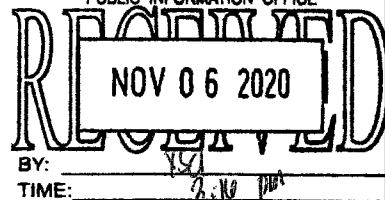




Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



EN BANC

RE: JUDICIAL AUDIT
CONDUCTED ON BRANCH 64,
REGIONAL TRIAL COURT,
GUIHULNGAN CITY, NEGROS
ORIENTAL, PRESIDED BY HON.
MARIO O. TRINIDAD.

A.M. No. 20-07-96-RTC

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GESMUNDO,
REYES, J., JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA,* JJ.

Promulgated:

September 1, 2020

X-----X

RESOLUTION

PER CURIAM:

This is an administrative complaint against Judge Mario O. Trinidad¹ (retired), in his capacity as then Presiding Judge, of Branch 64, Regional Trial Court, Guihulngan City, for gross inefficiency and incompetence for failing

*

On leave.

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On January 19, 2020, Judge Trinidad compulsorily retired.

to decide cases within the reglementary period to decide, and gross ignorance of the law.

On August 13 to 20, 2019, the judicial audit team conducted a spot audit of the cases in Branch 64, Regional Trial Court, Guihulngan City, presided by Hon. Mario O. Trinidad.

In its Memorandum dated November 18, 2019 for Hon. Jenny Lind R. Aldecoa-Delorino, Deputy Court Administrator, the audit team revealed the following findings:

First, there are five (5) civil cases submitted/deemed submitted for decision. The decisions of two (2) of these cases, Civil Case No. FC-11-03-G (*no. 4*) and Spec. Pro. Case No. FC-14-03-G (*no. 5*), are already overdue as of the date of the judicial audit. Below is the matrix delineating the details of the said cases:

Civil Cases					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
1-3	EPC-16-01-V to EPC-16-03-V	Hon. Joniper T. Villegas vs. Hon. Marianne S. Gutilo; Hon. Gemma P. Evangelista vs. Hon. Oliver S. Bongoyan, and Hon. Archie Teologo, et al. vs. Hon. Glorian Repita, et al.	5-16-16	Order dated 5-28-19, denying the Motion to Dismiss filed on 2-12-19, and submitting the instant case for decision.	No decision on the instant case as of the date of the judicial audit. The instant case should be decided on or before 26 August 2019.
4	FC-11-03-G	Mary Grace Lostan-Aguilos vs. Giovie Aguilos (for Declaration of Nullity of Marriage)	9-9-11	Order dated 2-6-17, admitting the Formal Offer of Exhibits of petitioner, and submitting the instant case for decision.	No decision on the instant case as of the date of the judicial audit. The instant case should have been decided on or before 7 May 2017; hence, the said decision is already long overdue.
Special Proceedings					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
5	FC-14-03-G	Adoption and Cancellation of Simulated Birth Record	5-23-14	Order dated 11-27-17, submitting the instant case for decision.	No decision on record as of the date of the judicial audit.

		Sps. Fernando and Rossini C. Villasor, petitioners			The instant case should have been decided on or before 25 February 2018. Hence, the said decision is already overdue.
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Second, there are forty-nine (49) cases with pending and unresolved incidents submitted/deemed submitted for resolution. As of the date of the judicial audit, forty-six (46) of these incidents remained pending and unresolved beyond the reglementary period, and have been delayed for almost a year to over a year. However, the submitted/deemed submitted pending incidents in Criminal Case Nos. 07-069-G (*no. 6*); 99-036-V (*no. 7*); 11-093-C (*no. 8*); FC-12-18-C (*no. 12*), and 14-103-C (*no. 14*) remain unresolved after over four (4) years, while in Criminal Case No. 11-095-C (*no. 11*) and 07-080-G (*no. 5*), the submitted/deemed submitted pending incidents have not been resolved for five (5) years and over nine (9) years, respectively.

The following table shows the details of the above-mentioned cases:

Criminal Cases					
No.	Case No.	Title	Date Filed	Pending Incident/s	Remarks
1-2	13-014-G and 13-015-G	Pp. vs. Dirk Raymund Ricante	3-4-13	Motion to Plea Bargain was filed on 9-8-18, and the Opposition to the Motion to Plea Bargain was submitted on 9-27-18.	The said Motion remains pending and unacted upon as of the date of the judicial audit. However, considering that the public prosecutor already submitted his Opposition thereto, the same should have been resolved on or before 26 December 2018. Hence, the resolution on the instant Motion is Already overdue.
3-4	16-074-C and 16-075-C	Pp. vs. Martin Vailoces	4-22-16	Motion to Allow Accused to Plea Bargain was filed on 8-13-18, and the Vehement Opposition to the said Motion was	The said Motion remains pending and unacted upon as of the date of the judicial audit. However, considering

				submitted on 9-20-18.	that the public prosecutor already submitted his Opposition thereto, the same should have been resolved on or before 19 December 2018. Hence, the resolution on the instant Motion is already overdue.
5	07-080-G	Pp. vs. Tito Anthony Dela Cruz	11-23-07	Petition for Bail was filed on 12-4-07, per Order dated 12-17-07. Order dated 1-27-10, the said Petition for Bail is submitted for resolution.	No resolution on the said Petition as of the date of the judicial audit. The pending incident should have been resolved on 27 April 2010; hence, its resolution is way overdue.
6	07-069-G	Pp. vs. Diosdado Dorimon	9-24-07	Formal Offer of Exhibits of the prosecution was filed on 3-9-18, and the corresponding Comment thereon was submitted on 3-16-18.	No resolution on the said Formal Offer of Exhibits as of the date of the judicial audit. The pending incident should have been resolved on or before 14 June 2018; hence, its resolution is already overdue.
7	99-036-V	Pp. vs. Florencio Escorial and Resituto Calago	4-27-99	Formal Offer of Exhibits of the prosecution was filed on 3-2-15, and the corresponding Comment thereon was submitted on 3-31-15.	No resolution on the said Formal Offer of Exhibits as of the date of the judicial audit. The pending incident should have been resolved on or before 14 June 2015; hence, its resolution is already overdue.
8	11-093-C	Pp. vs. Pelmar Q. Pepino, et al.	12-9-11	Motion to Suppress Evidence Seized was filed on 1-6-12. Order dated 10-1-14, directing the	No resolution on the said Motion as of the date of the judicial audit. However, considering that

				<p>handling prosecutor to file his Comment on the said Motion within 10 days from even date.</p> <p>Comment on the said Motion was filed on 10-17-14.</p>	<p>the handling prosecutor already submitted his Comment thereon, the same should have been resolved on or before 15 January 2015; hence, the resolution on the instant Motion is already overdue.</p>
9-10	13-036-C and FC-13-09-C	Pp. vs. Samuel Camarines	4-18-13	<p>Motion to Dismiss was filed on 6-6-19, and the Comment thereon was submitted on 7-16-19.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the handling prosecutor already submitted his Comment thereon, the same was deemed submitted for resolution on 16 July 2019, and it should therefore be resolved on or before 14 October 2019.</p>
11	11-095-C	Pp. vs. Melchor Estrada, et al.	12-9-11	<p>Motion to Suppress Evidence was filed on 1-6-12.</p> <p>Order dated 10-1-14, directing the prosecution to file its Comment thereon within 10 days.</p> <p>Reply was received on 10-23-14, mentioning that the prosecution filed its Comment dated 10-2-14.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>There is also an evident inordinate delay of more than two (2) years in the issuance of the Order dated 1 October 2014, directing the prosecution to file its Comment.</p> <p>Considering the delay, and the submission of the Comment thereon, and the Reply to the said Comment, the instant matter is deemed submitted for resolution as of 23 October 2014, and the same should have been decided on or</p>

					before 21 January 2015; hence, its resolution is already overdue.
12	FC-12-18-C	Pp. vs. Albert Lina	7-31-12	Petition for Release of Minor was filed on 8-29-14, and the corresponding Opposition thereon was received on 9-18-14.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Opposition thereon had already been submitted, the pending incident should have been resolved on or before 22 December 2014; hence, its resolution is already overdue.
13	18-008-G	Pp. vs. Henry Tiongson	2-1-18	Motion to Allow the Accused to Plea Bargain was filed on 9-27-18, and the Comment thereon was received on 10-2-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment on the said Motion had already been submitted on 2 October 2018, the instant pending incident should have been resolved 90 days thereafter, or on or prior to 31 December 2018. Hence, the resolution on the instant matter is already overdue.
14	14-103-C	Pp. vs. John Jason Bacroya	5-29-14	Motion for Release on Recognizance was filed on 1-12-15, and the Comment thereon was received on 2-2-15.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment on the said Motion had already been submitted on 2 February 2015, the instant pending incident should have been

					<p>resolved 90 days thereafter, or on or prior to 3 May 2015.</p> <p>Hence, the resolution on the instant matter is already overdue.</p>
15	15-010-G	Pp. vs. Alvin Ferolino	1-26-15	<p>Motion to Plea Bargain was filed on 8-16-18, and the Comment thereon was submitted on 8-30-18.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the prosecution had already submitted its Comment thereon on 30 August 2018, the instant matter is deemed submitted for resolution on the said date, and its resolution should have been rendered on or before 28 November 2018.</p> <p>Hence, the said resolution is already overdue.</p>
16	15-134-G	Pp. vs. Jonathan Jurado, et al.	10-29-15	<p>Motion to Plea Bargain was filed on 8-16-18, and the corresponding Comment thereon was submitted on 8-23-18.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 23 August 2018, and it should have been resolved on or before 21 November 2018.</p> <p>Hence, its resolution is already overdue.</p>
17	15-147-G	Pp. vs. Narcisa Pabillar	12-18-15	<p>Motion to Plea Bargain filed on 8-2-19, and the corresponding Comment thereon</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p>

				was filed on 8-3-19.	However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 3 August 2019, and it should be resolved on or before 1 November 2019.
18	15-142-G	Pp. vs. Jolar C. Cantile	11-16-15	Motion to Plea Bargain was filed on 9-4-18, and the Comment thereon was filed on 9-7-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 7 September 2018, and it should have been resolved on or before 6 December 2018. Hence, its resolution is already overdue.
19-20	14-135-C and 14-136-C	Pp. vs. Al Casuyon	7-30-14	Motion to Allow the Accused to Plea Bargain was filed on 7-13-18, and the corresponding Comment/ Opposition thereon was submitted on 7-27-18, objecting to the proposal to plea bargain to the lesser offense under Sec. 15, R.A. No. 9165.	No resolution on the said Motion as of the date of the judicial audit. However, given that the Comment/ Opposition thereon was already filed, the instant matter is deemed submitted for resolution as of 27 July 2018, and it should have been resolved on or before 25 October 2018. Hence, its resolution is already overdue.
21-22	17-026-C and 17-027-C	Pp. vs. Cecelio Caballero	3-28-17	Motion to Allow the Accused to Plea Bargain was	No resolution on the said Motion as

				<p>filed on 8-13-18, and the Comment/Objection thereon was received on 8-28-18.</p>	<p>of the date of the judicial audit.</p> <p>However, considering that the Comment/ Opposition thereon was already filed, the instant matter is deemed submitted for resolution as of 28 August 2018, and it should have been resolved on or before 26 November 2018.</p> <p>Hence, its resolution is already overdue.</p>
23	18-012-C	Pp. vs. Eruel Delubio, et al.	2-12-18	<p>Motion to Allow Accused to Enter Into Plea Bargaining was filed on 9-17-18, and the Opposition thereon was filed on 9-20-18.</p> <p>The Reply filed by the accused to the said Opposition was submitted on 9-26-18.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment/ Opposition thereon, and the Reply to the former were already filed, the instant matter is deemed submitted for resolution as of 26 September 2018, and it should have been resolved on or before 25 December 2018.</p> <p>Hence, its Resolution is already overdue.</p>
24	16-211-G	Pp. vs. Celdan M. Zapanta	11-14-16	<p>Motion to Allow the Accused to Plea Bargain was filed on 8-9-18, and the corresponding Comment thereon was received on 8-30-18.</p>	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment/ Opposition thereon and the Reply to the former were already filed, the instant matter is deemed submitted</p>

					for resolution as of 30 August 2018, and it should have been resolved on or before 28 November 2018. Hence, its Resolution is already overdue.
25-26	16-026-C and 16-027-C	Pp. vs. Jason Villegas, et al.	2-3-16	Motion to Allow the Accused to Plea Bargain was filed on 8-16-18, and the Consent to the said Motion, filed by the Office of the City Prosecutor of Canlaon City, Negros Oriental, was submitted on 9-20-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Consent thereto was already submitted, the instant matter is deemed submitted for resolution as of 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its Resolution is already overdue.
27-28	16-028-C and 16-029-C	Pp. vs. Edgardo Villegas	2-3-16	Motion to Allow the Accused to Plea Bargain was filed on 8-16-18, and the Consent to the said Motion was submitted on 8-31-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Consent thereto was already submitted, the instant matter is deemed submitted for resolution as of 31 August 2018, and it should have been resolved on or before 29 November 2018. Hence, its resolution is already overdue.
29	16-047-G	Pp. vs. Mark Anthony Denogo	3-8-16	Motion to Allow the Accused to Plea Bargain was filed on 8-18-19, and the corresponding	No resolution on the said Motion as of the date of the judicial audit.

