

## SECOND DIVISION

[ A.M. No. 02-10-628-RTC, October 01, 2004 ]

### REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 5, ILIGAN CITY

#### R E S O L U T I O N

#### AUSTRIA-MARTINEZ, J.:

Before this Court is the *Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 5, Iligan City* on May 29, 2002.

The Report states:

Based on the records actually presented to and examined by the audit team, the court has a caseload of two hundred thirty-three cases as of May 29, 2002 (129 criminal cases and 104 civil/other cases) . . .

. . .

The . . . cases submitted for decision are still within the reglementary period within which to decide except Civil Case No. 4681 entitled "Alferes vs. MCC" for Nullity of Certificate of Sale which was submitted for decision August 26, 2001 but remained unresolved as of audit date . . .

. . .

Also, there are cases with pending motion or incident which remain unresolved although still within the reglementary period . . .

. . .

There are likewise seven (7) cases without any further action and/or no further setting was undertaken by the court for a considerable length of time, to wit: Criminal Cases Nos. 8231, 8515, 7876 and 8955 and Civil Cases Nos. 5525, SP 5691 and SP 5858.

Further, Civil Cases Nos. 5431 and 5286 may already be archived in accordance with Administrative Circular No. 7-A-92, dated June 21, 1993, Re: Guidelines in the Archiving of Cases.

On the other hand, in Criminal Case No. 9384 entitled "People vs. A. Palomar" for Violation of PD 1866, the accused was arraigned on April 23, 2002. A motion for reinvestigation was filed by the accused on May 4, 2002 and one of his grounds in his motion for reinvestigation is that he was not yet arraigned. Considering that the prosecution did not object to the motion of the accused, the court allowed the same when it issued an

Order dated May 17, 2002 directing the City Prosecutor to terminate the supposed reinvestigation within thirty (30) days. Is this not contrary to the rules considering that a motion for reinvestigation should be taken prior to arraignment of the accused? In this case, the accused was already arraigned.<sup>[1]</sup>

Based on said report, the Court, on December 9, 2002, directed Judge Maximino Magno-Libre, Presiding Judge of the Regional Trial Court, Branch 5 of Iligan City: (1) to explain his failure to decide within the reglementary period Civil Case No. 4681, entitled *Alferes vs. MCC*; (2) to inform the Court whether he has decided Criminal Case No. 8309 and Civil Cases Nos. 3716, 3999, 4371 and 5845 within the ninety-day period and resolved the pending motions or incidents in Civil Cases Nos. 4751, 5663, 5672, 5726 and 5917 within the reglementary period; (3) to submit to the Court certified copies of the decisions/resolutions in the cases aforementioned fifteen days from their promulgation; (4) to take immediate action in Criminal Cases Nos. 8231, 8515, 7876 and 8955 and Civil Cases Nos. 5525, SP 5691 and SP 5858; (5) to take appropriate action in Civil Cases Nos. 5431 and 5286; and (6) to explain why Criminal Case No. 9384, entitled *People vs. A. Palomar* for Violation of P.D. No. 1866 was still allowed to be reinvestigated notwithstanding the fact that the accused therein was already arraigned.<sup>[2]</sup>

In a letter dated February 27, 2003, Judge Libre submitted his explanation as follows:

2. That except in Civil Cases No. 3716 and Civil 06-3999 all the other cases mentioned in the said resolution had been terminated/resolved and issues or incidents had been acted upon by the undersigned, they are to wit:

	Case No.	Name & Nature of the Case	Date Resolved/ Action Taken	Annex
1.	Civil Case No. 4681	Alfredo Alferes vs. Mla Cordage Co. For: Declaration of Nullity of Cert. of Sale & other related documents & Damages	Decided based on Compromise Agreement last June 7, 2002	"A"
Note: After the parties have submitted their evidences in writing, counsel for the plaintiff informed the court that they are going to enter into compromise agreement which will be submitted to the court for approval. Parties eventually submitted their compromise agreement on June 7, 2002 which was approved by the Court on the same date.				
2.	Crim. Case No. 8309	People of the Phils. vs. Rudelino Ablin For: Violation of R.A. 6425	Dismissed last October 2, 2002	"B"
3.	Civil Case No. 4371	Development Bank of the Phils. vs. Alejo T. Uy For: Deficiency Claim with Prel. Attachment	Decided last Nov. 20, 2002	"C"
4.	Civil Case	Elpedio Kwan vs. Ellen	Decided based on the	"D"

