

SECOND DIVISION

[A.M. NO. 05-10-299-MCTC, December 14, 2005]

RE: REPORT ON THE JUDICIAL AUDIT AND PHYSICAL INVENTORY OF CASES IN MCTC SARA-AJUY-LEMERY, ILOILO

R E S O L U T I O N

TINGA, J.:

For consideration is the *Report*^[1] dated 10 October 2005 of the Office of the Court Administrator (OCA) and its recommendation on the result of the Judicial Audit and Physical Inventory of cases in the Municipal Circuit Trial Court (MCTC) of Sara-Ajuy-Lemery, Iloilo.

In consonance with the audit conducted in said court, a *Memorandum*^[2] dated 26 April 2005 was issued directing Presiding Judge Mateo B. Baldoza, Jr. (Judge Baldoza) to explain to the Court why some cases in his sala had not been acted upon for a considerable length of time,^[3] others with pending motions had not been resolved within the reglementary period^[4] while still others had not been decided within the 90-day mandatory period to decide.^[5] He was also ordered to decide, resolve or take the appropriate action on the aforesaid cases and to submit copies thereof to the Court.^[6] Moreover, Judge Baldoza was enjoined to strictly adhere to the Court's policy on avoiding postponements and needless delays pursuant to Administrative Circular No. 3-99.^[7] Finally, he was reminded to closely supervise and not just leave the preparation of the court calendar to the clerk of court so each case in the calendar is assured of a hearing on the scheduled date of trial.^[8]

Clerk of Court Cecilia A. Billones (CoC Billones) was likewise directed among others, to explain why certain cases had not been acted upon since the time of their filing, to update the entries in the Docket books and to strictly comply with Administrative Circular No. 4-2004 (Revised Form, Rules, Guidelines and Instructions in Accomplishing the Monthly Report of Cases).^[9]

In compliance with the directive, Judge Baldoza submitted his explanation^[10] attributing his failure to decide and resolve cases on time to the court's heavy caseload and his additional assignment in other courts. He likewise claims that his court is undermanned with the frequent absences of the court personnel. He also blames his staff's inefficiency and lack of initiative. He alleges that they are lackadaisical in their attitude towards work and some of them had been caught loafing during office hours, which practice continues despite his admonishments. He further asserts that the typewriters and computer in his sala are defective and they had only been recently provided with a new computer. In sum, Judge Baldoza postulates that there are many and varied reasons for the inaction in the subject cases but these are attributable not to him but to some, if not most, Court

personnel.^[11]

CoC Billones, on the other hand explains that she failed to initially act on cases filed with the court because she was confined in the hospital last May 2005. Like Judge Baldoza, she also claims that the defective typewriters and computer system has hampered the court's daily activities.^[12]

After considering the memorandum submitted by the Judicial Audit Team and the explanations propounded by Judge Baldoza and CoC Billones relative to the former's findings, we agree with the conclusions of the OCA.

In its report, the OCA has found Judge Baldoza's explanations insufficient to excuse him from any administrative liability for the delay in the disposition and resolution of cases pending before his sala. According to the OCA, Judge Baldoza cannot simply rely on his clerk of court and the personnel for the court's activities and then take refuge behind their inefficiency in record and case mismanagement.^[13] He should know what cases are submitted to him for decision or resolution and he is expected to keep his own record of cases so he may act on them promptly,^[14] the OCA adds.

Anent the alleged problems with his staff, the OCA notes that Judge Baldoza should have taken steps to correct said practices. He should not have tolerated his personnel's ineptitude to the detriment of public service. The OCA adds that heavy caseloads and additional designation to hear and try cases in other courts merely mitigate Judge Baldoza's liability. These are inadequate reasons to exonerate him for the delay in deciding cases. Lack of computer facilities and defective typewriters are likewise not sufficient reasons for not deciding cases on time. They merely ease the court's workload but their lack should not be used to justify delay.^[15]

The OCA considers Judge Baldoza's failure to decide, resolve and act on cases with dispatch as constitutive of gross inefficiency which warrants the imposition of administrative sanctions. Adm. Matter No. 01-8-10-SC provides for a penalty of suspension from office without salary and other benefits for not less than one but not more than three months or a fine of more than P10,000.00 but not exceeding P20,000.00 for the failure of a judge to decide and resolve cases on time. In view of the fact, however, that Judge Baldoza was set to retire from the service on 27 October 2005, the OCA concludes that the penalty of suspension without salary and other benefits can no longer be imposed on him. Moreover, the OCA notes that Judge Baldoza had already decided all the cases subject of the audit. It therefore recommends that a fine of P11,000.00 be imposed on him which amount should be deducted from his retirement pay.^[16]

As for CoC Billones, the OCA has found her to have been negligent in the discharge of her duties and functions. The OCA observes that she failed to initially act on the cases raffled to the court, supervise her subordinates in their work, periodically monitor the cases promptly and conduct semestral docket inventories. Her health condition, according to the OCA, should not hinder her from performing her job efficiently. She cannot be permitted to slacken on her job under one pretext or another, particularly as she plays a key role in the complement of the court. The OCA thus recommends that CoC Billones be reminded to be more prudent in the discharge of her functions and warned that a repetition of the same in the future will