				Comments thereon were filed by the prosecution on 8-30-18 and the Guihulngan Police on 9-14-18, respectively.	However, considering that the Comments thereon were already submitted, the instant matter is deemed submitted for resolution as of 14 September 2018, and it should have been resolved on or before 13 December 2018. Hence, its resolution is already overdue.
30-31	16-175-C and 16-176-C	Pp. vs. Cyrus C. Gonzales	9-7-16	Motion to Allow the Accused to Plea Bargain was filed on 8-13-18, and the Vehement Opposition thereon was received on 9-20-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Vehement Opposition thereon was already filed, the instant matter is deemed submitted for resolution as of 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its resolution is already overdue.
32-33	16-155-C and 16-156-C	Pp. vs. Daniel John Cornelio	8-8-16	Motion to Plea Bargain was filed on 8-13-18, and the Vehement Opposition thereon was submitted on 9-20-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Vehement Opposition thereon was already submitted, the instant matter is deemed submitted for resolution as of 20 September 2018, and it should have been resolved on or before 19 December 2018.

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					Hence, its resolution is already overdue.
34	17-064-V	Pp. vs. John Anthony Esconde	6-27-17	Motion to Plea Bargain was filed on 8-7-18, and the corresponding Comment thereon was received on 10-3-18.	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 3 October 2018, and it should have been resolved on or before 1 January 2019.</p> <p>Hence, its resolution is already overdue.</p>
35	18-014-C	Pp. vs. Charie Kay Bayawa	2-12-18	Motion to Allow the Accused to Plea Bargain was filed on 9-12-18, and the Vehement Opposition thereon was submitted on 9-20-18, while the Reply to the Vehement Opposition was received on 9-25-18.	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Vehement Opposition thereon and the Reply to the former were already filed, the instant matter is deemed submitted for resolution as of 25 September 2018, and it should have been resolved on or before 24 December 2018.</p> <p>Hence, its resolution is already overdue.</p>
36-37	18-008-G and 18-009-G	Pp. vs. Henry Tionson	2-1-18	Motion to Allow Accused to Plea Bargain from Sec. 5 to Sec. 12 of R.A. No. 9165, and from Sec. 11 to Sec. 12 of R.A. No. 9165 was filed on 9-27-18, and the Comment	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment thereon was already filed, the</p>

				thereon was received on 10-2-18.	instant matter is deemed submitted for resolution as of 2 October 2018, and it should have been resolved on or before 31 December 2018. Hence, its resolution is already overdue.
38-39	17-102-C and 17-103-C	Pp. vs. Laurence Duro	9-18-17	Motion to Allow Accused to Plea Bargain was filed on 7-25-18, and the corresponding Comment/ Opposition thereon was submitted on 8-28-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment/ Opposition thereon was already filed, the instant matter is deemed submitted for resolution as of 28 August 2018, and it should have been resolved on or before 26 November 2018. Hence, its resolution is already overdue.
40	12-084-G	Pp. vs. Conrado Fiel Merabelis	7-9-12	Motion for Bail was received on 7-26-14. Prosecution's Formal Offer of Exhibits on the Motion for Bail was submitted on 5-16-17. Order dated 6-29-17, admitting the said Formal Offer of Exhibits.	No resolution on the said Motion as of the date of the judicial audit. The same should have been resolved on 27 September 2017; hence, the resolution on the said Motion for Bail is already overdue.
41	16-180-C	Pp. vs. Ricardo Demetillo, Jr.	9-6-16	Motion to Allow the Accused to Plea Bargain was filed on 7-25-18, and the corresponding Comment thereon was received on 8-3-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment thereon was already filed, the instant matter is deemed submitted

					for resolution as of 3 August 2018, and it should have been resolved on or before 1 November 2018. Hence, its resolution is already overdue.
42-43	16-223-C and 16-224-C	Pp. vs. Erwin Javier	12-12-16	Motion to Allow the Accused to Plea Bargain was filed on 8-13-18, and the corresponding Comment thereon was received on 9-20-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its resolution is already overdue.
44-45	16-147-C and 16-148-C	Pp. vs. Gaudencio Canete	7-29-16	Motion to Allow the Accused to Plea Bargain was filed on 8-13-18, and the corresponding Comment thereon was received on 9-20-18.	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its Resolution is already overdue.
46-47	16-049-V and 16-050-V	Pp. vs. Gilbert Tejeros	3-5-16	Motion to Allow Accused to Plea Bargain was filed on 9-4-18, and the corresponding Comment thereon	No resolution on the said Motion as of the date of the judicial audit.

				was received on 11-6-18.	<p>However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 6 November 2018, and it should have been resolved on or before 4 February 2019.</p> <p>Hence, its resolution is already overdue.</p>
48	15-056-V	Pp. vs. Harvey Hayahay	4-6-15	Motion for Accused to Plea Bargain was filed on 11-7-18, and the corresponding Comment thereon was submitted on 3-19-19.	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment thereon was already filed, the instant matter is deemed submitted for resolution as of 19 March 2019, and it should have been resolved on or before 17 June 2019.</p> <p>Hence, its resolution is already overdue.</p>
49	17-018-G	Pp. vs. Christian Tayona	3-9-17	Motion for Accused to Plea Bargain was filed on 5-15-18, and the Comment thereon was received on 7-21-18.	<p>No resolution on the said Motion as of the date of the judicial audit.</p> <p>However, considering that the Comment thereon was already submitted, the instant matter is deemed submitted for resolution as of 21 July 2018, and it should have been resolved on or before 19 October 2018.</p> <p>Hence, its Resolution is already overdue.</p>

Third, eighty-four (84) cases have pending incidents that remain unresolved as of the date of the judicial audit, majority of which are still unresolved for at least almost one (1) year, although in Criminal Case No. 12-026-G, the Petition for Bail filed on 14 November 2012 remains unresolved after almost seven (7) years.

The list of these cases and the corresponding audit findings are enumerated in the following table:

Criminal Cases					
No.	Case No.	Title	Date Filed	Incident/s	Remarks
1	13-098-G	Pp. vs. Dandy Demiren	9-23-13	1. Motion for Bill of Particulars was filed on 11-11-14, and 2. Motion for Bail was filed on 7-8-14.	The said Motions remain unacted upon and unresolved for over four (4) years as of the date of the judicial audit.
2	17-130-C	Pp. vs. Ranilo Cambang	12-20-17	Petition for Bail was filed on 1-8-18.	The said Petition remains pending and unresolved for over one (1) year as of the date of the judicial audit.
3-4	19-075-C and 19-076-C	Pp. vs. Maria Corazon Javier	3-31-19	Motion for Bail was filed on 6-26-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
5	12-017-C	Pp. vs. Eleuterio Maglasang, Jr.	1-31-12	Formal Offer of Exhibits by the accused was filed on 11-14-18 (reverse trial).	The said Formal Offer of Exhibits remains pending and unresolved for almost one (1) year as of the date of the judicial audit.
6	FC-18-07-C	Pp. vs. Jerry Monis	4-13-18	1. Petition for Bail was filed on 5-3-18, and 2. Formal Offer of Exhibits of the prosecution was submitted on 6-26-19.	The said Petition has been pending for over one (1) year, while the Formal Offer of Exhibits remains unresolved, as of the date of the judicial audit.
7	14-004-G	Pp. vs. Geoffrey Villaester	1-8-14	Motion to Dismiss was filed on 6-25-14.	The said Motion remains pending and unresolved for over five (5) years as of the date of the judicial audit.

8	13-112-G	Pp. vs. Ariel de Asis Rama	10-29-13	Motion for Bail was filed on 6-25-14.	The said Motion remains pending and unresolved for over five (5) years as of the date of the judicial audit.
9-10	18-063-C and 18-064-C	Pp. vs. Edzel Jamio	7-4-18	1. Motion to Post Bail was filed on 10-5-18; 2. <i>Ex-Parte</i> Motion for an Early Setting for Bail Hearing was filed on 8-7-18, and 3. <i>Ex-Parte</i> Motion for an Early Setting for Bail Hearing was filed on 12-23-18.	All the said Motions remain pending and unresolved for almost one (1) year as of the date of the judicial audit.
11	13-104-G	Pp. vs. Jeoffrey Villaester	10-7-13	Motion to Plea Bargain was filed on 12-20-18.	The said Motion remains pending and unresolved for almost one (1) year as of the date of the judicial audit.
12-13	16-084-C and 16-085-C	Pp. vs. Robert Dionaldo, Jr.	5-11-16	Motion to Plea Bargain was filed on 2-27-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
14	16-013-C	Pp. vs. Rodolfo Ortega, et al.	1-21-16	Motion for Release of Accused Nino Devibar on Bail was filed on 4-14-16 on the ground of minority.	The said Motion remains pending and unresolved for over three (3) years as of the date of the judicial audit.
15	15-043-L	Pp. vs. Archie Tubat	3-19-15	Motion for Plea Bargaining was filed on 10-3-18.	The said Motion remains pending and unresolved for almost one (1) year as of the date of the judicial audit.
16	19-072-C	Pp. vs. Azucena Avelino Garubat	3-31-19	Motion for Bail was filed on 6-26-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
17	12-026-G	Pp. vs. Jerry Cuevas, et al.	2-27-12	Petition for Bail (of accused Cuevas) dated 11-14-12 (no date of receipt by the subject court).	The said Petition remains pending and unresolved for almost seven (7) years as of the date of the judicial audit.

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18	FC-18-12-L	Pp. vs. Brian Taob	6-8-18	Motion to Dismiss (based on the Affidavit of Desistance of private complainant) was filed by accused on 11-21-18.	The said Motion remains pending and unresolved for almost one (1) year as of the date of the judicial audit.
19-20	18-138-G and 18-139-G	Pp. vs. Melinda Abraham	12-28-18	Motion for Bail was filed on 2-26-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
21	19-002-G	Pp. vs. Elpie Boy Brigole	1-9-19	Motion for Bail was filed on 2-26-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
22	05-062-G	Pp. vs. Romeo Adlawon, et al.	8-16-05	Motion to Dismiss was filed on 7-22-15.	The said Motion remains pending and unresolved for over four (4) years as of the date of the judicial audit.
23	FC-12-18-C	Pp. vs. Albert Lina	7-31-12	Motion for Leave to File Amended Information was submitted on 11-08-14.	The said Motion remains pending and unresolved for almost five (5) years as of the date of the judicial audit.
24	19-073-C	Pp. vs. Amorgena Caballero	3-31-19	Petition for Bail was filed on 5-7-19.	The said Petition remains pending and unresolved as of the date of the judicial audit.
25	16-046-C	Pp. vs. Jocelyn Marce Canete	3-8-16	Motion to Dismiss was filed on 8-8-18.	The said Motion remains pending and unresolved for a year as of the date of the judicial audit.
26	FC-11-03-G	Pp. vs. Luther Estorco	1-17-11	Motion for Bail was filed on 11-8-18.	The said Motion remains pending and unresolved for almost one (1) year as of the date of the judicial audit.
27	17-025-V	Pp. vs. Franklin Navarro	3-24-17	Motion for Plea Bargaining under Sec. 2, Rule 116 in rel. to DOJ Circular was filed on 6-11-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
28	18-119-G	Pp. vs. Frannie Avancena	11-17-18	Motion for Plea Bargaining under Sec. 2, Rule 116, in rel. to SC A.M. No. 18-03-16-SC	The said Motion remains pending and unresolved as of the date of the judicial audit.

				was filed on 3-28-19.	
29	17-104-L	Pp. vs. Ceasario Constanilla, Jr.	9-19-17	Motion to Dismiss was filed on 5-2-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
30	16-097-C	Pp. vs. Epifanio Jaculbe	5-27-16	Petition for Bail was filed on 10-28-16.	The said Petition remains pending and unresolved for almost three (3) years as of the date of the judicial audit.
31	18-107-C	Pp. vs. Tommy Flores	10-9-18	1. Motion for Reduction of Bail was filed on 10-11-18, and 2. Motion to Quash Information was submitted on 10-11-18.	The said Motions remain pending and unresolved for almost a year as of the date of the judicial audit.
32	17-073-G	Pp. vs. Cris Ferolino Tumarong	7-3-17	Motion for Reduction of Bail Bond from Php 40,000.00 to Php 20,000.00 was filed on 7-31-17.	The said Motion remains pending and unresolved for over two (2) years as of the date of the judicial audit.
33	14-021-C	Pp. vs. Alden De Asis Ramas	2-7-17	1. Motion for Reduction of Bail was filed on 2-20-14; 2. Motion for Leave to Amend Information and to Admit Amended Information was filed on 1-14-15, and 3. Motion for the Reduction of Bail Bond was submitted on 5-24-17.	The said Motions remain pending and unresolved for five (5) years, four (4) years and two (2) years, respectively, as of the date of the judicial audit.
34	17-130-C	Pp. vs. Ranilo Cambang	12-20-17	Petition for Bail was filed on 1-8-18.	The said Petition remains pending and unresolved for over one (1) year as of the date of the judicial audit.
35	16-223-C and 16-224-C	Pp. vs. Erwin Javier	12-12-16	1. Motion to Plea Bargain was filed on 8-13-18, and 2. Motion for Bail was filed on 3-15-19.	The said Motion to Plea Bargain remains unresolved for a year, while the Motion for Bail is still unresolved, as of

					the date of the judicial audit.
36	16-038-G	Pp. vs. Jevie Ersan Bayer	2-19-16	1. Petitions for Bail were filed on 2-23-16 and 3-14-16; 2. Motion to Suppress Evidence was filed on 3-31-16, and 3. Motion for Bail was filed on 6-11-19.	The said Petitions and Motion to Suppress Evidence remain unresolved for over three (3) years, while the Motion for Bail is still pending, as of the date of the judicial audit.
37	15-010-G	Pp. vs. Alvin Ferolino	1-26-15	Motion for Bail was filed on 6-13-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
38	15-142-G	Pp. vs. Jolar C. Cantile	11-16-15	Motion for Bail was filed on 2-28-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
39	15-088-G	Pp. vs. Rouel Diamano	6-15-15	Motion for Bail was filed on 6-13-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
40	14-106-C and 14-107-C	Pp. vs. Dominador Ortilano	6-3-14	1. Motion for Bail filed on 8-20-14; 2. Motion for Release of Impounded Motor Vehicle was submitted on 9-26-14, and 3. Motion to Allow Accused to Plea Bargain was submitted on 6-25-18.	The said Motions remain pending and unresolved for over five (5) years, almost five (5) years, and more than a year, respectively, as of the date of the judicial audit.
41	17-026-C	Pp. vs. Cecelio Caballero	3-28-17	Motion for Bail was filed on 3-21-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
42	17-070-C	Pp. vs. Romulo Tan	7-1-17	Motion to Allow Accused to Plea Bargain was filed on 8-13-18.	The said Motion remains pending and unresolved for a year as of the date of the judicial audit.
43	14-141-G	Pp. vs. Roy Soreno	8-7-14	Motion to Plea Bargain was filed on 3-12-19.	The said Motion remains pending and unresolved as

					of the date of judicial audit.
44	18-031-V	Pp. vs. Jolito Montemayor	3-27-18	Motion to Plea Bargain was filed on 11-7-18.	The said Motion remains pending and unresolved for almost a year as of the date of the judicial audit.
45	18-010-V	Pp. vs. Roman Espadilla	2-2-18	Motion for Plea Bargaining was filed on 12-4-18.	The said Motion remains pending and unresolved for almost a year as of the date of the judicial audit.
46	18-122-V	Pp. vs. Jose Gil Gallo	11-17-18	Motion for Plea Bargaining was filed on 3-19-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
47-48	18-041-C and 18-042-C	Pp. vs. Floredo Selade	5-4-18	Motion for Bail was filed on 3-21-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
49	18-050-V	Pp. vs. Anthony Wendell Tarugo	6-8-18	Motion for Plea Bargaining was filed on 11-7-18.	The said Motion remains pending and unresolved for almost a year as of the date of the judicial audit.
50	18-019-C	Pp. vs. Marlon Nilarao	3-5-18	Motion for Bail was filed on 3-21-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
51-52	15-051-L and 15-052-L	Pp. vs. Asterio Bulandres	4-1-15	Motion for Reduction of Bail Bond filed on 6-13-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
53	16-211-G	Pp. vs. Celdan M. Zapanta	11-14-16	Motion for Bail was filed on 3-11-18.	The said Motion remains pending and unresolved, and unacted upon by the subject court for over a year, as of the date of the judicial audit.
54	16-154-G	Pp. vs. Aldinnes G. Carba	8-8-16	Motion for Bail was filed on 5-14-19.	The said Motion remains pending and unresolved, and unacted upon by the subject court, as of the

					date of the judicial audit.
55-56	15-001-L and 15-002-L	Pp. vs. Rando Dacillo Benlot	1-5-15	Motion to Plea Bargain was filed on 11-7-18.	The said Motion remains pending and unresolved for almost a year as of the date of the judicial audit.
57	16-150-G	Pp. vs. Arsenio Empiales, Jr.	8-1-16	1. Motion to Plea Bargain was filed on 8-9-18, and 2. Motion for Bail was received on 6-13-19.	The Motion to Plea Bargain remains pending and unresolved as of the date of the judicial audit for a year, while the Motion for Bail is also pending and unresolved, and unacted upon by the subject court, as of the date of the judicial audit.
58	18-078-G	Pp. vs. Bernardo Baynos Secong	8-9-19	Motion for Plea Bargaining was received on 5-6-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
59	17-064-V	Pp. vs. John Anthony Esconde	6-27-17	Motion for Bail was received on 8-6-18.	The said Motion remains pending and unresolved for a year as of the date of the judicial audit.
60	16-223-C	Pp. vs. Erwin Javier	12-12-16	Motion for Bail was filed on 3-15-19.	The said Motion remains pending and unresolved, and unacted upon by the subject court, as of the date of the judicial audit.
61-62	13-002-V and 13-003-V	Pp. vs. Eugenio Belandres, et al.	1-6-13	Motion to Allow the Accused to Plea Bargain was filed on 5-7-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
63	18-079-G	Pp. vs. Kevin Tan	8-23-18	Motion for Bail was filed on 4-30-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
64	18-008-G	Pp. vs. Henry Tiongson	2-1-18	Motion for Bail was filed on 3-22-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
65-66	18-120-G and 18-121-G	Pp. vs. Frannie Avancena	11-17-18	Motion to Allow the Accused to Plea Bargain was filed on 3-28-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.

67	16-012-G	Pp. vs. Rant Geronimo	1-18-16	Motion for Bail was filed on 5-14-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
68	16-151-G	Pp. vs. Arsenio Empiale, Jr.	8-1-16	Motion to Allow the Accused to Plea Bargain was filed on 8-9-18.	The said Motion remains pending and unresolved for a year as of the date of the judicial audit.
69-70	16-220-C and 16-221-C	Pp. vs. Julmar Gabagaba	12-9-16	1. Application for Bail and Motion for Reduction (for Crim. Case No. 16-220) were filed on 4-2-18, and 2. Motion to Allow the Accused to Plea Bargain was submitted on 5-16-18.	The said Application and Motions remain pending and unresolved for over a year as of the date of the judicial audit.
71	17-050-C	Pp. vs. Ritchie Abarquez	5-26-17	Petition for Bail was filed on 6-8-17.	The said Petition remains pending and unresolved for over two (2) years as of the date of the judicial audit.
72-74	16-124-G to 16-126-G	Pp. vs. Raymund Caracut	7-2-16	Motion to Allow the Accused to Plea Bargain was filed on 8-9-18.	The said Motion remains pending and unresolved for a year as of the date of the judicial audit.
75	15-085-L	Pp. vs. Bayani Avila	6-5-15	Motion for Bail and Motion for Reduction of Bail were filed on 12-5-17.	The said Motions remain pending and unresolved for almost two (2) years as of the date of the judicial audit.
76	15-054-V	Pp. vs. Lurence Candilanza, et al.	4-6-15	Motion for Bail was filed on 5-7-19.	The said Motion remains pending and unresolved as of the date of the judicial audit.
77	15-129-G	Pp. vs. Ronmark Besano	10-12-15	Motion for Bail was filed on 6-14-16.	The said Motion remains pending and unresolved for over three (3) years as of the date of the judicial audit.
78	17-018-G	Pp. vs. Christian Tayona	3-9-17	Application for Bail was filed on 4-27-17.	The said Application remains pending and unresolved for over two (2) years

					as of the date of the judicial audit.
79	07-013-G	Pp. vs. Junmar Gemina	2-21-07	Motion to Allow the Accused to Plea Bargain was filed on 11-22-18.	The said Motion remains pending and unresolved close to one (1) year as of the date of the judicial audit.
80	15-042-L	Pp. vs. Archie Tubat	3-19-15	Motion to Allow the Accused to Plea Bargain was filed on 10-3-18.	The said Motion remains pending and unresolved close to one (1) year as of the date of the judicial audit.
81	18-060-V	Pp. vs. Angelito Oghayon	1-27-18	Petition for Bail was filed on 7-6-18.	The said Petition remains pending and unresolved for over one (1) year as of the date of the judicial audit.
82	CICL No. 04-2016-D	Pp. vs. Venny Kristoffer Barillo	7-29-16	1. Motion to Plea Bargain was filed on 12-18-18, and 2. Motion for Bail was received on 6-13-19.	As of the date of the judicial audit, the said Motions remain pending and unresolved. In particular, the Motion to Plea Bargain remains pending and unresolved for almost one (1) year.
Civil Cases					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
83	FC-11-03-G	Mary Grace Lostan-Aguilos vs. Giovie Aguilos (for Declaration of Nullity of Marriage)	9-9-11	1. Motion to Dismiss was filed on 7-22-14; 2. Motion to Withdraw Motion to Dismiss was filed on 9-17-14; 3. Motion for Resolution was submitted on 2-8-17, and 4. Reiterated Motion for Resolution was submitted on 7-18-19, stating that the instant case was submitted for	Although already moot, given that the instant case was already submitted for decision per Order dated 6 February 2017, the said Motions were not acted upon and were never resolved by the subject court prior to the submission of the instant case for decision.

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				decision as early as 2-7-17. Order dated 2-6-17, admitting the Formal Offer of Exhibits of petitioner, and submitting the instant case for decision.	
84	FC-17-05-G	Eduardo Cordova vs. Marites Cordova (for the declaration of nullity of marriage)	9-25-17	Motions to Set Pre-Trial were filed on 12-14-17 and 11-22-18. Order dated 6-18-19, stating that, <i>"upon Motion of the petitioner, set this case for trial proper to September 17, 2019 at 8:00 o'clock in the morning."</i>	Both Motions remain unacted upon and unresolved as of the date of the judicial audit.

Fourth, among the cases audited, forty-one (41) are considered as dormant, there being no further action or setting by the subject court as of the date of the judicial audit.

The list of these cases is provided in the ensuing matrix with the corresponding details per case:

Criminal Cases					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
1-2	FC-19-20-C and FC-19-21-C	Pp. vs. Loumar O. Mabasa	3-27-19	Warrant of Arrest was issued on 3-21-19, and the corresponding Return was filed on 4-12-19. The Commitment Order was issued on 4-10-19.	No further action/setting by the subject court as of the date of the judicial audit.
3-4	03-014-G and 03-015-G	Pp. vs. Honofre Cabrera	2-24-03	Order dated 10-5-17, resetting the hearing on the instant case on 4-12-18 at 8:30 in the morning, on	No further action/setting by the subject court as of the date of the judicial audit.

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				account of the manifestation of the defense counsel that accused is already dead, and the said information needs to be verified.	
5	10-064-G	Pp. vs. Randy Magale	12-23-10	Order dated 5-16-19, directing the issuance of a Bench Warrant of Arrest against the accused, and fixing the bail at Php 10,000.00. Bench Warrant of Arrest was issued on 7-5-19.	No further action/setting by the subject court as of the date of the judicial audit.
6	19-038-C	Pp. vs. Juan Hinandoy	2-16-19	Commitment Order was issued on 2-21-19.	No further action/setting by the subject court as of the date of the judicial audit.
7	19-041-C	Pp. vs. Francisco Maribong	2-22-19	Order dated 2-27-19, directing the release of the accused who posted his bail.	No further action/setting by the subject court as of the date of the judicial audit.
8	19-056-G	Pp. vs. Corcodia Saragueles Aceveda	3-19-19	Order dated 5-9-19, directing the counsel for the accused to amend his Motion. Reinvestigation Report of the public prosecutor was filed on 7-30-19.	No compliance as regards the amendment of the Motion, and no further action by the subject court as of the date of judicial audit.
9	FC-12-06-C	Pp. vs. Vincent Manila	4-11-12	Order dated 5-30-18, resetting the trial on 10-31-18.	No further action/setting by the subject court as of the date of the judicial audit.
10	19-097-C	Pp. vs. Leopoldo Lenciano	5-3-19	Order dated 6-3-19, directing the release of the accused after he posted bail.	No further action/setting by the subject court as of the date of judicial audit.
11	19-105-G	Pp. vs. Donato C. Rival, Jr.	5-27-19	Order dated 6-3-19, directing the release of the accused after he posted bail.	No further action/setting by the subject court as of the date of the judicial audit.
12	FC-12-73-G	Pp. vs. Mendino Gallardo	6-7-12	Order dated 12-6-18, resetting	No further action/setting by

				the trial on 5-2-19.	the subject court as of the date of the judicial audit.
13	19-006-L	Pp. vs. Russel Magos Torino	1-17-19	Commitment Order was issued on 2-21-19.	No further action/setting by the subject court as of the date of the judicial audit.
14	19-033-C	Pp. vs. Roberto Quibrantar	7-15-19	Order dated 7-19-19, directing the release of the accused upon the approval of his bail.	No further action/setting by the subject court as of the date of the judicial audit.
15	19-113-C	Pp. vs. Vanessa Baylon	6-4-19	Commitment Order was issued on 6-20-19.	No further action/setting by the subject court as of the date of the judicial audit.
16	FC-19-28-L	Pp. vs. Kent Absin Gallosa	6-28-19	Order dated 7-5-19, directing the prosecution to file its Comment on the Motion for Judicial Determination of Probable Cause within five (5) days.	No compliance on the said Order, and no further action by the subject court as of the date of the judicial audit.
17	FC-11-03-G	Pp. vs. Luther Estorco	1-17-11	Order dated 5-16-19, resetting the Pre-Trial on 5-16-19.	No further action/setting by the subject court as of the date of the judicial audit.
18-19	FC-04-10-G and FC-04-042-G	Pp. vs. Rady Alcala	3-25-04	Order dated 3-14-19, setting the instant case for the continuation of the initial trial on 8-15-19.	No further action/setting by the subject court as of the date of the judicial audit.
20	15-142-G	Pp. vs. Jolar C. Cantile	11-16-15	Order dated 2-28-19, resetting the hearing on 5-9-19.	No further action/setting by the subject court as of the date of the judicial audit.
21-22	19-110-V and 19-111-V	Pp. vs. Tonny Laguido	3-3-19	Warrant of Arrest dated 6-4-19. Commitment Order dated 6-4-19.	No further action/setting by the subject court as of the date of the judicial audit.
23	19-115-V	Pp. vs. Richie Dale Ramirez	6-13-19	Warrant of Arrest dated 6-3-19. Commitment Order dated 6-13-19.	No further action/setting by the subject court as of the date of the judicial audit.

				Order dated 6-14-19, directing the release of the accused after he posted bail.	
24-25	19-089-C and 19-090-C	Pp. vs. Jumenick Maquiling	4-17-19	Warrant of Arrest dated 4-22-19. Commitment Order dated 4-22-19.	No further action/setting by the subject court as of the date of judicial audit.
26	19-116-V	Pp. vs. Joseph Rojo	6-13-19	Warrant of Arrest dated 6-13-19. Commitment Order dated 6-13-19. Order dated 6-14-19, directing the release of the accused after posting bail.	No further action/setting by the subject court as of the date of the judicial audit.
27	18-031-V	Pp. vs. Jolito Montemayor	3-27-18	Motion to Plea Bargain was filed on 11-7-18. Order dated 11-6-18, stating that, <i>"considering that there is a standing motion for plea bargaining and considering further that the conflict of the Supreme Court Circular and DOJ Circular with respect to Sec. 5 is still subjudice, action in this case is held in abeyance."</i>	No further action by the subject court as of the date of the judicial audit.
28-29	18-021-L to 18-023-L	Pp. vs. Larry Sampero	3-19-18	Order dated 11-6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the Supreme Court of the conflict between the SC Circular and the DOJ Circular on	No further action by the subject court as of the date of the judicial audit.

				the plea bargaining guidelines.	
30	18-050-V	Pp. vs. Anthony Wendell Tarugo	6-8-18	Motion for Plea Bargaining was filed on 11-7-18. Order dated 11-6-18, stating that, <i>"considering that there is a standing motion for plea bargaining and considering further that the conflict between the Supreme Court Circular and the DOJ Circular with respect to Sec. 5 is still subjudice, the action on this case is held in abeyance."</i>	No further action by the subject court as of the date of the judicial audit.
31-32	15-001-L and 15-002-L	Pp. vs. Rando Dacillo Benlot	1-5-15	Motion to Plea Bargain was filed on 11-7-18. Order dated 11-6-18, holding in abeyance the resolution on the said Motion due to the conflict between the guidelines under the SC Circular and the DOJ Circular with respect to Sec. 5, R.A. 9165.	No further action by the subject court as of the date of the judicial audit.
33-34	16-220-C and 16-221-C	Pp. vs. Julmar Gabagaba	12-9-16	Order setting the continuation of the trial on 4-24-19.	No further action/setting by the subject court as of the date of the judicial audit.
35	02-043-G	Pp. vs. Proculo Gako, et al.	6-10-02	Order dated 4-19-18, stating that the prosecution is deemed to have rested its case, and noting further that the prosecution has not yet submitted its	There is no Formal Offer of Exhibits submitted by the prosecution on record, and there is no further action/setting therein by the subject court as of the date of the judicial audit.

				Formal Offer of Exhibits.	
Civil Cases					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
36	FC-17-03-V	Cecilia Bernus vs. Geoffrey Rigor	3-17-17	Issuance of Summons dated 3-17-17.	No Return on the said Summons, and no further action by the subject court as of the date of the judicial audit.
37	FC-17-04-C	Nelly Estrada vs. Joemon Estrada	9-18-17	Order dated 6-18-19, directing the public prosecutor to investigate whether or not collusion exists between the parties.	No compliance on record, and no further action by the subject court as of the date of the judicial audit.
38	FC-16-03-C	Jay Dayondon vs. Charrie Dayondon	3-14-16	Answer was filed on 7-12-16. Order dated 12-6-17, stating that, <i>"when this case was called for pre-trial, petitioner and counsel appeared. There was no appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given ten days to file his legal opinion. In the meantime, this case is held in abeyance."</i>	No compliance on record, and no further action by the subject court as of the date of the judicial audit.
39	FC-12-01-G	Ronard M. Susas vs. Robie A. Susas	4-25-12	Summons dated 4-25-12 was duly served per Return that was submitted on 5-9-12. The Notice of Appearance of the Office of the Solicitor	No compliance on record, and no further action by the subject court as of the date of the judicial audit.

				General was filed on 6-6-12. Order dated 9-6-18, directing the public prosecutor to conduct an investigation whether or not collusion exists between the parties.	
40	FC-17-06-G	Niña Ventula vs. Mario Ventula	11-16-17	Order dated 11-29-17, stating that there was no urgency in issuing the Permanent Protection Order, and setting the instant case for preliminary conference on 12-17-17.	No further action/setting by the subject court as of the date of the judicial audit.
41	FC-14-02-V	Guillermo Laguda vs. Karen Balo-an	12-19-14	Order dated 9-13-18, holding the proceedings on the instant case in abeyance.	No further action/setting by the subject court as of the date of the judicial audit.

Fifth, the judicial audit team classifies thirty-nine (39) criminal cases that may be archived, following the guidelines set forth in OCA Circular No. 89-2004² dated 12 August 2004, and reiterated in A.M. No. 15-06-10-SC³ dated 25 April 2017. The following is the list of these cases with their corresponding details:

Criminal Cases					
No.	Case No.	Title	Date Filed	Last Action Taken	Remarks
1-4	FC-16-23-G; FC-16-24-G; 16-080-G, and 16-081-G	Pp. vs. Jelord Melancolico	4-29-16	Order dated 8-8-19, resetting the arraignment of the accused who is of unsound mind, and is presently undergoing treatment at Talay Rehabilitation Center.	The said cases against the accused may be archived while his treatment is on-going, if he is of unsound mind and unfit to stand trial.

² Reiteration of the Guidelines in the Archiving of Cases.

³ Revised Guidelines for Continuous Trial of Criminal Cases.

5	17-45-C	Pp. vs. Elfren Ann Millares	9-22-17	Order dated 9-12-18, holding in abeyance the proceedings in the subject case pending the report by the attending physician that the accused is fit to stand trial.	No compliance on record as of the date of the judicial audit. The case against the accused may be archived if based on the medical report, he is found unfit to stand trial.
6-7	19-131-C and 19-132-C	Pp. vs. Luarence-Cin Penkian	1-12-19	Warrant of Arrest was issued on 1-15-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
8	19-134-C	Pp. vs. Antonio Amparado, et al.	7-16-19	Warrant of Arrest was issued on 1-19-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
9	19-135-C	Pp. vs. Joeneven Seraquillo	7-16-19	Warrant of Arrest was issued on 1-16-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
10	19-001-G	Pp. vs. Carl Ray Justiniani	1-3-19	Warrant of Arrest was issued on 1-10-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
11	19-016-G	Pp. vs. Gil Marco	1-30-19	Warrant of Arrest was issued on 2-6-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit.

					The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
12	19-020-G	Pp. vs. Pablo Niminio	1-31-19	Warrant of Arrest was issued on 2-6-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
13	19-003-G	Pp. vs. Jeboy Tuayon, et al.	1-11-19	Warrant of Arrest was issued on 1-21-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
14	19-004-G	Pp. vs. Thomas Isugan and several John Does	1-11-19	Warrant of Arrest was issued on 1-21-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
15	19-007-G	Pp. vs. Josephine Saguran	1-22-19	Warrant of Arrest was issued on 2-6-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
16	19-136-G	Pp. vs. Joeneven Seraquillo	7-16-19	Warrant of Arrest was issued on 1-19-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.

17	19-029-G	Pp. vs. Rolando Lado	2-7-19	Warrant of Arrest was issued on 2-7-19, and the same was received by the Philippine National Police on 2-13-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
18	19-024-G	Pp. vs. Jeremy Gelacio	2-1-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
19	FC-19-03-L	Pp. vs. Gerome Billiones	1-17-19	Warrant of Arrest was issued on 1-21-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
20	19-011-G	Pp. vs. Jiboy Pasinabo	1-24-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
21	19-014-G	Pp. vs. Marilou Alangilan	1-28-19	Warrant of Arrest was issued on 2-6-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
22	19-015-G	Pp. vs. Baldo Acero	1-29-19	Warrant of Arrest was issued on 2-6-19, and the same was forwarded to the Philippine	No Return on the said Warrant of Arrest as of the date of the judicial audit.

				National Police on 2-7-19.	The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
23	19-009-V	Pp. vs. Hipolito De Asis	1-22-19	Warrant of Arrest was issued on 2-6-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
24	19-010-G	Pp. vs. Ame Baquilta	1-23-19	Warrant of Arrest was issued on 2-6-19, and the same was forwarded to the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
25-26	19-030-G and 19-031-G	Pp. vs. Selverio Amalio	2-7-19	Warrant of Arrest was issued on 2-7-19, and the same was forwarded to the Philippine National Police on 2-13-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
27	19-032-G	Pp. vs. Danny Dalino	2-7-19	Warrant of Arrest was issued on 2-7-19, and the same was forwarded to the Philippine National Police on 2-13-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
28	19-012-G	Pp. vs. Pompeo Landesa	1-24-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.

29	19-019-G	Pp. vs. Vivian Tormis	1-31-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
30	19-021-G	Pp. vs. Caesar Baquilta	1-31-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
31	19-022-G	Pp. vs. Undo Burdado	1-31-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
32	19-023-G	Pp. vs. Junior Isugan	1-31-19	Warrant of Arrest was issued on 2-6-19, and the same was received by the Philippine National Police on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
33	19-028-G	Pp. vs. Julian Villanueva	2-7-19	Warrant of Arrest was issued on 2-7-19, and the same was received by the Philippine National Police on 2-13-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
34-35	FC-19-01-G and FC-19-02-G	Pp. vs. Demar Casulay Calago	1-9-19	Warrant of Arrest was issued on 1-21-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit.

					The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
36-38	FC-19-04-L to FC-19-06-L	Pp. vs. Edmar Lazaro	1-17-19	Warrant of Arrest was issued on 1-21-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.
39	FC-19-07-G	Pp. vs. Jomar Casipong Aris	2-7-19	Warrant of Arrest was issued on 2-7-19.	No Return on the said Warrant of Arrest as of the date of the judicial audit. The accused still remains at-large after six (6) months from the issuance of the said Warrant of Arrest.

Sixth, as to the subject court's compliance with the laws, rules, circulars, and other issuances of the Supreme Court, the following are the team's findings:

1. Most Pre-Trial Orders were signed by the parties, but a few were either partially signed or were not signed at all;
2. A Certificate of Arraignment was issued to the accused upon arraignment in all criminal cases;
3. It was a prevalent practice of the subject court to still direct the issuance of a Warrant of Arrest even if the accused was already in custody at the time of the filing of the case, despite having already issued a Commitment Order;
4. It has been observed that some orders issued by the subject court were repetitive and contradictory. For instance, in Criminal Case No. 17-096-C,⁴ the accused's Proposal to Plea Bargain filed on 16 July 2018 was denied in the Order dated 12 September 2018. However, in the ensuing Order dated 12 December 2018, it was stated that "[t]here being a proposal for plea bargaining, reset

⁴ Titled "People of the Philippines vs. Nelfen Calanza," for violation of Sec. 5, R.A. No. 9165.

this case to May 15, 2019 at 8:30 in the morning.”;

- 5. In drugs cases, the subject court deferred the resolution on a number of motions to plea bargain due to the conflict between the guidelines set forth in the Supreme Court Circular and the Department of Justice Memorandum until such time that the said conflict was resolved by the Supreme Court. The said motions remained unacted upon and unresolved for quite some time as of the date of the judicial audit;
- 6. The subject court, upon the filing of a Motion to Allow the Accused to Plea Bargain, directed the accused to submit to a drug dependency examination even before it resolved the pending motion. This practice was not in accord with the framework for plea bargaining in drugs cases since the presumption is that the requirement for the accused to undergo a drug dependency examination was directed after the favorable resolution of the said motion. Hence, in A. M. No. 18-03-16-SC,⁵ under the Remarks column, it is provided that, “[i]n all instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If the accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his after-care and follow-up program is penalty is still unserved.”, and
- 7. It should be noted that in the Minutes of the Hearing, the total duration of the hearings lasted for only two (2) hours at most, considering that the actual hearings usually started at past 10:00 a.m. and ended at 12:00 noon. However, in the orders setting the case for hearing, it was indicated that the hearing starts at 8:30 a.m. There was also no showing that hearings were conducted in the afternoon. This practice contradicted the mandate provided in A.M. No. 15-06-10-SC.⁶

Seventh, the judicial audit team pinpointed seventy-one (71) cases with court actions that may constitute a violation or violations of existing laws, the Rules of Court, circulars and other issuances of the Supreme Court. These cases are delineated in the subsequent table:

Criminal Cases					
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)

⁵ Adoption of the Plea Bargaining Framework in Drugs Cases dated 10 April 2018.
⁶ Ibid.

