

## EN BANC

**[ A.M. No. 99-5-162-RTC, May 11, 2001 ]**

**RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE RTC,  
BRANCH 69, SILAY CITY. JUDGE GRACIANO H. ARINDAY, JR.,  
RESPONDENT.**

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

#### **PARDO, J.:**

On January 27, 1999, Judge Graciano H. Arinday, Jr. retired on reaching compulsory retirement age as Regional Trial Court Judge, Branch 69, Silay City, Negros Occidental. On February 15, 2001, the Court Administrator ordered a judicial audit to determine the condition of the docket of the court.

The audit showed that on February 19, 1999, the Regional Trial Court, Silay City , Branch 69 had a total caseload of 231 cases (146 criminal and 85 ordinary civil cases, special civil actions, special proceedings, land registration and agrarian cases) which included twenty-four (24) cases submitted for decision.

On June 2, 1999, the Court directed former Judge Graciano H. Arinday, Jr. to explain within ten (10) days from notice why no administrative sanction should be imposed upon him for failure to decide/resolve Criminal Cases Nos. 3529, 3546, 3803, 3900, 3982, 4038, 4042, and Civil Cases Nos. 1610, 1658, 1823, 1932, 2005, SP326 within the reglementary period.

In his comment,<sup>[1]</sup> Judge Arinday explained that he could not decide some of the cases on time either because of unavailability of the transcripts of stenographic notes or delay in the submission of the same; the non-compliance of either the prosecution or the defense in criminal cases with the orders of the court; the motions of inhibitions filed by counsel in civil cases; and the opportunity given to litigants to amicably settle their differences. He decided Criminal Cases Nos. 3900, 3982 and 3529 nevertheless after eight (8) months of delay.

Judge Arinday left undecided seven (7) cases before his retirement. The details are as follows:

#### **Criminal Cases**

Case No	Date Submitted	Delay	Explanation
3548	September 3, 1998	5 months	Parties failed to submit their respective exhibits and non-submission of TSNs
4038	August 17, 1998	6 months	Prosecution failed to offer exhibits