

**EN BANC**

**[ A.M. No. RTJ-01-1636, February 13, 2002 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE ANTONIO P. QUIZON (RET.) AND BRANCH CLERK OF  
COURT FELIX C. MENDOZA, REGIONAL TRIAL COURT, BRANCH 40,  
CALAPAN CITY, ORIENTAL MINDORO, RESPONDENTS.**

**D E C I S I O N****MENDOZA, J.:**

In view of the compulsory retirement of respondent Judge Antonio P. Quizon on July 9, 1997, an audit team of the Office of the Court Administrator conducted a judicial audit and physical inventory of cases assigned to the Regional Trial Court, Branch 40, Calapan, Oriental Mindoro, of which respondent Quizon was the Acting Presiding Judge while respondent Felix Z. Mendoza is the Branch Clerk of Court. In addition, an audit was also made of the cases in Branch 41 of the same court, where respondent Judge Quizon was also designated as the Acting Presiding Judge, until the appointment thereto on July 29, 1996 of Presiding Judge Normelito J. Ballocanag.<sup>[1]</sup>

On January 26, 1998, the audit team submitted its report containing the following findings:

I. RTC, BRANCH 40, CALAPAN, ORIENTAL MINDORO. – This branch had a caseload of 488 cases (238 criminal cases and 250 ordinary civil cases, special civil actions, special proceedings, land registration and agrarian cases) as of 30 June 1997, broken down as follows:

STATUS/STAGE	CRIMINAL	CIVIL	TOTAL
Submitted for Decision/Resolution	4	2	6
With Matters for Resolution	3	3	6
On Trial/Set for Hearing	71	45	116
For Pre-Trial Conference	0	1	1
For Arraignment	51	0	51
Ex Parte Reception of Evidence	0	17	17
With Pending Petitions etc, In Court of Appeals	0	2	2
With Suspended Proceeding	0	1	1
Not Further Acted or Set in the Court Calendar after Lapse of Considerable Length of Time	40	93	133
With Warrants/ Summons	69	16	85

Not Acted Since Raffled/Assigned	0	62	62
Newly Raffled/Assigned	0	8	8
Total	238	250	488

### CRIMINAL CASES

Of the six (6) cases submitted to Judge Quizon for decision/resolution, three (3) were appealed cases originating from the lower courts; namely, Criminal Case No. C-5038 and Civil Case Nos. SCA-169 and R-4481. Criminal Case No. C-5038 entitled "People vs. Venancio Austria, for Violation of B.P. 22" was appealed from MTC, Calapan, Oriental Mindoro on 6 September 1996. In his Order dated 16 September 1996, Judge Quizon directed the parties to file a memorandum within thirty (30) days. As of audit, neither party filed any. Judge Quizon failed to render his decision within the reglementary period based on records of the proceedings had in the court of origin.

The other three (3) cases submitted for decision were Criminal Case Nos.:

(a) C-3974, entitled "People vs. Lucas de Leon et al.," for Attempted Murder, filed on 25 August 1993. This case was partly tried by Judge Quizon and was deemed submitted for decision on 1 March 1996. Judge Quizon failed to decide this case within the 90-day reglementary period. The records of this case were not examined by the Team because according to Ms. Celeste Chua, Clerk-in-Charge, the same were transmitted to the JPDIO for decision;

(b) C-400, entitled "People vs. Leoncio Aranzado, et al.," for Falsification of Public Document, filed on 22 September 1993. This case was tried by retired Presiding Judge Mario C. dela Cruz and was deemed submitted for his decision on 25 May 1995. This case was inherited by Judge Quizon and its record was transmitted to and received by the JPDIO on 13 February 1996; and

(c) C-4522, entitled "People vs. Marlon Marciano, et al.," for Robbery, filed on 8 June 1994. This case which was partly tried by Judge Quizon involves a detention prisoner. On 9 May 1996, after the prosecution presented its rebuttal evidence, both parties were given 30 days within which to file [their] memorandum with the caveat that whether the required memoranda are filed or not, the case shall be deemed submitted for decision. As of audit, no party had yet filed a memorandum. Judge Quizon failed to decide this case within the reglementary period.

