

EN BANC

[A.M No. 02-8-441-RTC, March 03, 2004]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC, BRANCH 22, KABACAN NORTH COTABATO.

D E C I S I O N

TINGA, J,:

In view of the compulsory retirement on August 27, 2002, of Presiding Judge Braulio L. Hurtado (Judge Hurtado) of the Regional Trial Court of Kabacan, North Cotabato, Branch 22 (RTC Br. 22), the Office of the Court Administrator (OCA) sent a team to conduct a judicial audit and physical inventory of all pending cases in his court. The inventory was conducted on July 9, 2002.

According to the audit team's *Report* dated July 23, 2002, RTC Br. 22 had a total caseload of two hundred seventy-four (274) cases consisting of two hundred twenty-one (221) criminal cases and fifty three (53) civil cases as of audit date. Seventy (70) criminal cases and four (4) civil cases were already submitted for decision. The decision in Criminal Case No. 02-114 was scheduled for promulgation on July 16, 2002. Moreover, four (4) criminal cases and three (3) civil cases had pending incidents submitted for resolution.^[1] Criminal Case Nos. 96-45, 919, 01-15, 39, 99-112 and 99-113 have not been acted upon nor further set in the calendar for a considerable length of time, while Criminal Case No. 01-32 and Civil Case Nos. 377 and 97-08 may be ordered archived pursuant to the guidelines set forth in Administrative Circular No. 7- A-92, as amended.^[2]

Conformably with the OCA's recommendation in its *Memorandum* of July 25, 2002, the Court issued the following *Resolution* dated September 2, 2002:

- "1. **Hon. Braulio L. Hurtado, Jr.**, Presiding Judge, Regional Trial Court, Br. 22, Kabacan, North Cotabato, be DIRECTED to: (a) **INFORM** this Court within ten (10) days from notice, through the Office of the Court Administrator, whether or not Criminal Case No. 02-114 was promulgated as scheduled; and (b) **EXPLAIN** within the same period, through the Office of the Court Administrator, why no administrative sanction should be imposed upon him for his failure to decide within the reglementary period Criminal Case Nos: 97-108, 97-109, 97-184, 97-185, 176, 96-129, 96-29, 99-06, 96-50, 96-51, 96-52, 99-04, 99-05, 267, 97-186, 00-12, 98-41, 12, 96-33, 00-76, 97-72, 97-124, 97-125, 97-126, 97-127, 97-128, 97-129, 97-130, 97-131, 97-132, 97-133, 97-134, 97-135, 97-136, 97-137, 97-138, 97-139, 97-140, 97-141, 97-142, 97-143, 97-144, 97-145, 97-146, 97-147, 97-148, 97-149, 97-150, 97-151, 97-152, 97-153, 99-24, 05, 96-77, 47, 48, 98-44, 1233, 99-96, 4182, 125, 537, 120, 121, 122, 99-155 and Civil

Cases Nos. 97-15, 155, 27 and 172 and for his failure to resolve within the reglementary period the pending incident in Criminal Case Nos. 98-73 and 97-27 and Civil Case Nos. 96-07 and 97-15.

2. The Clerk of Court, Regional Trial Court, Branch 22, Kabacan, North Cotabato, be **DIRECTED** to **INFORM** this Court within ten (10) days from notice, through the Office of the Court Administrator, whether or not Criminal Case Nos. 98-77, 97-38, 02-127 and 96-26 were decided within the reglementary period furnishing copies of the decisions thereof and whether or not the pending incident in Criminal Case Nos. 97-23 and 02-29 and in Civil Case No. 01-45 were resolved within the reglementary period; and
3. The designated **Acting Presiding Judge** in the Regional Trial Court, Br. 22, Kabacan, North Cotabato, be **DIRECTED** to **IMMEDIATELY TAKE APPROPRIATE ACTION** on Criminal Case Nos. 96-45, 919, 01-15, 39, 99-112 and 99-113 which have not been acted upon nor further set in the calendar for a considerable length of time, and on Criminal Case No. 01-32 and Civil Cases Nos. 377 and 97-08 pursuant to the guidelines set forth in Administrative Circular No. 7-A-02, as amended, dated 21 June 1993 observing/implementing (b) Sec. 20 Rule 141 of the Rules of Court as amended by AM No. 00-2-01-SC effective March 1, 2000."