1-2	03-014-G and 03-015-G	Pp. vs. Honofre Cabrera	2-24-03	<p>Application for Bail was filed on 7-17-03.</p> <p>Order dated 2-9-06, submitting the said application for decision, and giving the prosecution five (5) days from receipt to file its Formal Offer of Exhibits, and five (5) days from receipt for the defense to file its Comment.</p> <p>Prosecution's Formal Offer of Exhibits was filed on 2-28-06, while the corresponding Comment thereto was submitted on 3-2-06. Order dated 2-27-06, granting the Petition for Bail.</p> <p>Court of Appeals Resolution dated 6-25-08 on C.A. G.R. SP No. 01919, received by the subject court on 7-10-08, directing the latter to order the arrest and detention of the accused, and to cancel his bail.</p> <p>Court of Appeals Resolution dated 8-26-08, denying the Motion for Reconsideration.</p> <p>Resolution of the First Division of the Supreme Court dated 10-20-10, on G.R. No. 192919, denying the Petition for Review. The said Resolution was received by the subject court</p>	<p>Since the instant case was filed in 2003, Pre-Trial has not yet commenced even up to the time of the judicial audit.</p> <p>Apparently, the subject court patently disregarded the Resolution of the Court of Appeals dated 25 June 2008 in C.A. G.R. SP No. 01919, directing it to order the revocation of the bail posted by the accused and for the latter's arrest and detention, since nothing in the case records would show that the subject court complied with the said directive.</p> <p>Likewise, despite its receipt of the Supreme Court Resolution on G.R. No. 192919, denying the Petition for Review on the said Court of Appeals Resolution, there is still no compliance on record by the subject court on the said directive of the Court of Appeals as of the date of the judicial audit.</p> <p>To date, the accused remains at-large, and the instant case remains dormant, there being no further action or setting therein, after the issuance</p>
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				<p>sometime in May 2011.</p> <p>Manifestation dated 10-5-17, stating the death of the accused, with prayer for the dismissal of the said cases.</p> <p>Order dated 10-5-17, resetting the hearing on these cases to 4-12-18 at 8:30 in the morning, considering that the manifestation of the defense counsel that accused is already dead needs to be verified.</p>	<p>of the Order dated 5 October 2017, setting the instant case for hearing on 12 April 2018.</p>
3	13-098-G	Pp. vs. Dandy Demiren	9-23-13	Order dated 5-9-19, resetting the initial trial on 9-12-19.	<p>There is a discrepancy relative to the date of arraignment, since in the Certificate of Arraignment the accused was arraigned on 22 May 2014, while in the corresponding Order, he was arraigned on 3 June 2014.</p>
4	16-225-V	Pp. vs. Lester G. Benlot	12-13-16	<p>Order dated 3-26-19, stating that, <i>"considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED."</i></p>	<p>There is nothing in the case records to suggest that the subject court's dismissal of the instant case was made through the Motion of the public prosecutor, or that the latter concurred in the said decision.</p> <p>Moreover, the case records are devoid of any information that proof of death of the accused was submitted in evidence before the subject court, and that the same</p>

					was considered in arriving at the decision to dismiss the instant case.
5	14-114-G	Pp. vs. Marla Ompoc Hailand	6-26-14	<p>Motion to Suppress Evidence was filed on 10-28-14, and the Opposition to the Motion to Suppress Evidence was submitted on 11-17-14.</p> <p>Order dated 3-31-15, denying the said Motion.</p>	The resolution on the said Motion was delayed, considering that the same should have been decided on or before 15 February 2015.
6	14-001-G	Pp. vs. Edgar Icalina	11-26-14	<p>Motion for Bail was filed on 6-24-14.</p> <p>Order dated 5-30-19, resetting the instant case due to the intended filing of a Motion for Bail.</p>	A Motion for Bail was already filed as early as 24 June 2014, and apparently, the same was not acted upon by the subject court and remains unresolved as of the date of the judicial audit.
7	12-017-C	Pp. vs. Eleuterio Maglasang, Jr.	1-31-12	<p>Application for Bail was filed on 3-6-12.</p> <p>Order dated 12-17-14, submitting the said Application for Bail for resolution.</p> <p>Order dated 3-11-15, granting the Motion for Reduction of Bail filed on 3-10-15.</p> <p>Formal Offer of Exhibits by the accused was filed on 11-14-18 (reverse trial).</p>	<p>The instant case involves the crime of Murder, hence, non-bailable.</p> <p>However, there is no record of any resolution on the said Application for Bail after it was submitted for resolution on 17 December 2014. Instead, the subject court issued an Order granting the Motion to Reduce Bail even if there was no resolution yet on the Application for Bail.</p>
8-9	FC-08-05-V and FC-08-06-V	Pp. vs. Celso Supremo	4-15-08	Formal Offer of Exhibits of the prosecution was filed on 11-26-17.	There was inordinate delay in the submission of the Comment by the defense on the Formal Offer of

				<p>Order dated 11-28-17, directing the defense to file its Comment thereto within five (5) days.</p> <p>Order dated 8-6-19, directing anew the defense to file its Comment within ten (10) days, and setting the presentation of defense evidence on 12-3-19.</p>	<p>Exhibits of the prosecution, spanning close to two (2) years from the time it was first directed to file the same on 28 November 2017. The subject court should have <i>motu proprio</i> ordered for the waiver of the said Comment owing to the delay, and outrightly resolved the pending incident.</p> <p>As a consequence of the delayed compliance, the instant case has been dormant for the last two (2) years as of the date of the judicial audit.</p>
10	16-117-V	Pp. vs. Millard C. Aplicador	6-27-16	<p>Motion to Release the Items Subject of the Case was filed on 3-30-16, and the corresponding Comment thereon was submitted on 8-1-16.</p> <p>Order dated 3-6-18, resolving the said Motion.</p>	<p>There was inordinate delay of almost two (2) years in the resolution of the said Motion.</p>
11	18-24-L	Pp. vs. Wilfredo Absin	9-3-18	<p>Order dated 3-26-19, dismissing the instant case due to the manifestation of the complainant that she and her accused-husband have already patched things up.</p>	<p>There is nothing in the case records which shows that the public prosecutor was directed to Comment on the said Manifestation prior to the <i>motu proprio</i> dismissal of the instant case by the subject court.</p>
12	18-006-V	Pp. vs. Teodoro Andraque	1-25-18	<p>Order dated 5-7-19, conducting the arraignment of the accused in Crim. Case No. 18-005-V.</p>	<p>There is nothing in the case records to show that accused Teodoro Andraque was arraigned. It was only accused Sixto Andraque</p>

					who was arraigned in Crim. Case No. 18-005- V.
13- 14	FC-04-10-G and FC-04-042-G	Pp. vs. Rady Alcala	3-25-04	<p>Court of Appeals Decision dated 7-11-11, remanding the instant cases to the subject court for the reception of the prosecution's evidence.</p> <p>The said Court of Appeals decision was received by the subject court on 3-1-12.</p> <p>Order dated 9-13-18, resetting the hearing on the said cases on 3-14-19, after the same were remanded to the subject court.</p> <p>Order dated 3-14-19, setting the instant cases for continuation of the initial trial on 8-15-19.</p>	<p>It can be gleaned from the flow of the proceedings that there was inordinate delay by the subject court to comply with the Court of Appeals' directive, and set the instant cases for hearing after it received the appellate court's decision on 1 March 2012; taking more than six (6) years before it issued the Order dated 13 September 2018, setting the hearing on 14 March 2019.</p>
15	12-023-G	Pp. vs. Cerelo Ferolino Tejares	2-22-12	<p>Prosecution's Formal Offer of Exhibits was received on 6-30-17.</p> <p>Order dated 11-16-17, directing the defense to file its Comment on the said Formal Offer of Exhibits within five (5) days. However, no Comment was submitted.</p> <p>Order dated 8-1-18, admitting the said Formal Offer of Exhibits.</p> <p>Order dated 11-15-18, directing the defense to again file its Comment on the said Formal Offer</p>	<p>It can be gleaned from the flow of the proceedings that there was no compliance by the defense on the subject court's Order to file its Comment on the prosecution's Formal Offer of Exhibits.</p> <p>Consequently, on 1 August 2018, the subject court admitted the Prosecution's Formal Offer of Exhibits, without the Comment of the defense.</p> <p>However, the subject court still continued to reiterate its directive for the</p>

				<p>of Exhibits within five (5) days.</p> <p>Order dated 5-16-19, stating that, "[t]he State in this case having already rested its case and filed its FOE, the defense intimated to the court that he is filing his comments to the FOE. Reset this case to 10-29-19."</p>	<p>defense to file its Comment in the ensuing Orders dated 15 November 2018 and 16 May 2019, notwithstanding its prior ruling on the said Formal Offer of Exhibits. Such a repetitive act contributes largely to the further delay in the litigation of the instant case.</p>
16	11-008-C	Pp. vs. Juvy Renejani, et al.	2-2-11	<p>Prosecution's Formal Offer of Exhibits was filed on 10-26-16.</p> <p>Order dated 11-10-16, admitting the said Formal Offer of Exhibits despite the failure of the defense to file its Comment thereon.</p> <p>Order dated 11-29-17, directing the defense to file its Comment on the said Formal Offer of Exhibits.</p>	<p>Based on the Order dated 10 November 2016, the defense has not filed its Comment on the Formal Offer of Exhibits of the prosecution. Notwithstanding, the said Formal Offer of Exhibits was admitted.</p> <p>However, the subject court still continued to reiterate its directive for the defense to file its Comment in the ensuing Order dated 29 November 2017, despite its previous ruling on the said Formal Offer of Exhibits. Such a repetitive act contributes largely to the further delay in the litigation of the instant case.</p>
17	16-087-C	Pp. vs. Narciso Omboy, et al.	5-11-16	<p>Motion to Dismiss with an Affidavit of Desistance filed on 8-5-16.</p> <p>Order dated 9-20-17, denying the said Motion on the basis of the Manifestation of the prosecutor that</p>	<p>There was inordinate delay of over one (1) year and three (3) months in resolving the said Motion which is way beyond the reglementary period to resolve the same.</p>

				he can probably secure the conviction of the accused.	
18	00-024-G	Pp. vs. Ranulfa Alpas	4-3-00	<p>Order dated 7-26-06, archiving the instant case for the reason that the accused had jumped bail.</p> <p>Order dated 4-26-11, setting the Pre-Trial Conference on 3-31-11, and the Pre-Trial on 6-19-11.</p> <p>Notice of Hearing dated 1-15-16.</p>	<p>The reason adduced in archiving the instant case, as stated in the Order dated 26 July 2006, is not among those allowed under OCA Circular No. 89-2004 dated 12 August 2004.⁷</p> <p>The case of an accused who jumped bail may only be archived if she/he is not yet arraigned and can no longer be arrested by the bondsman. This, however, is not the situation in the instant case since prior to its archiving, the accused was already arraigned on 3 April 2000.</p> <p>The subject court should have conducted a trial in <i>absentia</i> which is authorized under Sec. 14 (2), Article III of the Constitution, which provides that, "<i>after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.</i>"</p> <p>Moreover, the instant case has become dormant for about five (5)</p>

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Reiteration of the Guidelines in the Archiving of Cases.

					years, there being no movement in the proceedings therein from the issuance of the Order dated 26 April 2011, setting the Pre-Trial Conference on 31 March 2011 and the Pre-Trial on 19 June 2011, to the issuance of the Notice of Hearing dated 15 January 2016.
19	FC-17-48-G	Pp. vs. Ailita Herebit	10-30-17	<p>Order dated 10-18-18, directing the handling prosecutor to reinvestigate the propriety of releasing the accused when the offense charged is considered to be non-bailable.</p> <p>Motion to Expunge the Record of Arraignment (for reinvestigation purposes) filed on 11-5-18.</p> <p>Order dated 12-12-18, granting the said Motion, and directing the public prosecutor to conduct the reinvestigation.</p> <p>Motion to Admit Amended Information filed on 2-14-19.</p> <p>Order dated 2-27-19, granting the said Motion.</p>	The case records do not show that the subject court afforded the defense the opportunity to file its corresponding Comment/s relative to the said Motions.
20	17-070-C	Pp. vs. Romulo Tan	7-1-17	<p>Motion to Allow the Accused to Plea Bargain was filed on 8-13-18.</p> <p>Order dated 11-14-18, stating that, <i>"considering that there is a standing motion for plea</i></p>	As of the date of the judicial audit, the resolution on the instant Motion is already delayed for a year because the subject court deferred its ruling on the same until

				<p><i>bargaining and considering further that the conflict between the Supreme Court Circular and Department of Justice Circular with respect to Sec. 5 is still to be resolved, reset this case to March 20, 2019 at 8:30 in the morning."</i></p>	<p>the said conflict is finally resolved.</p> <p>However, the said Order is devoid of any information regarding how the said conflict will be resolved and by whom, or if there is a pending case on the matter before the Supreme Court for resolution.</p> <p>Notwithstanding, it bears to emphasize that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁸ dated 4 May 2018; OCA Circular No. 80-2019⁹ dated 30 May 2019, and OCA Circular No. 104-2019¹⁰ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>Specifically, OCA Circular No. 80-2019 unequivocally enunciates that judges are bound to exercise their judicial discretion in resolving objections to the plea bargaining in</p>
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⁸ Plea Bargaining Framework in Drugs Cases [in reference to Resolution dated April 10, 2018 of the Court *En Banc* in Administrative Matter No. 18-03-16-SC (Adoption of the Plea Bargaining Framework in Drugs Cases)].

⁹ Minute Resolution dated April 2, 2019 in A.M. No. 18-03-16-SC (Re: Letter of Associate Justice Diosdado M. Peralta on the Suggested Plea Bargaining Framework Submitted by the Philippine Judges Association).

¹⁰ Court *En Banc* Resolution dated June 4, 2019 in A.M. No. 18-03-16-SC (Re: Adoption of Plea Bargaining Framework in Drug Cases).

					<p>drugs cases. However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are “constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government.” (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>
21-22	09-002-L and 09-003-L	Pp. vs. Dave Clark Rife	1-27-09	<p>Order dated 4-18-18, directing the defense counsel to comply with all the requirements for plea bargaining so that the court can act on his manifestation that the accused intends to plea-bargain.</p> <p>Order dated 11-13-18, resetting the hearing on the instant cases on 3-</p>	<p>With regard to the Order dated 13 November 2018, reference is made to OCA Circular No. 80-2019¹¹ dated 30 May 2019, mandating judges to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is</p>

¹¹ Ibid.

