

## EN BANC

**[ A.M. No. RTJ-96-1337, August 05, 1998 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE WALERICO B. BUTALID, REGIONAL TRIAL COURT,  
BRANCH 9, TACLOBAN CITY, RESPONDENT.**

**[ A.M. NO.97-8-242-RTC. AUGUST 5, 1998]**

**RE: REQUEST FOR THE EXPEDITIOUS RESOLUTION OF CIVIL  
CASE NO. 92-07-117 PENDING AT RTC-BRANCH 9, TACLOBAN  
CITY**

### DECISION

#### PER CURIAM:

Respondent is Judge of the Regional Trial Court, Branch 9, Tacloban City. These are two (2) administrative cases filed against him for (1) serious misconduct, negligence, and inefficiency for failure to decide, in A.M. RTJ-96-1337, 27 cases and, in A.M. 97-8-242-RTC, 69 cases, or a total of 96 cases, within the 90-day reglementary period, and (2) falsification of public documents for falsely stating in the certificates of service submitted by him covering the period all cases submitted to him for resolution in order to be able to draw his salary.

#### ***A.M. No. RTJ 96-1337***

This case arose from respondent judge's request, dated November 16, 1995,<sup>[1]</sup> for a 90-day extension within which to decide 40 criminal and civil cases on the alleged ground that the transcripts of stenographic notes taken in the case were incomplete.

The office of the Court Administrator (OCA) discovered that earlier, on September 6, 1995, respondent judge had been required by then Court Administrator Ernani Cruz-Paño to report on the status of 50 cases which had not been decided within the 90-day limit. Instead of complying with the directive, respondent judge filed the aforesaid request for extension of time. The OCA found that 27 of the cases covered by respondent judge's request for extension has already become due for decision in view of the 90-day reglementary period and yet had remained undecided. Of the 27 cases, 15 had been submitted for decision way back in 1994. The OCA found that although the transcripts of stenographic notes in some of these cases were incomplete, the majority of the said cases had been entirely heard by respondent so that he had no good reason for his failure to decide them on time. Verification made by the OCA of respondent judge had misrepresented that he had no criminal and civil cases which had not been decided within the 90-day period.

On January 23, 1996, respondent's request for extension of time to decide the cases in question was granted. At the same time, he was required to comment on the

charges of serious misconduct, negligence, and inefficiency for the delay in deciding the cases, and falsification of his certificates of service.

In a letter dated February 21, 1996,<sup>[2]</sup> respondent explained that the unresolved cases were either current or could not be decided because they were left by the judges before him without complete transcripts of stenographic notes. He claimed that efforts were being made to require the stenographic notes. He claimed that effort were being made to require the stenographic concerned to submit the transcripts.

With respect to the second charge, respondent alleged that the making of the certificates of service which he had submitted was "merely routinary" and that he had no intention to falsify them because the fact was that the true status of the cases was duly reflected in the monthly reports he had submitted to the OCA. Respondent also averred that he had been suffering from diabetes for the past seven years and that his failure to decide the 27 cases was due to his illness.

On March 12, 1996, the matter was referred to Associate Justice Arturo B. Buena of the Court of Appeals for investigation, report, and recommendation. Although respondent had already commented on the findings of the OCA pursuant to the Court's resolution of January 23, 1996, he was nevertheless required to submit his answer to the formal administrative complaint subsequently filed against him.

On April 26, 1993,<sup>[3]</sup> respondent judge filed his answer in which he reiterated what he had said in his comment. He further stated that if the charges against him were found warranted, he was willing to be fined in an amount equivalent to his salary for one year, as the OCA had recommended, provided however, he was allowed to retire under the optional or the disability retirement program.

On January 14, 1997, Associate Justice Buena of the Court of Appeals submitted his report,<sup>[4]</sup> the pertinent portions of which state:

"The case was set for hearing on July 10, 1996 at 2:00 o'clock in the afternoon at which both parties were present. However, the counsel for the complainant moved for the postponed of the hearing to July 11, 1996 to afford them more time to study the case.

"In the hearing on July 11, 1996, the respondent whom the undersigned investigator noticed to be disoriented and had difficulty in speaking, manifested that there is no point in hearing the case since he is willing to pay a fine equivalent to one (1) year of his basic salary as recommended by the OCA provided that he will be allowed to retire under optional or disability retirement.