In compliance with this *Resolution*, Judge Hurtado submitted a written explanation dated October 3, 2002, informing the Court that the decision in Criminal Case No. 02-114 was promulgated as scheduled on July 16, 2002; the pending incidents in Criminal Case Nos. 98-73 and 97-27 were resolved on August 6 and August 13, 2002, respectively. Accordingly, Criminal Case No. 97-27 was set for initial presentation of evidence for the prosecution on November 14, 2002; and Civil Case Nos. 96-07 and 97-15 were dismissed on July 16 and August 13, 2002, respectively.

Judge Hurtado also explained that Criminal Case Nos. 97-124 to 97-153 involve only one (1) accused. He further explained that his failure to decide the other forty (40) cases was due to his designation as Acting Presiding Judge of Surallah where he transferred for six (6) months.

In a written explanation of the same date, Ms. Sarah Joy Bona (Ms. Bona), the Officer-in-Charge, Branch Clerk of Court, informed the Court that Criminal Case Nos. 96-26, 97-38 and 98-77 were submitted for decision on April 26, June 18 and August 28, 2002, respectively; the decision in Criminal Case No. 02-127 was promulgated on August 13, 2002; Criminal Case No. 97-23 was reinstated in the court's *Order* dated August 20, 2002, and accordingly set for hearing; Criminal Case No. 02-29 was still in the trial stage; and Misc. Case No. 01-45 was resolved in the court's *Order* dated June 27, 2002.

Likewise, Acting Presiding Judge Francis E. Palmones, Jr. (Judge Palmones) submitted a written explanation of even date informing the Court that Criminal Case Nos. 96-45, 99-112 and 99-113 were forwarded to the Executive Judge for appropriate action because the counsel for the accused therein is his relative within

the 4th civil degree of consanguinity; Criminal Case Nos. 919, 01-15 and 01-32 were scheduled for continuation of trial on October 16, October 29 and November 25, 2002, respectively; the proceedings in Criminal Case No. 39 were held in abeyance pending the termination of another case filed against the accused; and Civil Case No. 97-08 was scheduled for hearing on November 15, 2002. No mention was made on the status of Civil Case No. 377.

In separate *Resolutions* dated December 9, 2002, the Court noted the foregoing compliance and referred the matter to the OCA for evaluation, report and recommendation.

In its *Memorandum* dated March 24, 2003, the OCA recommends that Judge Hurtado be fined the equivalent of Fifty Thousand Pesos (P50,000.00) to be deducted from his retirement benefits for his failure to decide within the reglementary period seventy (70) criminal cases submitted for decision.^[3] The OCA considers unsatisfactory Judge Hurtado's explanation that his failure to decide the mentioned cases within the reglementary period was due to his designation as Acting Presiding Judge of Surallah for six (6) months. The OCA notes that the designation referred to was from February 10, 1997 to July 29, 1999, while the records disclose that most of the cases left undecided became due for decision in 2000. Moreover, Judge Hurtado did not heed the OCA's directive for him to desist from conducting trial and instead devote his remaining time in service to deciding cases. ^[4]

However, the OCA notes that Judge Hurtado's failure to decide the cases adverted to is mitigated by the fact that he has been with the Court since 1969 when he entered the service as Clerk of Court and was appointed as RTC Judge on August 29, 1994, the position he held until his retirement. In his long years of service with the judiciary, this is his first offense.^[5]

The OCA also recommends that the letters dated October 3, 2002 of Ms. Bona and Judge Palmones be considered sufficient compliance with the *Resolution* dated September 2, 2002. In addition, the OCA recommends that Judge Palmones be directed to decide the cases enumerated in letter B, No. 1 of the afore-quoted *Resolution* dated September 2, 2002 and inform the Court of the status of Civil Case No. 377 which he failed to mention in his compliance.^[6]

No less than the Constitution commands that decisions and matters filed after its effectivity be decided or resolved within twenty-four (24) months from the date of submission for the Supreme Court, twelve (12) months for all lower collegiate courts, and three (3) months for all other lower courts.^[7] The Code of Judicial Conduct also enjoins judges to dispose of the court's business promptly and decide cases within the required periods.^[8]

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied.^[9] Every judge should decide cases with dispatch^[10] and should be careful, punctual, and observant in the performance of his functions^[11] for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.^[12] Indeed, a judge must