			<p>12-19, pending the resolution by the Supreme Court on the conflict between the SC Circular and DOJ Memorandum.</p> <p>Order dated 1-14-19, directing the accused to report to the Negros Oriental Provincial Crime Laboratory in Dumaguete City for a drug dependency examination.</p>	<p>made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are <i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government."</i> (underscoring provided)</p> <p>Hence, it is incumbent upon the subject court to accordingly act on the pending Motion to Plea Bargain.</p> <p>However, there is nothing in the case records which shows that accused filed any Motion to Plea Bargain.</p> <p>Notwithstanding, the subject court issued the Order dated 4 September 2018, directing the accused to undergo a drug dependency examination despite the absence of any corresponding Motion to Plea Bargain, and granting that the said Motion was</p>
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					filed, the said Order was issued prior to the ruling of the same.
23	14-141-G	Pp. vs. Roy Sereno	8-7-14	<p>Prosecution's Formal Offer of Exhibits for the Petition for Bail was filed on 6-25-15.</p> <p>Order dated 4-28-16, admitting the said Formal Offer of Exhibits, and submitting for resolution the Petition for Bail (defense waived the presentation of its evidence).</p> <p>Motion for Reconsideration on the Order dated 4-28-16 was received on 6-3-16, regarding the proper marking of exhibits on the formal offer.</p> <p>Order dated 6-10-16, granting the said Motion for Reconsideration.</p> <p>Order dated 3-20-17, denying the Motion for Bail.</p>	<p>There was inordinate delay of almost one (1) year in the issuance of the ruling on the prosecution's Formal Offer of Exhibits.</p> <p>Likewise, there was also inordinate delay of close to a year in resolving the Petition for Bail which was submitted for resolution on 28 April 2016, but was only decided on 20 March 2017.</p>
24	19-123-C	Pp. vs. Jannelo Bulandres	6-19-19	<p>Motion to Release Impounded Motorcycle to its Registered Owner was filed on 7-26-16.</p> <p>Order dated 7-29-19, granting the said Motion.</p>	There was inordinate delay of three (3) years in resolving the said Motion.
25-26	04-051-G and 04-052-G	Pp. vs. Vicente Vergara	6-24-04	<p>Motion for Reduction of Bail (from P200,000.00 to P100,000.00) was filed on 9-24-04.</p> <p>Order dated 12-2-04, denying the said Motion.</p>	Upon perusal of the case records, it reveals that the public prosecutor on record was public prosecutor Ethyl B. Eleccion who was the one furnished a copy of the Motion for Reduction of Bail

				<p>A copy of the said Order was personally received on 12-10-04 by Atty. Jasper Adrian P. Cadelina, counsel of record of the accused.</p> <p>Accused's Motion for Reconsideration on the Order dated 12-2-04 was filed on 3-21-05.</p> <p>Order dated 3-22-05, granting the said Motion for Reconsideration.</p> <p>Opposition to the Motion for Reconsideration was filed by public prosecutor Eleccion on 4-8-05.</p> <p>Motion for Further Reduction of Bail (from P100,000.00 to P60,000.00) was filed on 8-11-05.</p> <p>Order dated 10-11-05, granting the said Motion.</p>	<p>that she received on 2 December 2004. She was also the public prosecutor during the arraignment of the accused, as well as during the conduct of the Pre-Trial and the initial trial.</p> <p>However, in resolving the said Motion for Reduction of Bail, the said public prosecutor was not required by the subject court to submit her Comment/ Opposition thereon.</p> <p>Interestingly, in the hearing on the said Motion for Reconsideration on 22 March 2005, public prosecutor Eleccion was not present. In her stead was public prosecutor Macarieto I. Trayvilla, in a "special appearance", who interposed no objection to the said Motion for Reconsideration.</p> <p>Ironically, on 8 April 2005, prosecutor Eleccion filed her Opposition to the said Motion for Reconsideration but the same was unacted upon by the subject court since it resolved with apparent haste the pending incident on 22 March 2005, a day after it was filed.</p>
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27	16-174-C	Pp. vs. Michael Villarante	9-2-16	<p>The Minutes of the Hearing dated 15 August 2018 states that, <i>"regarding the plea bargain, the State is opposed to it. Said incident is denied."</i></p> <p>Order dated 10-3-18, denying the Motion for Reconsideration to the order denying the Motion to Plea Bargain filed on 8-24-18.</p>	<p>Evidently, the subject court merely relied on the objection or opposition of the public prosecutor in denying the said Motion for Reconsideration, without even considering the grounds and arguments propounded therein.</p> <p>It should be emphasized that OCA Circular No. 80-2019¹² mandates judges to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases. However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are <i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government."</i> (underscoring provided)</p>
28	09-033-C	Pp. vs. Vannie Baluran	6-30-00	Date of the initial trial on 3-30-11.	There were apparent

¹² Ibid.

				Order dated 3-20-19, resetting the trial on 9-18-19.	inordinate delays in the hearings of the instant case, considering that no hearings were conducted from 4 November 2015 to 20 March 2019, or for a period of more than three (3) years, due to innumerable postponements.
29	18-031-V	Pp. vs. Jolito Montemayor	3-27-18	<p>Motion to Plea Bargain was filed on 11-7-18.</p> <p>Order dated 11-6-18, stating that, <i>"considering that there is a standing motion for plea bargaining and considering further that the conflict of the Supreme Court Circular and DOJ Circular with respect to Sec. 5 is still subjudice, action in this case is held in abeyance."</i></p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases, to wit: OCA Circular No. 90-2018¹³ dated 4 May 2018; OCA Circular No. 80-2019¹⁴ dated 30 May 2019, and OCA Circular No. 104-2019¹⁵ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

					<p>Moreover, as enunciated in OCA Circular No. 80-2019, judges are bound to exercise their judicial discretion in resolving objections to the plea-bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are <i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government."</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p> <p>It should also be noted that the <u>Order dated 6 November 2018</u>, holding the proceedings in the instant case in abeyance due to the filing of the</p>
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					Motion to Plea Bargain, was issued a day earlier than the filing of the said <u>Motion to Plea Bargain</u> , which was only submitted a day after, or on 7 November 2018.
30-32	18-021-L to 18-023-L	Pp. vs. Larry Sampero	3-19-18	Order dated 11-6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the Supreme Court of the conflict between the SC Circular and DOJ Circular on the plea bargaining guidelines.	<p>As of the date of the judicial audit, the instant case is deemed as dormant, there being no further setting or action done by the subject court on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018¹⁶ dated 4 May 2018; OCA Circular No. 80-2019¹⁷ dated 30 May 2019, and OCA Circular No. 104-2019¹⁸ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to</p>

¹⁶ *Ibid.*
¹⁷ *Ibid.*
¹⁸ *Ibid.*

					<p>exercise their judicial discretion in resolving objections to the plea-bargaining in drugs cases. However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are <i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government."</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>
33	18-050-V	Pp. vs. Anthony Wendell Tarugo	6-8-18	<p>Motion for Plea Bargaining was filed on 11-7-18.</p> <p>Order dated 11-6-18, stating that, <i>"considering that there is a standing motion for plea bargaining and considering further that the conflict between the Supreme Court Circular and DOJ Circular</i></p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court on account of the conflict between the Supreme Court Circular and</p>

				<p><i>with respect to Sec. 5 is still subjudice, the action on this case is held in abeyance.”</i></p>	<p>the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018¹⁹ dated 4 May 2018; OCA Circular No. 80-2019²⁰ dated 30 May 2019, and OCA Circular No. 104-2019²¹ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to exercise their judicial discretion in resolving objections to the plea- bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are “constitutionally bound to settle actual controversies involving rights which are legally</p>
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¹⁹ *Ibid.*
²⁰ *Ibid.*
²¹ *Ibid.*

					<p><i>demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government.”</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>
34-35	15-001-L and 15-002-L	Pp. vs. Rando Dacillo Benlot	1-5-15	<p>Motion to Plea Bargain was filed on 11-7-18.</p> <p>Order dated 11-6-18, holding in abeyance the resolution on the said Motion due to the conflict between the guidelines under the SC Circular and the DOJ Circular with respect to Sec. 5, R.A. 9165.</p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018²² dated 4 May 2018; OCA Circular No. 80-</p>

²² Ibid.

					<p>2019²³ dated 30 May 2019, and OCA Circular No.104-2019²⁴ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled considering that judges are “constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, <u>and they cannot just defer to the policy of another Branch of the government.</u>” (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the</p>
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²³ Ibid.
²⁴ Ibid.

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					pending incident outright.
36-37	19-110-V and 19-111-V	Pp. vs. Tonny Laguido	3-3-19	Warrant of Arrest dated 6-4-19. Commitment Order dated 6-4-19.	It should be noted that the subject court still issues an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 4 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant cases. In instances such as this, the subject court needs only to issue a Commitment Order.
38	19-115-V	Pp. vs. Richie Dale Ramirez	6-13-19	Warrant of Arrest dated 6-3-19. Commitment Order dated 6-13-19. Order dated 6-14-19, directing the release of the accused after he posted bail.	It should be noted that the subject court still issues an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 3 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant case. In instances such as this, the subject court needs only to issue a Commitment Order.
39-40	19-089-C and 19-090-C	Pp. vs. Jumenick Maquiling	4-17-19	Warrant of Arrest dated 4-22-19. Commitment Order dated 4-22-19.	It should be noted that the subject court still issues an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 22 April 2019, notwithstanding the fact that the accused was already in custody at the time of the

					<p>filing of the instant cases.</p> <p>In instances such as this, the subject court needs only to issue a Commitment Order.</p>
41	19-116-V	Pp. vs. Joseph Rojo	6-13-19	<p>Warrant of Arrest dated 6-13-19.</p> <p>Commitment Order dated 6-13-19.</p> <p>Order dated 6-14-19, directing the release of the accused after posting bail.</p>	<p>It should be noted that the subject court still issues an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 13 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant case.</p> <p>In instances such as this, the subject court needs only to issue a Commitment Order.</p>
Civil Cases					
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)
42	FC-02-03-G	Hyacinth Escutin vs. Ric Richard Licican (for Voiding of Marriage)	3-21-02	Decision dated 9-1-07, declaring the marriage void.	<p>There was an Answer filed on 6 June 2002, but the respondent did not appear during the trial, notwithstanding the fact that he only resides in Dumaguete City.</p> <p>Moreover, there is no copy of the Notice of Appearance of the Office of the Solicitor General on record, which is tantamount to the absence of authority of the public prosecutor to represent the State in the instant case.</p>

					Finally, no Pre-Trial was conducted thereon, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ²⁵ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
43	FC-11-04-G	Sps. Nicasio Tabilon and Norelie Germunda vs. Jackeline Enero and the LCR of Numancia, Aklan (for Annulment of Marriage)	10-14-11	Decision dated 7-9-17, granting the annulment of marriage.	<p>The decision was fairly swift, given that the instant case was submitted for decision on 6 June 2017 and was decided on 6 July 2017, or approximately only one (1) month thereafter.</p> <p>Moreover, no Pre-Trial was conducted considering that the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,²⁶ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>
44	FC-95-9-G	Edith Saraña vs. Reinaldo Saraña (for Voiding of Marriage)	6-27-95	Decision dated 2-11-16, declaring the marriage void.	<p>There is no Order on record stating that the instant case is submitted for decision.</p> <p>However, the Memorandum of</p>

²⁵ Re: Proposed Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages dated March 3, 2003.

²⁶ *Ibid.*

					<p>plaintiff was submitted on 5 May 2011.</p> <p>Hence, the instant case is deemed submitted for decision on 5 May 2011, based on Administrative Circular No. 28,²⁷ which states that, "<i>the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier.</i>"</p> <p>Accordingly, the decision on 11 February 2016 was already delayed given that the said decision should have been rendered on or before 3 August 2011, or within ninety (90) days after the submission of the instant case for decision on 5 May 2011.</p> <p>Moreover, no Pre-Trial was conducted considering that the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,²⁸ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of</p>
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²⁷ Submission of Memoranda dated July 3, 1989.

²⁸ *Supra.*

					Voidable Marriages cases.
45	FC-10-02-G	Monique Jennifer Lim-Sarabia vs. Lloyd Dexter Sarabia (for Nullity of Marriage)	10-1-10	Decision dated 6-29-17, declaring the marriage void.	<p>The instant case was submitted for decision on 14 March 2016, but it was only decided on 29 June 2017, or approximately one (1) year and three (3) months thereafter.</p> <p>Hence, there was inordinate delay in rendering the said decision.</p> <p>Moreover, no Pre-Trial was conducted considering that the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,²⁹ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>
46	FC-02-02-G	Joel Sy vs. Celerina Osorio Sy (for Declaration of Absolute Nullity of Marriage)	3-15-02	Decision dated 4-29-16, nullifying the marriage.	<p>The instant case was submitted for decision on 18 September 2012, although in the Order dated 12 November 2012, the Office of the Solicitor General was given time to file its Comment on the said petition. But there is no compliance thereon in the records as of the date of the judicial audit.</p> <p>Regardless,</p>

²⁹

Ibid.

					the instant case was decided, but only after approximately three (3) years and five (5) months. Hence, there was inordinate delay in rendering the said decision.
47	FC-06-03-G	Sarah De Guia vs. Michael de Guia (for Declaration of Absolute Nullity of Marriage)	5-2-06	Decision dated 7-25-07, declaring the marriage void.	<p>The proceedings in the instant case is exceptionally fast compared to other cases, considering that from the time it was filed on 4 May 2006, the instant case was decided only after one (1) year and two (2) months.</p> <p>Moreover, there is no Order on record to show that the instant case was submitted for decision. It was decided on 25 July 2007, a month after the petitioner filed her Formal Offer of Exhibits on 18 June 2007.</p> <p>Relative thereto, there is also no Order on record to show that the Formal Offer of Exhibits filed by petitioner was resolved by the subject court.</p> <p>Obviously, no Pre-Trial was conducted since the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,³⁰ which</p>

					provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
48	FC-02-01-G	Yvette Martinez vs. Joseph Francis Martinez (for Annulment of Marriage)	3-1-02	Decision dated 6-15-06, granting the annulment of marriage.	No Notice of Appearance by the Office of the Solicitor General on record, absent which, it cannot be presumed that the public prosecutor is properly deputized to appear for the State in the proceedings thereon.
49	FC-02-06-V	Teodor Calderon Baradi vs. Cherelyn Batilo-Baradi (for Annulment of Marriage)	7-11-02	Decision dated 6-30-08, granting the annulment of marriage.	<p>No Order on record submitting the instant case for decision, but the last Memorandum was filed by petitioner on 3 May 2007. Hence, the instant case was deemed submitted for decision on 3 May 2007, following Administrative Circular No. 28,³¹ which states that, <i>"the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier."</i></p> <p>Accordingly, the decision on 30 June 2008 was already delayed since it should have been rendered on or before 1 August 2007.</p>