There are three (3) criminal cases with matters pending resolution. These are:

(a) Criminal Case No. C-4710 entitled "People vs. R. Martinez, et al.," for Robbery with Frustrated Homicide. A Demurrer to Evidence was filed by the defense on 19 February 1996. In his Order of 28

February 1996 (his last day in office), Judge Quizon required the prosecution to file its comment within fifteen (15) days, but with or without the required comment, the Demurrer to Evidence shall be deemed submitted for resolution;

(b) Criminal Case No. C-4996, entitled "People vs. R. Lamina" for Illegal Recruitment. A Motion to Dismiss the case based on the Pag-uurong Sakdal by the private complainant was filed by the prosecution on 30 June 1997; and

(c) Criminal Case No. 5081, entitled "People vs. N. Baculo" for Rape. On 2 December 1996 the prosecution was directed to comment/oppose the Motion to Dismiss filed by the accused who in turn was given 5 days to answer/reply. The prosecution filed its Comment/ Opposition on 16 December 1996. Judge Quizon failed to resolve the incident within the reglementary period.

The forty (40) criminal cases for further action and to be set in the court calendar despite the lapse of a considerable length of time are the following:

Criminal Case Nos.: C-3134, C-3291, C-3375, C-3523, C-3619, C-3668, C-3837, C-4291, C-4589, C-4710, C-4728, C-4758, C-4761, C-4784, C-4830, C-4847, C-4853, C-4862, C-4871, C-4893, C-4895, C-4908, C-4911, C-4915, C-4925, C-4965, C-4986, C-4987, C-4993, C-5005, C-5009, C-5019, C-5029, C-5050, C-5074, C-5086, C-5171, C-5184, C-5185 and C-5193.

Out of the sixty-nine (69) criminal cases with warrants of arrest, the following thirty-two (32) criminal cases may now be acted upon pursuant to Administrative Circular No. 7-A-92 dated 21 June 1993, Re: Guidelines in the Archiving of Cases, to wit:

Criminal Case Nos.: C-4001, C-4130, C-4141, C-4851, C-4948, C-4953, C-4956, C-4968, C-4988, C-4999, C-5000, C-5002, C-5006, C-5010, C-5013, C-5016, C-5017, C-5018, C-5020, C-5026, C-5035, C-5043, C-5052, C-5054, C-5056, C-5062, C-5065, C-5067, C-5072, C-5073, C-5075 and C-5080.

After collating and tallying the cases actually examined, it was discovered that the records of fifty-four (54) criminal cases were not presented to the Audit Team which could not consequently determine the status thereof.

#### CIVIL CASES

Judge Quizon failed to render his decisions in the following two (2) civil cases appealed from the lower courts, to wit:

(a) SCA-169, entitled "Malicad vs. Acheron," for Forcible Entry. In an order dated 27 January 1997, the parties were given thirty (30) days within which to file their respective memorandum, after the case shall be deemed submitted for decision; and

(b) R-4481, entitled "Mantaring vs. Mantaring, et al." for Forcible Entry, etc. The parties were given thirty (30) days from receipt of Order dated 22 July 1996 within which to file their respective memorandum, after which, the case shall be deemed submitted for decision. The petitioner filed his Position Paper on 11 September 1996.

There are three (3) civil cases with matters for resolution, to wit:

(a) Civil Case No. R-3946, entitled "Spouses Vigilia vs. Adalia et al.," for Partition, etc. filed on 4 May 1989. This case was partly heard by Judge Quizon. In his Order dated 5 August 1996, the defendants were given fifteen (15) days to file comment on plaintiff's Motion for Summary Judgment received on 18 July 1996, after which the matter shall be deemed submitted for resolution;

(b) Civil Case No. R-4528, entitled "Alferez vs. Vda. de Alferez" for Judicial Partition etc. filed on 9 December 1996. On 24 February 1997, the plaintiff filed an Opposition to the Motion to Dismiss filed by the defendants on 4 February 1997; and

(c) Civil Case No. N-104, entitled "Director of Lands vs. Cadiao, et al." formerly designated Pinamalayan RTC Cadastral Case No. 7. Due to the request of claimant Leovigildo Mantaring, the Supreme Court in an En Banc Resolution dated 17 January 1995 transferred the venue of the hearing of this case to the Regional Trial Court, Branch 40, Calapan. While this case was still in RTC, Pinamalayan, claimant Mantaring filed two (2) petitions, to wit: (1) Petition to Set Aside Order of 20 November 1991 (claimant was ordered to answer the complaint in intervention within 15 days); and (2) Petition Submitting Claim of Claimant Mantaring for Decision. In RTC, Branch 40, Calapan, a Motion for Substitution of Claimant L. Mantaring who died on 10 February 1996 was filed on 4 March 1996. Another Motion to Resolve Pending Incidents and to Submit Case for Decision was filed on 20 April 1996. Judge Quizon was the designated Acting Presiding Judge in Branches 40 and 41.