	No. 5845	Dumanhug	merits last November 26, 2002	
5.	Civil Case No. 4751	Isabel Racasa vs. Iligan Light & Power Inc.	Decided on the merits on Nov. 26, 2002	"E"
6.	Civil Case No. 5663	Sultan Baguan M. Mamiscal & Adelaida L. Mamiscal vs. Gregorio T. Lluch & Sons, Inc. For: Rescission and Sum of Money with Damages	Motion filed by plaintiff seeking with leave to amend plaintiff's complaint was resolved in an orders (sic) issued dated May 30, 2002 and April 11, 2002. This case was also set for pre-trial on March 31, 2003 as per order of the court dated Feb. 20, 2003	"F" "G" & "H"
7.	Sp. Proc. No. 5672	In the matter of the Intestate Estate of the Late Ana Tabimina Halibas v. Miguel Halibas	Dismissed last Sept. 9, 2002	"I"
8.	Civil Case No. 5726	Spouses Pimaco L. Dumaug & Virginia C. Dumaug For: Specific Performance with Prel. Injunction & Damages	The motion seeking admission for amended answer has been resolved in an order issued on May 30, 2002. The case is set for continuance of pre-trial on April 10, 2003 as per order of the court dated Feb. 18, 2002.	"J" & "K"
9.	Civil Case No. 5917	Lian Hong Co., Inc. rep. by Jason Sy vs. Sps. Constancio & Annette Baliog For: Collection of a Sum of Money	Decided last Nov. 29, 2002	"L"
10.	Crim. Case No. 8231	People of the Phils vs. Armando Monion alias Apiot, Ronilio Monion, et al.	Dismissed last July 8, 2002	"M"
11.	Crim. Case No. 8515	People of the Phils vs. Bobby Madarieta, et al. For: Robbery	Archived last Sept. 25, 2002	"N"
12.	Crim. Case No. 7876	People of the Phils vs. Manuel Agbu, Eric Ello, Danilo Saligumba, et al. For: Robbery	Pleaded guilty last Sept. 11, 2002	"O"
13.	Crim.	People of the Phils vs.	Consolidated to RTC	"P"

	Case No. 8985	Regina Flores For: ESTAFA thru falsification of Private Document	02 on Sept. 11, 2002	
14.	Civil Case No. 5525	Rosie Mañus, in her capacity as member of the Board of Director of Abalos Agro- Industrial Corp. vs. Abalos Agro Industrial Corp., Lucina A. Ferraren, Herminia Labarro, et al.	Dismissed last January 23, 2003	"Q"
15.	Sp. Proc. No. 5691	In the matter of the Petition for allowance of will of Segundina Vitalis Benitez vs. Arturo Benitez For: Probate of Will	Probate of Will Granted last June 14, 2002	"R"
16.	Sp. Proc. No. 5858	In Re: Petition for cancellation of entry in the Birth Certificate of Walter Ala Sy Roa Simeon Roa, Jr. vs. The Local Civil Registrar of Iligan City	Probate of Will Granted last June 4, 2002	"S"
17.	Civil Case No. 5431	Paul Joseph B. Deleste & Cristina B. Deleste vs. Rajah Travel Corp. For: Damages	Dismissed last July 2, 2002	"T"
18.	Sp. Civil Action No. 5286	Employees of the Department & Environment & Natural Resources Community Environment & Natural Resources Office No. XII-A (DENR-CENRO XII-1A Iligan City) numbering to 139 rep. by Basher Mangodato, Mana Datumanong, Cayamura Abdulcarim & Redobor Pango vs. The Dept. of Environment & Natural Resources (DENR) National Office of Diliman Quezon City	Dismissed last July 8, 2002	"U"
19.	Crim. Case No. 9384	People of the Phils vs. Palomar	Pleaded guilty last Sept. 16, 2002	"V"

In Civil Case No. 3966, entitled Rural Transit of Mindanao, Inc. vs. Lian Hong Company For: Damages and Civil Case No 3716, entitled Rogelio

Villaruz vs. Rural Transit of Mindanao Inc. Counsel of the Plaintiff in Civil Case No. 3716 and counsel for the defendant in Civil Case No. 3966 has filed an ex parte motion for extension of time to file their memoranda. Court has granted the motion and they are given up to March 4, 2003 within which to file said memoranda, attached is the order dated Feb. 17, 2003 marked as Annex "W". However, whether the counsel will file the memoranda, undersigned Presiding Judge will decide the case immediately . . ."[3]

In the said letter, Judge Libre also asked for the understanding and compassion of this Court.[4]

In a Resolution dated August 6, 2003, the Court's Second Division referred the said letter to the Office of the Court Administrator (OCA) for its evaluation, report and recommendation.[5]

In a Memorandum dated September 23, 2003, OCA's Deputy Court Administrator Christopher O. Lock recommended that Judge Libre be directed to inform this Court whether he has already decided Civil Cases Nos. 3716 and 3999, to submit copies of the decisions thereof, and to further comply with the Resolution of December 9, 2002 which directed him to explain why he allowed the reinvestigation of Criminal Case No. 9384 despite the fact that the accused was already arraigned on April 23, 2002. He likewise requested that his office be allowed to submit its report and recommendation within thirty days from receipt of the full compliance of Judge Libre with the resolution of December 9, 2002.[6]

Judge Libre thereafter submitted his letter dated December 1, 2003 which states as follows:

Civil Case No. 3716 was already decided last March 31, 2003. Please take note that we don't have a civil case docketed as No. 3999 raffled to our sala and registered in our docket of civil cases. What we have is Civil Case No. 3966 and this is also already decided last March 3, 2003. As to Criminal Case No. 9384, this was also already decided last September 16, 2002. In fact, the accused in this case after his conviction, applied for probation and this was given due course last September 19, 2002.

As a matter of fact, this matter was already reported by our Clerk of Court to the Office of the Court Administrator, as shown by the monthly reports hereto enclosed as Annexes "A" and "B". For Civil Cases Nos. 3716 and 3966 covered by Annex "A", this was covered by the report of March 2003, while for Criminal Case No. 9384 covered by Annex "B", this was covered by the monthly report of September 2002...[7]

The Court, through its Resolution dated February 4, 2004, noted the above quoted letter of Judge Libre. It also noted that Judge Libre has not complied with the Resolution dated December 9, 2002, which ordered him to explain why he allowed the reinvestigation of Criminal Case No. 9384 despite the fact that the accused had been arraigned.[8]

Judge Libre then submitted his letter dated March 23, 2004, stating as follows: