

EN BANC

[A.M. No. 96-11-402-RTC, August 21, 1997]

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 27, NAGA CITY

DECISION

REGALADO, J.:

In a resolution of the Court En Banc, dated December 3, 1996,^[1] Branch Clerk of Court Amelia B. Vargas of Branch 27, Regional Trial Court of Naga City, Albay was directed to show cause why she should not be administratively dealt with for submitting a false monthly report of cases to this Court.

Said resolution of the Court was issued as a consequence of the audit and physical inventory^[2] conducted by a Judicial Audit Team from the Office of the Court Administrator of the dockets of certain lower courts in the provinces of Camarines Sur and Albay from September 24 to October 4, 1996.

A scrutiny of the records of cases of Branch 27 of the Regional Trial Court (RTC) of Naga City, Albay revealed that said court had a caseload of 92 criminal cases and 89 civil cases.^[3] Five of the criminal cases were found to have been submitted for decision, but four of them had not been decided in spite of the lapse of the mandatory period therefor. These cases^[4] and the reported findings thereon are detailed hereunder.

(1) Criminal Cases Nos. 93-4662, (2) 93-4663 and (3) 93-4664, People vs. Tan (violation of B. P. Blg. 22):

Under the team's List of Criminal Cases Submitted for Decision Before RTC, Branch 27, Naga City as of September 24, 1996 (Tabulation A),^[5] the consolidated cases above were considered submitted for decision on the basis of the order dated February 7, 1995, wherein the parties were given 30 days to file their respective memoranda after which the same would be considered submitted for decision. The memorandum of the prosecution is dated March 10, 1995 while that of the defense is dated March 24, 1995. The prosecution submitted a supplemental memorandum on April 3, 1995.

(4) Criminal Case No. 94-5666, People vs. Valenzuela, et al. (unjust vexation):

This appealed case from the Municipal Trial Court (MTC) of Minalabac, Camarines Sur was considered submitted for decision after the lapse of 15 days given to the parties to submit their memoranda under a notice therefor dated March 31, 1995.

(5) Criminal Case No. 96-6099, People vs. Jaucian (serious physical injuries and

damage to property thru reckless imprudence):

This is an appealed case from the Municipal Trial Court in Cities (MTCC), Naga City was raffled to Branch 27 on April 25, 1996.

With regard to the pending civil actions, two cases were submitted for decision and two motions in two civil cases were considered submitted for resolution of the court. These two cases and one motion hereunder enumerated, had not been acted upon by the court despite the lapse of 90 days from the time of their submission for decision or resolution.^[6]

(1) Civil Case No. 94-3013, Geronimo vs. Geronimo (collection of sum of money):

As explained in the team's List of Cases Submitted For Decision Before RTC, Branch 27, Naga City as of September 24, 1996 (Tabulation B),^[7] this appealed case from the MTCC, Naga City was considered submitted for decision as of March 15, 1995 for failure of the defendant to submit his memorandum within 15 days from February 28, 1995 as directed by the court.

(2) Civil Case No. 94-3306, Maggay Corporation vs. Naga Telephone Co. (ejectment):

This is on appeal from MTCC, Naga City and was considered submitted for decision on December 12, 1994.

(3) Civil Case No. 95-3317, Pineda vs. Peoro (collection of sum of money):

In the order dated March 10, 1995, counsel for the parties were required to file their respective memoranda within 15 days, after which court would rule on the motion for issuance of a writ of preliminary attachment.

(4) Civil Case No. 96-3535, Valencia vs. Valencia (legal separation):

The resolution of the motion to appoint petitioner as administratrix in this case was held in abeyance pursuant to the order dated July 30, 1996.

Prior to the visit by the team, Branch Clerk of Court Amelia B. Vargas submitted on September 6, 1996 a Monthly Report of Cases^[8] for August, 1996 to the Statistics Division, Office of the Court Administrator. Under Item No. V of the report calling for a list of cases submitted for decision but not yet decided at the end of the month, Vargas placed an entry of "-none-."^[9]

With this disparity, as against the result of their inventory, the team recommended that Atty. Amelia B. Vargas be directed to show cause why she should not be disciplined for submitting a false monthly report indicating that there were no cases submitted for decision as of August, 1996 when there were nine cases (five criminal and four civil) submitted for decision before Branch 27, some of which had not been acted on beyond the period allowed to decide cases.^[10] However, to be accurate and fairness to Vargas, only two civil cases were actually submitted for decision as the other two civil cases only concerned the resolution of motions filed therein.

Vargas explained in her Compliance^[11] to our order that she made the questioned entry in the report because of the absence of orders from the lower court declaring the subject cases submitted for decision. She reasoned out that such orders are necessary if she is to accomplish in full the requirement in the report as to the date when the cases were submitted for decision and the name of the judge before whom a case was so submitted.

It is important to note that according to the memorandum of Deputy Court Administrator Bernardo P. Abesamis, the Presiding Judge of Branch 27, Jose L. Panday, was indefinitely suspended by the Court in a resolution dated February 28, 1995 in A.M. No. RTJ-95-1283 pending the investigation of the complaint against him for rape and child abuse.^[12]

Since the suspension of Judge Panday from office, Pairing Judge Antonio N. Gerona of Branch 28 and Executive Judge David C. Naval acted on all incidental or interlocutory matters pertaining to Branch 27, pursuant to Supreme Court Administrative Circular No.7 dated September 23, 1974. However, they did and could not render judgment on the cases pending before Branch 27 in the absence of authority from all or both of the parties in each case or from this Court.^[13]

Thus, also in our December 3, 1996 resolution,^[14] we designated Judge Edgar S. Surtida as Acting Judge of Branch 27 in addition to his duties as Presiding Judge of Branch 26 and directed him to decide the five criminal cases, namely, Criminal Cases Nos. 93-4662, 93-4663, 93-4664, 94-5666, and 96-6099, and the two civil cases, Civil Cases Nos. 94-3013 and 94-3305, and to resolve the motions in Civil Cases Nos. 95-3317 and 96-3535 within 90 days from notice of that resolution.

Vargas would want us to believe, as she claims she honestly believed then that her duty to register the seven cases as submitted for determination in the monthly report depends on the existence of orders declaring the submission of those cases for decision. Withal, the fact that no orders were issued declaring the cases ready for judgment will not necessarily exonerate Vargas from administrative liability.

Vital to our determination of whether or not Vargas was remiss in her duty, however, is the parallel issue on the definition of the phrase "submitted for decision." We find the meaning thereof in Administrative Circular No. 28 which provides that:

(3) A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the Court requires or allows its filing, the case shall be considered submitted for decision upon filing of the last memorandum or the expiration of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within to decide the same. (Emphasis ours.)