³¹ *Supra.*

					Therefore, there was inordinate delay in deciding the instant case.
50	FC-06-01-V	Trinidad Ejercito Canomay vs. Uldarico Canomay (for Annulment of Marriage)	1-10-06	Decision dated 6-23-08, granting the said annulment of marriage.	<p>There is no Return on the Summons dated 7 February 2006 on record.</p> <p>Moreover, the instant case was submitted for decision on 22 August 2007, and should have been decided on or before 20 November 2007.</p> <p>Hence, the decision rendered on 23 June 2008 was already delayed since it was rendered beyond the reglementary period to decide.</p>
51	FC-06-04-G	Charlow Vargas vs. Oscar Vargas (for Annulment of Marriage)	5-30-06	Decision dated 6-8-2015, granting the said annulment of marriage.	<p>There is no Order on record that the instant case was submitted for decision.</p> <p>However, petitioner's Formal Offer of Exhibits was filed on 20 November 2010, but nothing in the record shows that the subject court ruled on the same.</p> <p>Nevertheless, it can be inferred that upon the submission of the said Formal Offer of Exhibits by the petitioner, the latter rested its case. Hence, instant case was deemed submitted for decision on 20 November 2010, and the same should have been decided on or before 18 February 2011.</p>

					<p>Accordingly, the decision on 8 June 2015 was already delayed since it was rendered beyond the reglementary period to decide.</p> <p>Moreover, no Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,³² which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>
52	FC-17-04-C	Nelly Estrada vs. Joemon Estrada (for Declaration of Absolute Nullity of Marriage)	9-18-17	<p>The Return on Summons dated 10-10-17 provides that, <i>“respondent is now in Manila with no address given for almost two (2) years now.”</i></p> <p><i>Ex-Parte</i> Motion to Serve Summons either by substituted service or by publication was filed on 4-16-18.</p> <p>Order dated 5-30-18, stating that, <i>“the Sheriff is hereby directed to serve the Summons thru substituted service, should the same be futile, let the Summons and petition and the Order be published in a newspaper of general circulation in the</i></p>	<p>The Order dated 30 May 2018 of the subject court, directing the petitioner to publish the Summons and the Order in a <u>newspaper of general circulation in Negros Oriental and its component cities</u>, runs counter to the specific provision under Sec. 6 (1) of A.M. No. 02-11-10-SC³³ which provides that, <i>“[w]here the respondent cannot be located at his given address or his whereabouts are unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of court, be effected upon him by publication</i></p>

³² Ibid.
³³ Supra.

				<p><u>Province of Negros Oriental and its component cities once a week for 3 consecutive weeks.</u>" (underscoring provided)</p> <p>Publication in the Dumaguete Star Informer on 22 and 29 July, and on 5 August 2018.</p>	<p>once a week for two consecutive weeks in a newspaper of general circulation in the Philippines and in such places as the court may order." (underscoring provided)</p> <p>The need to comply with the above-quoted provision is mandatory, and with more reason in the instant case since the respondent is known to have been residing in Manila for the last two (2) years.</p>
53	FC-16-03-C	Jay Dayondon vs. Charrie Dayondon (for Annulment of Marriage)	3-14-16	<p>Answer was filed on 7-12-16.</p> <p>Order dated 12-6-17, stating that, "when this case was called for Pre-Trial, petitioner and counsel appeared. There was no appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given ten days to file his legal opinion. In the meantime, this case is held in abeyance."</p>	<p>The instant case has not been acted upon since December 2017 after the issuance of the Order dated 6 December 2017.</p> <p>However, the rationale of the said Order runs counter with Sec. 13(b) of A.M. No. 02-11-10-SC³⁴ which states that, "if the respondent has filed his answer but fails to appear, the court shall proceed with the pre-trial and require the public prosecutor to investigate the non-appearance of the respondent and submit within fifteen days thereafter a report to the court stating whether his non-appearance is due to any collusion between the</p>

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Ibid.

					<i>parties. If there is no collusion, the court shall require the public prosecutor to intervene for the State during the trial on the merits to prevent suppression or fabrication of evidence."</i>
54	FC-18-05-G	Nathaniel Villahermosa vs. Mary Ann Villahermosa (for Declaration of Nullity of Marriage)	5-23-18	Order dated 7-18-19, directing the petitioner to amend the petition for being defective, there being no specific address of the respondent in the said Petition.	The said Petition should have been dismissed in accordance with par. d of OCA Circular No. 63-2019 ³⁵ dated 17 April 2019, stating that, <i>"the failure of the petitioner to comply with the residency requirement shall be a ground for the immediate dismissal of the petition, without prejudice to the refiling of the petition in the proper venue."</i>
55	FC-17-07-G	Marjorie Salvador vs. Bryan Roy Salvador (for Declaration of Nullity of Marriage)	11-24-17	Order dated 2-7-19 states that, <i>"considering that the investigation report is already in, after marking the exhibits today, set this case for trial proper on 3-28-19 at 8:30 in the morning."</i>	<p>It is evident from the Order dated 7 February 2019 that there was no Pre-Trial conducted since the proceedings therein was immediately set for initial trial after the filing of the No Collusion Report.</p> <p>This practice contravenes the succinct provision of Sec. 11 (1) of A.M. No. 02-11-10-SC,³⁶ which provides that Pre-Trial is mandatory in Declaration of</p>

³⁵ Issuance of the En Banc Resolution dated 2 October 2018 in A.M. No. 02-11-10-SC (*Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*) and A.M. No. 02-11-11-SC (*Re: Rule on Legal Separation*).

³⁶ *Ibid.*

					<p>Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p> <p>Moreover, it has been observed that the address of the petitioner, as indicated in the petition, is incomplete as it only states "Poblacion, Guihulngan City, Negros Oriental," without the house number or the street name. There is also no address indicated in the Verification of the said Petition. However, in the Barangay Certification dated 1 February 2019, to prove the residency of the petitioner, which was submitted over one (1) year after the said Petition was filed, the indicated address of the petitioner is Roxas St., Poblacion, Guihulngan City, Negros Oriental.</p> <p>It can then be inferred that it was only after over one (1) year following the filing of the said Petition that the petitioner resided in the address indicated in the said Barangay Certification.</p>
56	FC-15-05-G	Alvin Mendoza Tomesa vs. Jenilyn Masa Paguio-Tomesa (for Declaration of Nullity of Marriage)	8-26-15	Decision dated 4-19-18, granting the nullity of marriage.	The instant case was decided faster than the other cases given that the Formal Offer of Exhibits of the petitioner was

					only filed on 5 March 2018, and over a month thereafter, the instant case was decided.
57	FC-12-01-G	Ronard M. Susas vs. Robie A. Susas (for Declaration of Absolute Nullity of Marriage)	4-25-12	<p>Summons dated 4-25-12 was duly served per Return that was filed on 5-9-12.</p> <p>The Notice of Appearance of the Office of the Solicitor General was filed on 6-6-12.</p> <p>Order dated 9-6-18, directing the public prosecutor to conduct an investigation whether or not collusion exists between the parties.</p>	<p>From the time the Return on the Summons was filed on 9 May 2012, there was an inordinate delay of more than six (6) years before the subject court acted on the instant case, and issued the Order dated 6 September 2018.</p> <p>The latter Order is also the last issued by the subject court, and no further action has been done since then.</p>
58	FC-06-06-C	Junrose Silvano vs. Celso Silvano (for Declaration of Nullity of Marriage)	8-10-06	<p>Order dated 9-3-13, issued by then APJ Bahonsua, directing the parties to submit their respective Memoranda.</p> <p>Respondent's Memorandum was filed on 3-30-14, but there is no Memorandum from the petitioner on record.</p> <p>Decision dated 11-18-2015, granting the nullity of marriage.</p>	<p>Based on A.O. No. 95-2013 dated 6 May 2013, the designation of Judge Mario O. Trinidad as assisting judge of Br. 61, RTC, Bogo City, Cebu, pursuant to A.O. No. 137-2012 dated 17 July 2012, was revoked on even date.</p> <p>Consequently, he was expected thereafter to re-assume as the presiding judge of the subject court.</p> <p>Evidently, there was delay in deciding the instant case since approximately more than two (2) years have elapsed from the time Judge Trinidad should have re-assumed as the presiding judge of</p>

					the subject court to the time that he decided the instant case.
59	FC-18-06-V	Janet Sabanal-Arigo vs. AM Arigo (for Declaration of Nullity of Marriage)	8-16-18	<p>The address of the petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental.</p> <p>In the Verification with Certification of Non-Forum Shopping, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental.</p> <p>The Sheriff's Return on the Summons dated 9-17-18 (no date of receipt) states that, <i>"on 30th day of August, the undersigned tried to serve a copy of Summons with Respondent and annexes attached thereto issued by the Regional Trial Court Branch 64, Guihulngan City on the above-entitled case upon respondent AM C. Arigo with given address at Tandayag, Amlan, Negros Oriental.</i></p> <p><i>However, the house was closed and no person was inside the house. As per information by the neighbor, no one occupies the house."</i> (underscoring supplied)</p> <p>It further discloses that, <i>"on 14th day of September 2018, the</i></p>	<p>It can be noted that the address of petitioner in the said Petition is not complete, there being no indication of the house number and street name.</p> <p>Moreover, the address indicated in the Verification is different from the one stated in the body of the said Petition.</p> <p>However, in the Amended Judicial Affidavit of petitioner, Janet Sabanal Arigo, which was filed on 21 March 2019, it is only indicated that she is <i>"a resident of Amlan, Negros Oriental."</i></p> <p>The Municipality of Amlan, Negros Oriental, is outside the jurisdiction of the City of Guihulngan, Negros Oriental, it being within the territorial jurisdiction of Tanjay City, Negros Oriental. A further verification revealed that the same parties have a pending Petition for the same cause of action before Br. 43, RTC, Tanjay City, Negros Oriental (currently stationed in Dumaguete City), denominated as Spec. Proc. No.</p>

				<p><u>undersigned went back at the given address. A certain Honeylyn C. Sabanal, 24 years of age were (sic) there, who claimed to be Petitioner's [Sister-in-law]. As per information, respondent is not leaving (sic) in that house anymore. Hence, substituted service is resorted to her whosigned and acknowledged the receipts thereof."</u> (underscoring provided)</p>	<p>453,³⁷ that was filed earlier on 21 November 2013.</p> <p>In the said Petition, the stated address of both parties is Tandayag, Amlan, Negros Oriental, and the same address was also reflected in petitioner's Judicial Affidavit that was filed on 4 May 2017 for the aforementioned case.</p> <p>On 30 July 2018, the petitioner filed a Notice to Withdraw Petition, but, as of the date of the judicial audit, the same remains unacted upon by Br. 43, RTC, Tanjay City, Negros Oriental. Meanwhile, the Sheriff's Return on the Summons dated 17 September 2018 categorically states that the respondent no longer resides in the said address, yet substituted service was still resorted to, and the Summons was declared to have been duly served.</p> <p>Finally, no Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,³⁸ which provides that Pre-Trial is mandatory</p>
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³⁷ Titled "Janet D. Sabanal-Arigo vs. AM C. Arigo," for Declaration of Nullity of Marriage.
³⁸ Supra.

					in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
60	FC-17-02-C	Flonisa Aragon Mindac vs. Mark Besin Amarante (for Declaration of Nullity of Marriage)	2-14-17	Order dated 6-27-19, resetting the initial trial on 10-3-19.	No Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ³⁹ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
61	FC-18-02-C	Robengie D. Rogano vs. Jeany Per Rogano	3-13-18	<p>Return on Summons was submitted on 4-25-18, stating that it was unserved since respondent no longer resides at their ancestral home for almost three (3) years, and she is now in Manila working as a lady guard. Her aunt, Nenita Dela Cuesta, does not know her present address.</p> <p>Motion for Leave to Serve Summons with copy of Petition by way of publication in accordance with Section 14, Rule 14, New Rules of Court dated 5-11-18 (no date of receipt).</p> <p>Order dated 6-4-18, directing the petitioner to publish a copy of the Petition and the Order in a</p>	<p>The Order dated 4 June 2018, directing the petitioner to publish the Summons and the Order in a newspaper of general circulation in Negros Oriental and its component cities, runs counter to the specific provision under Sec. 6 (1) of A.M. No. 02-11-10-SC,⁴⁰ which provides that, "where the respondent cannot be located at his given address or his whereabouts are unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of court, be effected upon him by publication once a week for two consecutive weeks in a newspaper of general</p>

³⁹ *Ibid.*

⁴⁰ *Ibid.*

				<p>newspaper of general circulation in the Province of Negros Oriental and its component cities once a week for three (3) consecutive weeks.</p> <p>The same were published on 29 July, 5 August and on 12 August 2018 in the Dumaguete Star Informer.</p>	<p><i>circulation in the Philippines and in such places as the court may order.”</i> (underscoring provided)</p> <p>The need to comply with the above-quoted provision is mandatory, and with more reason in the instant case given that the respondent had already been residing in Manila for the last three (3) years.</p>
62	FC-18-01-G	Francis Eusebio vs. Roxane L. Eusebio (for declaring the marriage void)	3-8-18	Decision dated 11-28-18, declaring the marriage void.	<p>It should be noted that the instant case was decided exceptionally fast as compared to the other cases with similar cause of action, given that the same was submitted for decision on 22 November 2018, and six (6) days thereafter, the same was decided.</p> <p>Moreover, no Pre-Trial was conducted, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁴¹ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>
63	FC-17-05-G	Eduardo Cordova vs. Marites Cordova (for the declaration of nullity of marriage)	9-25-17	<p>Motion to Set Pre-Trial was filed on 12-14-17.</p> <p>Motion to Set Pre-Trial was filed on 11-22-18.</p>	Inspite of the said Motions, which are still pending and unresolved as of the date of the judicial audit, the subject court proceeded to set the case for trial

