

EN BANC

[A.M. No. 97-9-283-RTC, May 31, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN REGIONAL TRIAL COURT, BRANCH 1, BANGUED, ABRA

R E S O L U T I O N

VITUG, J.:

A report, following a judicial audit and physical inventory of cases pending before the Regional Trial Court of Bangued, Abra, Branch 1, presided by Judge Francisco O. Villarta, indicates that of the 510 cases outstanding as of 31 October 1996, Judge Villarta has failed to act on 59 criminal cases and 134 civil cases; 26 criminal and 27 civil cases have been submitted for decision and remain to be undecided beyond the 90-day reglementary period; 2 criminal cases and 4 civil cases, although already submitted for decision, are still within the reglementary period for resolution; and 3 criminal cases and 3 civil cases submitted for decision during the tenure of Judge Jose V. Generoso, the predecessor of Judge Villarta, are yet to be decided as of audit date.

The audit team found that there were at least 70 criminal cases in which warrants of arrests had been issued but where the accused continue to be at large for over six months from the delivery of the arrest warrants to peace officers concerned that should thereby put the cases on archive pursuant to Administrative Circular No. 7-A-92.

Finally, the audit team observed that there had been no orderly filing of court records of decided, archived and pending cases. The records of the cases were not updated that, otherwise, would have allowed the team to establish an accurate count of the actual caseload of the court.

In its resolution of 07 October 1997, the Court resolved to:

"x x x (a) DIRECT Judge Francisco O. Villarta, Jr., to explain in writing, within ten (10) days from notice, why no disciplinary action should be taken against him for his failure to decide/resolve cases / motions within the prescribed period; (b) require the former OIC-Branch Clerk of Court, Legal Researcher Jose Marie T. Tuzon to EXPLAIN their failure to update their docket books and to submit their monthly reports of pending cases from November 1996 up to the present; and (c) meanwhile, DIRECT the Financial Management Office, Office of the Court Administrator, to WITHHOLD the sum of Two Hundred Thousand Pesos (P200,000.00) Pesos from the retirement benefits which may be due to Judge Villarta to answer for whatever administrative liabilities which may be imposed upon him should he fail to satisfactorily explain the delay in the resolution and inaction in some cases pending in his sala."

In compliance with the Court's resolution, OIC-Branch Clerk of Court Jose Marie T. Tuzon submitted his explanation; thus:

"The undersigned after being appointed as OIC Branch Clerk of Court was simply instructed by the former Hon. Executive Judge Francisco O. Villarta, Jr. not to update the docket books for not being necessary, after all, according to him (Judge) the cases were been tried and heard. Thus, I just then update the docket books as soon as the particular case is decided. In the submission of the required monthly reports, starting November, 1996 to July 1997, I was ordered to choose cases to submit, in protest, I did not submit but because I am ordered, I did the same. These said required monthly reports of the aforementioned months were personally , submitted on October 24, 1997 to that office. Monthly reports from August, 1997 to the present were already been submitted by the new Branch Clerk of Court to that office.

"I humbly admit this failure to update the Court docket books and the monthly reports of pending cases because of fear and lack of courage to disobey the former Hon. Exec. Judge Francisco O. Villarta, Jr. I am just a lowly Court employee. I pray for benevolence, understanding, leniency and compassionate justice tempered with mercy. I promise such acts of omission will not be repeated anymore."

In a memorandum, dated 26 November 1999, Court Administrator Alfredo L. Benipayo reported that Judge Villarta, who compulsorily retired on 01 September 1997, had not received a copy of the resolution of 07 October 1997. The Office of the Court Administrator received information that Judge Villarta had passed away.

Meanwhile, a follow-up audit was conducted; the audit revealed the following updated data; to wit:

"There were four hundred and seventy-nine (479) cases pending as of October 27, 1999 (272 criminal cases and 207 civil/other cases). Their statuses or stage of proceedings are as follows: 1 criminal case with decision for promulgation, 36 criminal cases and 35 civil/other cases submitted for decision, 8 criminal cases and 5 civil cases with incidents for resolution, 79 criminal cases and 63 civil/other cases on trial/set for hearing, 4 criminal cases for pre-trial conference, 7 criminal cases set for the arraignment of the accused, 6 criminal cases and 8 civil/other cases with orders for compliance by parties, etc., 8 criminal cases and 15 civil/other cases held in abeyance due to voluntary inhibition by the acting judge, 1 criminal case and 1 civil case with suspended proceedings at the instance of litigants/counsels, 66 criminal cases and 78 civil /other cases without further action/setting despite the lapse of a considerable length of time, 50 criminal cases with warrants of arrest, 3 criminal cases without initial action taken since they were raffled/assigned to this branch, and 5 newly filed cases [3 criminal cases and 2 civil cases].

'The decision in Criminal Case No. 1115 (People vs. Tolentino, et al., for Murder) was previously set for promulgation on October 12, 1999.

