave to the parties, the period of time within which to decide the case or to resolve an incident was likewise extended. He

claimed that while he had been consistent in carrying out the policies adopted and implemented in the judiciary, the heavy volume of work and other equally pressing matters relative to the cases, including the daily hearings, prevented him from completely updating all records. He also blamed the lack of public prosecutors and attorneys for the delay in the disposition of cases. He claimed that in some civil cases, the summonses were not served for failure of the plaintiffs to pay the process server's fee.

For her part, Atty. Lagahino-Dadula explained that the delay in the submission of the Monthly Report of Cases for the months of January to April 2004 was never intentional and that it was due to equally important tasks in the office. At the same time, she requested for an extension of 60 days from July 10, 2004 to submit the required reports. On September 9, 2004, the 60-day extension requested by Atty. Lagahino-Dadula to submit the Monthly Report of Cases expired without her submitting the same.

In the meantime, Judge Echavez was compulsorily retired on August 14, 2004.

The Office of the Court Administrator, in its memorandum^[10] dated February 2, 2005,^[11] noted Judge Echavez's compliance with DCA Elepaño's directives. He submitted copies of decision, resolutions and orders in the cases specified in the June 23, 2004 memorandum, as well as the proof of the execution of the confiscation of the bail bonds in Criminal Cases Nos. 53593 and 62356. He also took action on the 106 dormant cases.

As regards Atty. Lagahino-Dadula, the OCA observed that she has been foot-dragging in her submission of the monthly reports. She not only failed to submit for the months of January-April 2004 but for the whole year of 2004 despite the extension given her. The OCA thus recommended:

1. this matter be treated as an administrative complaint against Judge Antonio T. Echavez and Atty. Ma. Teresa Lagahino-Dadula for gross inefficiency and for gross violation of Administrative Circular No. 4-2004 respectively;
2. Judge Echavez be FINED in the amount of ELEVEN Thousand Pesos (P11,000.00) to be deducted from his retirement benefits;
3. Atty. Ma. Teresa Lagahino-Dadula be DIRECTED to submit the Monthly Reports of Cases for 2004 immediately; and
4. the salary of Atty. Lagahino-Dadula be WITHHELD effective immediately until such time that she shall have submitted the Monthly Reports of Cases for 2004.^[12]

We agree with the findings and recommendation of the OCA.

Time and again, we have emphasized that delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Thus, judges should dispose of the court's business promptly and decide cases within the required period. To uphold the integrity of their office, their work should at all times reflect the values of diligence and professional competence.^[13]