

EN BANC

[A.M. No. 98-12-377-RTC, July 26, 1999]

**RE: CASES LEFT UNDECIDED BY JUDGE SEGUNDO B. CATRAL,
REGIONAL TRIAL COURT, BRANCH 8, APARRI, CAGAYAN.**

R E S O L U T I O N

QUISUMBING, J.:

Judge Segundo B. Catral was the presiding judge of the Regional Trial Court, Branch 8, at Aparri, Cagayan. He retired from the service effective March 25, 1998. Attached to his application for optional retirement was a certification issued by Avelino John A. Jucar, officer-in-charge of Branch 8 at that time, stating that there is no case pending decision or resolution in Judge Catral's sala.

Upon inquiry by the Office of the Court Administrator, however, Celia P. Sotto, the present officer-in-charge of Branch 8, informed the OCA that seven cases remained undecided by Judge Catral.

With this information, the Court issued on December 15, 1998, a resolution requiring Jucar to explain why he certified that there were no cases pending decision or resolution in Judge Catral's sala prior to his retirement. In his explanation dated February 10, 1999, Jucar said that judge Catral went to his residence on the evening of March 8, 1998, and asked him to sign a prepared certification stating that no case had been left pending decision or resolution in the latter's sala. According to Jucar, Judge Catral informed him that he is going to Manila that same night to submit his retirement papers, including the certification. Judge Catral told Jucar that he was able to finish all cases submitted for decision or resolution in his sala. Without any means of immediately verifying the truth of Judge Catral's assertion, Jucar accepted the former's allegation and signed the certification. Jucar stated in his explanation that he did not intend to mislead the Court in signing the certification and prayed for the dismissal of the administrative case which had consequently been filed against him and Judge Catral.

The matter was referred to the OCA for evaluation, report and recommendation in a resolution issued by the Court on March 2, 1999.

The OCA found Jucar's explanation unsatisfactory, particularly since as branch OIC, he -- like a branch clerk of court -- should have known whether or not there were cases pending decision or resolution at the time Judge Catral filed his application for optional retirement. He should have exercised due care in signing the certification to avoid compromising the integrity of his position.

Hence, the OCA recommended that Jucar be admonished.

As for Judge Catral, the OCA found that four of the seven cases, although submitted