"Since the respondent was not willing to proceed with the hearing, the undersigned investigator directed him to submit a written manifestation within ten (10) days so that the same may be attached to the records to form part thereof.

"Respondent alleges [in him manifestation] that most of the undecided cases were inherited cases from former Judge Gil Sta. Maria (deceased),

Benjamin T. Pongos and Fortunato B. Operario both of whom retired from service. This could be a valid justification for respondent's failure to decide these cases, if he did not hear them, in the absence of complete transcription of the stenographic notes of the proceedings therein. However, he did not identify said inherited cases in the list of cases for which he requested the Supreme Court for the three (3) months extension to decide.

"That respondent is sick of *diabetes millitus* for the past seven years and that he suffered a mild stroke causing his 'slurred speech, body weakness, frequent dizziness and drawling of saliva', which he cites in his Manifestation is verifiable from his medical record, hence may be admitted subject to verification. As matter of fact, the undersigned investigator, noticed the respondent's physical condition and attributes the same to respondent's unwillingness to proceed with the full blown investigation scheduled on July 10-11, 1996. Still, the seriousness of respondent's illness cannot justify his failure to perform his duties. As ruled in *Impao vs. Makilala*, 178 SCRA 541:

'If indeed respondent found it difficult to discharge the functions of a municipal judge, then he should have retired voluntarily instead of clinging to his office at the expense of the litigants, his staff and the general public.'

"Respondent further maintains that he is not liable for falsification of his certificates of service as allegedly explained in his Answer that "there is no falsification of my certificates of service because the same are submitted to the Supreme Court by the undersigned in good faith x x x in the sense that the matter of the non-resolution of the 27 civil and criminal cases beyond the 90-day reglementary period had been conspicuously and repeatedly placed on record in each and every monthly report of his court without fail or fanfare' is (sic) not acceptable. The respondent's certificates of service from July, 1994 to December, 1995 (Annexes "A" to "S"; pp. 18-68, Rollo), invariably certify that 'all special proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for decision or determination for a period of ninety (90) days or more have been decided on or before the end of each month.["] Considering that the aforecited certification in his certificates of service is belied by the fact that there are cases submitted for decision that have remained undecided for which reason respondent requested for a three (3) months extension within which to decide them, he cannot escape liability therefore. Anyway, the respondent was candid enough to admit in his Manifestation that notwithstanding his explanations, he is of the firm belief that 'the same will not exculpated him from the charges levelled against him by the Office of the Administrator' (p. 3, Respondent's Manifestation).

"In view of the respondent's refusal to proceed with the hearing of this case before the undersigned Investigator for reasons stated in his Manifestation dated July 26, 1996, no testimonial evidence can be submitted with this Report. Under the authority of the decision of the Supreme Court in *Uy vs. Mercado*, 154 SCRA 567, there is no need to conduct a formal investigation of this case as the records sufficiently provide a clear basis for determination of the judge's administrative liability. In addition, the respondent judge's distinct manifestation that he does not interpose any objection to the recommendation of the office of the Court

Administrator that he be fined the sum equivalent to his one year salary xxx for us (sic) long as he is allowed to retire pursuant to the case of *Secretary of Justice vs. Legaspi*, 107 SCRA 223, renders the conduct of a full blown investigation of his case unnecessary.

**"RECOMMENDATION:**

"1. On the basis of the records, the respondent judge may be declared guilty of:

"(a) delay in the administration of justice amounting to:

"(a.1) serious misconduct, negligence and inefficiency under Rule 140, paragraph 1 of Revised Rules of Court, Section 67 of the Judiciary Act of 1948; and

"(a.2) violation of Section 15, paragraphs 1 and 2 of Article VII of the 1987 Constitution and Rules 3.05, 3.08 and 3.09 of the Code of Judicial Conduct; and

"(b) falsification of his certificate of service for the period July 1994 to December 1995.

"2. As to the penalty to be imposed upon respondent, it is respectfully recommended that the penalty of fine equivalent to respondent's salary for one (1) year as recommended by the OCA to which respondent interpose no objection provided he is allowed to retire, be imposed upon respondent."