The following ninety-three (93) civil cases were not further acted upon nor set in the court calendar after the lapse of a considerable length of time, to wit:

Civil Case Nos. R-3644, R-3649, R-3651, R-3638, R-3703, R-4050, R-4052, R-4055, R-4100, R-4138, R-4195, R-4196, R-4197, R-4206, R-4208, R-4212, R-4225, R-4241, R-4267, R-4294, R-4308, R-4320, R-4336, R-4346, R-4389, R-4393, R-4395, R-4403, R-4405, R-4413, R-4423, R-428, R-4432, R-4433, R-4440, R-4446, R-4463, R-4482, R-4492, R-4493, R-4499, R-4508, R-4514, R-4524, R-4525, R-4539, SP-4500, Petition Nos. 16,012, 16,476, 16,602, 16,892, 16,893, 16,949, 17,071, 17,073, 17,149, 17,222, 17,237, 17,238, 17,239, 17,400, 17,530, 17,547, 17,696, 17,865, 18,147, 18,174, 18,250, 18,328, 18,342, 18,362, 18,386, 18,480, 18,482, 18,483, 18,622,

18,661, 18,662, 18,690, 18,691, 18,692, 18,857, 18,868, 18,871, 18,873, 18,878, 18,879, 18,880, 18,881, 18,882, 18,883, 18,886 and 18,938.

There are also sixty-two (62) civil cases which have not moved from the time they were raffled or assigned to Branch 40. These are:

Civil Case Nos. R-4445, R-4477, R-4521, R-4540, R-4542, R-4543, R-4547, R-4563, OC-20, OC-23, OC-26, Petition Nos. 18,920, 18,954, 18,956, 18,984, 18,999, 19,000, 19,001, 19,002, 19,003, 19,004, 19,005, 19,007, 19,011, 19,013, 19,039, 19,042, 19,044, 19,046, 19,049, 19,050, 19,063, 19,068, 19,071, 19,072, 19,073, 19,076, 19,119, 19,120, 19,122, 19,126, 19,127, 19,159, 19,160, 19,161, 19,163, 19,164, 19,169, 19,204, 19,207, 19,208, 19,241, 19,243, 19,244, 19,264, 19,269, 19,271, 19,278, 19,279, 19,280, 19,312, 19,313.

Out of the sixteen (16) civil cases with summonses, the following ten (10) civil cases may now be acted upon pursuant to Administrative Circular No. 7-A-92 dated 21 June 1993, Re: Guidelines in the Archiving of Cases, to wit:

Civil Case Nos. R-3617, R-3636, R-3655, R-3662, R-3663, R-4166, R-4211, R-4304, R-4305 and R-4394.

2. RTC, Branch 41, Pinamalayan, Oriental Mindoro - Based on this court's available records, sixteen (16) cases were submitted for decision or resolution as of 2 July 1997.

Out of the aforementioned sixteen (16) cases, three (3) criminal cases were totally tried and submitted for decision before Presiding Judge Normelito J. Ballocanag. These are:

(a) Criminal Case No. P-5556 and (b) Criminal Case No. 5557, both entitled "People vs. Delos Santos," for Rape, filed on 6 November 1996. The accused is a detention prisoner. In his Order dated 13 January 1997, Judge Ballocanag required the parties to file their respective memorandum within ten (10) days, but, with or without the required memorandum, the case shall be deemed submitted for decision; and

(b) Criminal Case No. P-5569 entitled "People vs. Delica," for Rape filed on 15 November 1996. The accused is likewise a detention prisoner. The parties were required on 23 May 1997 to file their respective memorandum within fifteen (15) days, [but], with or without the required memorandum, the case shall be deemed submitted for decision.

In the above-mentioned cases the reglementary period to decide had not yet expired as of the date of audit.

Thirteen (13) cases out of the sixteen (16) cases submitted for decision