"The seventy-one (71) cases submitted for decision are tabulated

hereunder (with indications whether a case was inherited by or submitted before retired Judge Villarta, Jr. or Acting Judge Benesa):

<u>CASE NO.</u>	<u>DATE SUBMITTED</u>	<u>DUE DATE OF DECISION</u>	<u>REMARKS</u>
Crim. Cases			
121	8/28/85	11/26/85	Inherited by retired Judge Villarta; Incomplete TSN
399	6/15/94	9/13/94	Partly tried by Judge Villarta;
409	5/13/94	8/11/94	- do -
411	5/05/93	8/03/94	- do -
423	10/25/93	1 /23/94	- do -
489	7/31/89	10/29/89	Totally tried by Judge Villarta;
525	6/05/94	9/03/94	- do -
586	6/30/93	9/28/93	- do -
628	8/10/95	11/08/95	- do -
686	8/15/95	11/13/95	- do -
753	2/06/97	5/07/97	- do -
758	4/19/95	7/18/95	- do -
798	3/22/99	6/20/99	Partly tried by APJ Benesa; Incomp. TSN
799	- do -	- do -	- do -
807	6/23/97	9/21/97	Totally tried by Judge Villarta
820	5/15/93	8/13/93	- do -
828	2/06/97	5/07/97	- do -
866	8/26/97	11/24/97	- do -
871	12/17/93	3/17/94	- do -
992	9/26/97	12/26/97	Inherited by APJ Benesa; Incomp. TSN
1005	2/27/97	5/28/97	Totally tried by Judge Villarta
1009	11/15/96	2/13/97	- do -
1059	11/30/95	2/28/95	- do -
1071	9/14/99	12/13/99	Partly tried by APJ Benesa; Incomp. TSN
1104	1/10/95	4/10/95	Totally tried by Judge Villarta
1152	10/29/96	1/27/97	- do -
1186	4/01/99	6/30/99	Partly tried by APJ Benesa; Incomp. TSN

1214	5/19/94	8/17/94	Totally tried by Judge Villarta
1221	8/17/98	11/15/98	Partly tried by APJ Benesa; Incomp. TSN
1240	10/17/97	1/15/98	Inherited by APJ Benesa; Incomp. TSN
1253	1/20/96	4/19/96	Totally tried by Judge Villarta
1255	4/17/97	7/16/97	- do -
1301	4/21/98	7/20/98	Partly tried by APJ Benesa; Incomp. TSN
1553	8/16/98	11/14/98	- do -
1585	8/12/97	11/19/97	Totally tried by ret. Judge Villarta
Civil & Other Cases			
1535	12/16/84	3/16/85	Inherited by Judge Villarta; Incomp. TSN
1645	8/07/87	11/05/97	Partly heard by Judge Villarta; Incomp. TSN
1739	9/28/86	12/27/86	Inherited by Judge Villarta; Incomp. TSN
207	12/22/90	3/22/91	Partly heard by Judge Villarta; Incomp. TSN
233	5/20/93	8/18/93	- do -
285	1/08/87	4/08/87	Inherited by Judge Villarta; Incomp. TSN
297	12/08/90	3/08/91	Partly heard by Judge Villarta
305	4/19/88	7/18/88	- do -
315	3/30/89	6/28/89	- do -
321	2/21/92	5/21/92	- do -
351	6/26/88	9/24/88	- do -
361	9/29/94	12/28/94	- do -
363	1/10/89	4/10/89	- do -
367	6/06/90	9/04/90	- do -
399	7/24/97	10/22/97	- do -
417	1/31/96	4/29/96	- do -
453	8/03/97	11/02/97	Totally heard

			by Judge Villarta
482	10/06/94	1/04/95	- do -
489	5/11/96	8/09/96	- do -
655	7/22/98	10/20/98	Partly heard by APJ Benesa; Incomp. TSN
751	9/06/99	12/05/99	- do -
761	7/14/95	10/12/95	Totally heard by Judge Villarta
803	1/23/91	4/23/91	- do -
902	4/20/95	7/19/95	- do -
977*	5/20/98	8/18/98	- do -
985	2/27/97	5/28/97	- do -
1143	8/10/99	11/09/99	Partly heard by APJ Benesa; Incomp. TSN
1321	3/17/99	6/15/99	- do -
1472	2/02/99	5/03/99	- do -
1499	12/09/98	3/09/99	- do -
1560	8/31/99	11/30/99	- do -
1611	4/21/99	7/20/99	- do -
SP-299	6/23/98	9/21/98	- do -
LRC-N-09	3/27/85	6/25/85	Inherited by Judge Villarta; Income. TSN
LRC-N-71	10/15/99	1/13/00	Totally heard by APJ Benesa

"Tabulated below are the thirteen (13) cases with incidents for resolution:

<u>CASE NO.</u>	<u>DATE SUBMITTED</u>	<u>DUE DATE OF RESOLUTION</u>	<u>JUDGE BEFORE WHOM MATTER WAS SUBMITTED</u>
556	5/25/94	8/23/94	Ret. Judge Villarta
713	9/24/93	12/23/93	- do -
1275	8/30/96	11/28/96	- do -
1304	3/11/99	6/09/99	APJ Benesa
1305	- do -	- do -	- do -
1700	12/13/96	3/11/96	Ret. Judge Villarta
99-298	9/21/99	12/20/99	APJ Benesa
99-339	8/28/99	11/26/99	- do -
Civil & Other Cases			