**A.M. No. 97-8-242-RTC**

This case originated from the letter, dated March 20, 1997, of a certain Alipio Repollo<sup>[5]</sup> requesting the speedy resolution of Civil Case No. 92-07-117, entitled "Alipio Repollo v. Asia Copra, Inc., et al." which had been pending for decision by respondent judge since May 22, 1996. On August 26, 1997,<sup>[6]</sup> the Court required respondent judge to answer.

In his comment dated October 9, 1997,<sup>[7]</sup> respondent judge informed the Court that he had rendered his decision in Civil case No. 92-07-117 on October 7, 1997. He explained that the delay in the decision of the case was due to his suspension from November 10, 1996 to October 3, 1997 and to the fact that the transcript of stenographic notes was submitted by the stenographers only on October 6, 1997. (Judge Butalid was suspended by the Court in another administrative case against him, i.e., A.M. No. RTJ-98-1407, OCA vs. Judge Walerico B. Butalid [formerly A.M. No. 96-10-372-RTC, Re: Report on the Judicial Audit Conducted in RTC, Branch 9, Tacloban City], for (1) gross dishonesty for misrepresenting to the Court that the reason for his failure to decide cases was the fact that transcripts of stenographic notes were incomplete and for altering the dates when seven (7) cases were submitted for decision to make it appear that they were decided within the reglementary period; (2) gross insubordination for refusing to allow the audit team from the OCA to conduct physical inventory of the records of cases pending in his sala as ordered by his Court; and (3) gross inefficiency for failure to decide 71 other

cases beyond the prescribed period.)

On December 4, 1997, Judge Frisco T. Lilagan submitted to the court the list of cases pending before respondent judge.

The Court then referred this matter to the OCA for evaluation.

On March 17, 1998, the OCA submitted a report<sup>[8]</sup> stating:

"The aforestated decision rendered by Judge Butalid in civil Case No. 92-07-117 renders moot and academic the request of Mr. Repollo. What remains to be resolve is the plight of cases still pending decision, to wit:

<b>Criminal Cases Nos.</b>	<b>Criminal Cases Nos.</b>	<b>Civil Cases Nos.</b>	<b>Civil Cases Nos.</b>
<b>89-03-98</b>	93-10-654	5034	93-10-183
<b>89-03-98</b>	93-12-772	6375	93-11-202
<b>89-03-100</b>	94-01-084	6995	93-12-243
<b>90-04-142</b>	94-01-085	7025	6902
<b>90-02-52</b>	94-03-163	7723	89-01-005
<b>90-10-444</b>	94-09-430	7050	92-08-005
<b>90-12-576</b>	94-09-445	7323	94-01-05
<b>91-04-195</b>	94-09-446	7545	94-08-141
<b>91-10-676</b>	94-09-452	89-06-084	95-05-46
<b>91-10-681</b>	94-10-470	89-11-190	95-10-155
<b>92-01-43</b>	94-12-523	90-01-014	95-11-149
<b>92-01-44</b>	94-12-553	89-12-214	96-04-44
<b>92-03-132</b>	95-01-15	90-08-139	96-08-101
<b>92-03-133</b>	95-02-44	90-10-176	96-08-109
<b>92-09-435</b>	95-02-552	90-10-180	96-09-113
<b>92-09-437</b>	95-08-292	90-09-156	
<b>92-09-438</b>	95-08-294	92-07-130	LRC Case No. N-311
<b>92-09-439</b>	95-07-260	93-01-13	
<b>92-06-243</b>	95-09-448	93-03-37	
<b>93-06-378</b>	95-11-557	93-02-31	
<b>93-06-338</b>	95-12-583	93-05-82	
<b>93-07-438</b>	96-05-165	93-08-37	
<b>93-08-529</b>		93-09-177	

"Two matters have come about from Mr. Alipio's letter-request, to wit: (1) the resolution of Civil Case No. 92-07-177; and (b) the information that there are many other cases pending decision in Branch 9.

"On the first, it is noted that Judge Butalid decided Civil Case No. 92-07-177 after notice for request albeit delay was already incurred in terminating the case. May it be recalled that the case was submitted for decision on May 22, 1996 per information of Mr. Repollo, while Judge