

THIRD DIVISION

[A.M. No. MTJ-96-1077, September 18, 1997]

**OFFICE OF THE COURT ADMINISTRATOR VS. JUDGE OLIVER T.
VILLANUEVA MCTC, MAGALANG-MABALACAT, PAMPANGA.
R E S O L U T I O N**

MELO, J.:

The Court *En Banc* under Item No. 90 of its agenda of September 9, 1997, referred this case to the Third Division for proper disposition.

The instant administrative case against respondent Judge Oliver T. Villanueva of the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga was initiated by a letter dated March, 1995 sent by an unnamed lawyer who nonetheless stated that "if an investigation has to be made Lawyers in Pampanga will cooperate."

Upon receipt of the letter, Deputy Court Administrator Reynaldo L. Suarez issued a memorandum dated April 11, 1995 forming a Judicial Audit Team "to conduct a judicial audit and physical inventory of records of pending cases" of the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga "including those cases submitted for decision and/or resolution, as well as those previously archived and provisionally dismissed cases therein."

After the audit was completed, the Court Administrator submitted his report dated May 19, 1995, and acting thereon, the Court in a resolution dated June 27, 1995, directed respondent Judge Oliver Villanueva to explain why –

- (a) no administrative charge should be filed against him for his obstinate delay in deciding the following cases: Civil Cases Nos. 1108, 979, 1030, 1078, 997, 948, 1098, and Criminal Case No. 94-115, all submitted for decisions beyond the 90-day period and for having falsified and continuing to falsify his Certificates of Service, filed monthly with the Office of Administrative Services, this Court, by stating that "all 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 determined and decided x x x" when in truth and in fact, as found out by the Judicial Audit Team, cases submitted for decision for more than a year have remained undecided and several cases have remained unacted upon for a considerable length of time; (b) no administrative charge should be filed against him for his inaction in the following cases: Criminal Cases Nos. 94-511, 88-2104, 79-040, 79-170, 89-0246, 78-238, 94-489, 94-135 and Civil Cases Nos. 92-002, 834, 1065, 891 and 695, his inaction therein contributing greatly to the delay in the administration of justice; (c) he should not be charged administratively for ignorance of the law for his inconsistent application of the Summary Procedure; (d) why he should not be administratively dealt with for grave abuse of discretion

and gross ignorance for dismissing cases involving capital offenses on mere affidavits of desistance; (e) in the monthly report of cases, the reported number of civil cases is 192 and yet the actual physical count conducted by the audit team revealed only 77 cases and to further explain the whereabouts of the rest, numbering 115 cases; (f) he does not report to the Court as an additional matter in his monthly report of cases, all the marriages which he performs, which, according to the findings of the audit team are unusually large in number, somehow lending credence to charges of an anonymous writer that he is a "wedding judge"; and (g) he orders the accused availing themselves of the right to bail to submit instead to the Court cash bond for their provisional liberty, all these within ten (10) days from notice.

(pp. 46-47, Rollo.)

Respondent submitted his explanation dated July 31, 1995 which was then referred to the Office of the Court Administrator "for inclusion in its evaluation, report and recommendation in this matter."

Deputy Court Administrator Suarez submitted his report memorandum dated January 5, 1996, recommending that "in view of the findings of the audit team which were not satisfactorily explained by respondent judge in his comment, it is respectfully recommended that he be found guilty and that a fine be imposed as the Honorable Court may find appropriate with warning that he will suffer a more severe penalty of any future violations thereof" (p. 56, *Rollo*).

On February 6, 1996, the Court directed the Office of the Court Administrator to file formal charges against respondent Judge Oliver Villanueva, which was accordingly done on March 7, 1996.

On March 26, 1996, the Court required respondent to file his comment on the complaint within 15 days from notice, which in due time was complied with.

In its administrative complaint, the Office of the Court Administrator charged respondent with violation of Section 15, Article VIII of the Constitution, falsification, gross ignorance of the law, grave abuse of discretion, delay in the administration of justice, and malfeasance in the performance of his judicial duties, committed as follows:

1. (Respondent) failed to decide Civil Cases No. 1108, 979, 1030, 1078, 997, 948, 1098, and Criminal Case No. 94-115 within the reglementary 90-day period although he continued to state in his Monthly Certificate of Service that all proceedings, application, 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 terminated and decided (p. 59, *Ibid.*).

In his comment, respondent states that –

- (a) Civil Case No. 1108 was decided on April 11, 1995 and was appealed to the Regional Trial Court. He is not aware of the date when it was submitted for decision since its records were already forwarded to the Regional Trial Court with which the appeal was filed (p. 48, *Ibid.*).

(b) Civil Case No. 979 was dismissed for lack of jurisdiction on April 17, 1995. As of the writing of respondent's comment, the plaintiff in said cases has not filed a motion for reconsideration despite receipt of the order of dismissal (p. 48, Ibid.).

(c) Civil Cases No. 1030, 1078, 997, 948 and 1098 are similarly situated since they involved the same plaintiff and the same cause of action. In all these cases, respondent issued on August 4, 1994 orders similarly worded as follows: "For failure of the defendant to file his answer within the period provided in the summons which was duly served to him, this case is now submitted for decision unless plaintiff want to present more evidence to prove his cause of action against defendant." According to respondent judge, the latter part of the order giving the plaintiff a chance to present more evidence has misled the filing clerk who consequently waited for any action to be taken by the plaintiff. Resultantly, she did not return to respondent the records of the cases immediately after mailing copies of the order to the litigants. Respondent explains that unless the records are placed on his table, he could not act on them right away (p. 49, Ibid.).

(d) Criminal Case No. 94-115 (Violation of B.P. Blg. 22) was submitted for resolution after termination of its preliminary investigation on May 5, 1994 and a warrant of arrest was issued on the same date but was not served. Subsequently, the case was dismissed at the instance of the private complainant (p. 49, Ibid.).

With the exception of Civil Case No. 979, we find respondent guilty of negligence in the disposition of the above-stated civil cases. He should have devised ways and means to enable himself to know the status of all cases in his court and act accordingly. Thus --

A judge ought to know the cases submitted to him for decision or resolution, and is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge cannot take refuge behind the inefficiency or mismanagement by court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. (*Agcaoili vs. Ramos*, 229 SCRA 705, 710 [1994]).

His failure to dispose of these cases promptly is entirely his fault and cannot be imputed to his subordinates.

Anent Civil Cases No. 979, we find that this case was timely decided. It will be noted that the administrative complaint is dated February 29, 1996, and said case was decided even before the administrative complaint was prepared. Hence, it should not have been included in said administrative complaint which charged respondent with undue delay in the disposition of said case.

As regards to Criminal Case No. 94-115, we find no fault on the part of the respondent. As mentioned above, the case was submitted for resolution after termination of its preliminary investigation on May 5, 1994 and a warrant of arrest