

## THIRD DIVISION

[ A.M. NO. 98-12-394-RTC, October 20, 2005 ]

**RE: CASES LEFT UNDECIDED BY RETIRED JUDGE BENJAMIN A. BONGOLAN OF THE REGIONAL TRIAL COURT, BRANCH 2, BANGUED, ABRA.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

On August 28, 1998, Judge Benjamin A. Bongolan of the Regional Trial Court (RTC), Branch 2, Bangued, Abra, compulsorily retired. Accordingly, on November 4, 1998, the Office of the Court Administrator (OCA) sent an audit team to conduct a judicial audit and physical inventory of cases pending in said court.

On November 17, 1999, the judicial audit team submitted a Report<sup>[1]</sup> to the OCA stating that Judge Bongolan failed to render his Decisions within the reglementary period in the following cases: Criminal Cases Nos. 1283, 1316, 1559 and 1782; and Civil Cases Nos. 725, 727, 805, 834, 866, 914, 928, 955, 1006, 1051, 1083, 1096, 1104, 1117, 1148, 1198, 1276, 1320, 1433, 1533, SP-0781, SP-0897, SP-1088, SP-1129, SP-1184, LRC N-23 and LRC N-24; and nine (9) civil and other cases he partly tried and heard, to wit: Civil Cases Nos. 162, 236, 286, 531, 576, 579, 689, 715 and SP-0665.

Likewise, Judge Bongolan failed to resolve matters submitted for his resolution in Civil Cases Nos. 901, 1054 and 1385.

In his Memorandum<sup>[2]</sup> dated December 10, 1999 addressed to the Chief Justice, then Court Administrator Alfredo L. Benipayo recommended that:

"1. The **Ten Thousand Pesos** (P10,000.00) be withheld from the retirement benefits of Judge Benjamin A. Bongolan, in the Resolution of the Court *En Banc* dated February 23, 1999 be **FORFEITED** as fine for his failure to decide, within the 90-day reglementary period reckoned from his date of compulsory retirement, the following thirty-one (31) cases (4 criminal cases and 27 civil and/other cases), to wit: Criminal Cases Nos. 1283, 1316, 1559 and 1782 and Civil/Other Cases Nos. 725, 727, 805, 834, 866, 914, 928, 955, 1006, 1051, 1083, 1096, 1104, 1117, 1148, 1198, 1276, 1320, 1433, 1533, SP-0781, SP-0897, SP-1129, SP-1184, LRC N-23 and LRC N-24, and the following cases nine (9) civil/other cases he partly tried/heard, to wit: Civil Cases Nos. 162, 236, 286, 531, 576, 579, 689 and 715 and SP-0665, and also for failure to resolve, within the reglementary period, the matters submitted for his resolution in Civil Cases Nos. 901, 1054 and 1385."