				Order dated 6-18-19, stating that, <i>"upon Motion of the petitioner, set this case for trial proper to September 17, 2019 at 8:00 o'clock in the morning."</i>	proper, without first conducting the Pre-Trial. Such act contravenes Sec. 11 (1) of A.M. No. 02-11-10-SC, ⁴² which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
64	FC-14-02-V	Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage)	12-19-14	Motion to Dismiss was filed on 3-6-15 due to improper venue on the ground that the petitioner is a resident of Dumaguete City, and that two (2) other cases were previously filed based on the same cause of action in Br. 58, RTC, San Carlos City, Negros Occidental, on 7-24-13, but was eventually dismissed for improper venue, having been established therein that the petitioner is a resident of Dumaguete City and not of San Carlos City; and in Br. 63, RTC, Bayawan City, filed on 9-11-14, which was also dismissed for lack of jurisdiction on the ground that petitioner is a resident of Camanjac, Dumaguete City. Order dated	It should be noted that the holding in abeyance of the proceedings in the instant case is improper considering that the Court of Appeals has not issued a TRO to suspend the proceedings. Moreover, in the hearing on 12 November 2015, wherein the Motion to Dismiss was denied, the reception of petitioner's evidence proceeded despite the absence of the movant who was not properly notified based on the transcript of stenographic notes, disclosing that there was no return on the Subpoena sent to her. In effect, the latter was not afforded due process inasmuch as she was deprived of the opportunity to cross-examine the witness presented

				<p>11-12-15, denying the said Motion to Dismiss after hearing was conducted thereon.</p> <p>Motion for Reconsideration on the Order dated 11-12-15 was filed on 5-5-16.</p> <p>Order dated 11-3-17, denying the said Motion for Reconsideration.</p> <p>Petition for Certiorari before the Court of Appeals, assailing the Orders dated 11-12-15 and 11-3-17, and praying for a Preliminary Injunction and/or TRO. Court of Appeals Resolution dated 4-19-18, directing the private respondent (petitioner in the instant case) to file his Comment. No ruling on the prayer for TRO was issued.</p> <p>Order dated 9-13-18, holding the proceedings in the instant case in abeyance, there being a petition for Certiorari.</p>	during the said hearing.
Special Proceedings					
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)
65	18-03-G	<p>In the Matter of Change of Name from Jamila Brillanes to Jamila Mubarak Munasir Ali Billanes Al-Ghayathin in the Certificate of Live Birth</p> <p>Elisa O. Billanes, petitioner vs.</p>	6-11-18	Decision dated 10-9-18, granting the instant Petition.	<p>The instant case was filed on 18 June 2018, and it was decided on 9 October 2018, or approximately after only four (4) months.</p> <p>Likewise, in the said Petition, the address of the</p>

		Local Civil Registrar, Bacolod City			<p>petitioner is incomplete since it was merely mentioned that she is a "<i>resident of Guihulngan City, Negros Oriental, for more than 3 years.</i>"</p> <p>There is also no address indicated in the Verification therein.</p>
66	FC-18-03-G	<p>In the Matter of Adoption of Minor Queenzy Zyra Que</p> <p>Anthony Thimoth Clarke, consented by spouse Jethel Aliling Que Clarke, petitioner</p>	4-2-18	<p>Order dated 6-4-18, directing the party to submit its Formal Offer of Exhibits within 10 days after the Comment of the State; thereafter, the instant case is submitted for decision.</p> <p>State's Comment provides, among others, that the case study should be submitted first before the subject court decides on the instant case.</p> <p>Case study was filed on 7-13-18.</p> <p>Decision dated 7-16-18, granting the adoption.</p>	<p>It is readily apparent that the instant case was decided exceptionally fast as compared to other cases with similar cause of action, considering that the same was decided after only three (3) days from the filing of the case study as prayed for in the Comment of the State.</p>
67-68	15-01-L and 15-02-L	Correction of Entry on the Date of Birth in the Marriage Record of Danilo A. Bebelone	3-30-15	<p>Order dated 2-16-17, submitting the instant cases for decision.</p> <p>Decision dated 2-21-18, granting the said Petition.</p>	<p>There was inordinate delay in deciding the instant case, given that over one (1) year had elapsed from the time the same was submitted for decision until the time that it was decided.</p>
69	11-02-C	Change of First Name and Correction of Entry of Sex of Stephen Feliciano	1-31-11 (Amended Petition was filed on 5-17-17)	<p>Order dated 8-1-18, submitting the instant case for decision.</p> <p>Decision dated 8-14-19, granting the said Petition.</p>	<p>Nothing in the case records would show that the mandatory requirement of publication was complied with as regards the</p>

					Amended Petition. Furthermore, there was inordinate delay of almost a year from the time the instant case was submitted for decision until the time that it was decided.
70	FC-13-01-G	In the Matter of Adoption of Vera Christine Martinez Vergara Sps. Rojan and Rosalie Postrano-Vergara, petitioners	2-4-13	Order dated 2-7-19, submitting the instant case for decision. Decision dated 7-15-19, granting the said Petition.	There was inordinate delay from the time the instant case was submitted for decision until the time that it was decided.
71	FC-17-01-V	Ronz Ivan Pagar Escribano vs. Helen Dickenson	2-7-17	Order dated 7-17-19, submitting the instant case for decision. Decision dated 7-25-19, granting the said petition.	The instant case was decided exceptionally fast as compared to other cases with similar cause of action, considering that the decision was rendered only six (6) days after the same was submitted for decision.

Thus, based on the foregoing judicial audit findings, the judicial audit team recommended the following:

1. Presiding Judge Mario O. Trinidad be DIRECTED to:

A. DECIDE WITH DISPATCH the cases that are submitted/deemed submitted for decision, giving due priority to Civil Case No. FC-11-03-G and Spec. Pro. Case No. FC-14-03-G, the respective decisions of both cases being already overdue, and to submit a copy of the decision rendered therein within fifteen (15) days from its issuance or promulgation;

B. RESOLVE WITH DISPATCH the cases with pending incident/s that is/are submitted for resolution, giving preference to cases in Sub-Par. Nos. 1-8; 11-16; 18-49, which pending incident/s is/are already overdue, and to submit a copy of the resolutions rendered therein within fifteen (15) days from its issuance;

C. ACT WITH DISPATCH on cases with pending and unresolved incidents as of the date of the judicial audit, and to provide a copy of the Order issued relative to any action taken thereon within fifteen (15) days from the date of its issuance;

D. ACT the cases classified as dormant, there being no further setting therein and/or no action done thereto by the subject court, and to furnish a copy of any Order issued relative to any action taken thereon within fifteen (15) days from the date of its issuance;

E. ARCHIVE, if warranted, the criminal cases that may be archived, and to submit a copy of the Order archiving the same within fifteen (15) days from its issuance;

F. EXPLAIN IN WRITING within fifteen (15) days from receipt hereof why he should not be administratively sanctioned relative to the following judicial audit findings, to wit:

a. Delay in deciding Civil Case No. FC-11-03-G and Spec. Pro. Case No. FC-14-03-G;

b. Delay in resolving the pending incidents that were already submitted/deemed submitted for resolution;

c. Delay in the flow of the proceedings in criminal cases, taking between two (2) to six (6) months for the next setting to be scheduled;

d. Absence of hearing in some criminal cases for one (1) to two (2) years from the date of filing, as of the date of the judicial audit, brought about by successive postponements of settings;

e. The subject court, upon the filing of a Motion to Allow the Accused to Plea Bargain, directs the accused to submit to a drug dependency examination even before it resolves the said Motion;

f. The duration of the hearings lasted only for two (2) hours at most, starting at past 10:00 a.m. until 12:00 noon, with no record

that hearings were conducted in the afternoon
(*Item No. III, Par. No. 8*), and

g. Regarding the seventy-one (71) cases with court actions that may constitute a violation or violations of existing laws, the Rules, circulars and other issuances of the Supreme Court.

In his Letter-Reply dated December 2, 2019, Judge Trinidad provided the following reasons/explanations:

1. The subject court has a caseload of almost two thousand (2,000) cases, and as a result thereof, the settings of all cases would have an interval of two (2) to six (6) months;
 2. In 2008, he was ambushed, and was thereafter temporarily stationed in other courts for four (4) years, thus making him lose control of the cases in the subject court;
 3. In 2012, while he was assigned in Branch 53, Regional Trial Court, Lapu-Lapu City, Cebu, a strong earthquake struck the City of Guihulngan, Negros Oriental, resulting in the collapse of the Hall of Justice thereat and the disarray of the case records therein, which his staff failed to thereafter chronologically and orderly arrange resulting in some older cases being overlooked and unattended;
 4. Sometime in 2014, his house was lobbed with a grenade, hence, for security reasons he cancelled the proceedings for a few days following the advice of the Philippine National Police (PNP);
 5. In 2017, due to the escalation of the encounters between the National People's Army and the PNP in the area where killings became rampant, the litigants, their witnesses, the lawyers and the public prosecutors were afraid to appear before the subject court, prompting him to reset the proceedings due to the former's non-appearance;
 6. On the findings involving the duration of the hearings that lasted only for two (2) hours at most, starting at past 10:00 a.m. until 12:00 noon, with no record that hearings were conducted in the afternoon, he explained that due to the severe threats on his life and the resurgence of insurgency in the area, he avoided having a pattern in his arrival and departure during hearings. He also attributed this to the
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lawyers and public prosecutors who come from Cebu, Bacolod, Dumaguete City and Canlaon City, whose travel time to the subject court takes three (3) hours. Corollarily, he stated that no hearings were conducted in the afternoon because that was when the public prosecutors, PAO lawyers and private lawyers had their hearings before the first-level courts, particularly in the MTCC of Canlaon City, MTCC of Guihulngan City and the MCTC of Vallehermoso-La Libertad in Vallehermoso, Negros Oriental; and

7. As for the seventy-one (71) cases with court actions that may constitute a violation or violations of existing laws, the Rules, circulars and other issuances of the Supreme Court, the corresponding comments of Judge Trinidad are enumerated under the column denominated as Comment/s of Judge Trinidad, as follows:

Criminal Cases						
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)	Comment/s of Judge Trinidad
1-2	03-014-G and 03-015-G	Pp. vs. Honofre Cabrera	2-24-03	Application for Bail was filed on 7-17-03. Order dated 2-9-06, submitting the said application for decision, and giving the prosecution 5 days from receipt to file its Formal Offer of Exhibits, and 5 days from receipt for the defense to file its Comment. Prosecution's Formal Offer of Exhibits was filed on 2-28-06, while the corresponding Comment thereon was submitted on 3-2-06.	Since the instant cases were filed in 2003, Pre-Trial has not yet commenced even up to the time of the judicial audit. Apparently, the subject court patently disregarded the Resolution of the Court of Appeals dated 25 June 2008 in C.A. G.R. SP No. 01919, directing it to order the revocation of the bail posted by the accused and for the latter's arrest and detention, since nothing in the case records would show that the subject court complied with the said directive.	"... [T]his case was (sic) left unattended and dormant because of the heavy caseloads (sic) in the subject court and the case folders were not orderly arranged."

				<p>Order dated 2-27-06, granting the Petition for Bail.</p> <p>Court of Appeals Resolution dated 6-25-08 on C.A. G.R. SP No. 01919, received by the subject court on 7-10-08, directing the latter to order the arrest and detention of the accused, and to cancel his bail.</p> <p>Court of Appeals Resolution dated 8-26-08, denying the Motion for Reconsideration.</p> <p>Resolution of the First Division of the Supreme Court dated 10-20-10, on G.R. No. 192919, denying the Petition for Review. The said Resolution was received by the subject court sometime in May 2011.</p> <p>Manifestation dated 10-5-17, stating the death of the accused, with prayer for the dismissal of the said cases.</p> <p>Order dated 10-5-17, resetting the hearing on these cases to 4-12-18 at 8:30</p>	<p>Likewise, despite its receipt of the Supreme Court Resolution on G.R. No. 192919, denying the Petition for Review on the said Court of Appeals Resolution, there is still no compliance on record by the subject court on the said directive of the Court of Appeals as of the date of the judicial audit.</p> <p>To date, the accused remains at-large, and the instant case remains dormant, there being no further action or setting thereof, after the issuance of the Order dated 5 October 2017, setting the instant case for hearing on 12 April 2018.</p>	
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				in the morning, considering that the manifestation of the defense counsel that accused is already dead needs to be verified.		
3	13-098-G	Pp. vs. Dandy Demiren	9-23-13	Order dated 5-9-19, resetting the initial trial on 9-12-19.	There is a discrepancy relative to the date of arraignment, since in the Certificate of Arraignment, the accused was arraigned on 22 May 2014, while in the corresponding Order, he was arraigned on 3 June 2014.	"... [T]he discrepancy in the date of arraignment and the Order was due to clerical error committed by my staff who prepares the Certificate of Arraignment."
4	16-225-V	Pp. vs. Lester G. Benlot	12-13-16	Order dated 3-26-19, stating that, <i>"considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED."</i>	There is nothing in the case records to suggest that the subject court's dismissal of the instant case was made through the Motion of the public prosecutor, or that the latter concurred in the said decision. Moreover, the case records are devoid of any information that proof of death of the accused was submitted in evidence before the subject court, and that the same was considered in arriving at the decision to dismiss the instant case.	"... [T]he motion was being made orally by both parties, and in order to unclog the docket of the court, the case was dismissed."
5	14-114-G	Pp. vs. Marla Ompoc Hailand	6-26-14	Motion to Suppress Evidence was filed on 10-28-14, and Opposition to the Motion to Suppress Evidence was submitted on	The resolution on the said Motion was delayed, considering that the same should have been decided on or before 15 February 2015.	"... [T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chrono-

				11-17-14. Order dated 3-31-15, denying the said Motion.		<i>gically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i>
6	14-001-G	Pp. vs. Edgar Icalina	11-26-14	Motion for Bail was filed on 6-24-14. Order dated 5-30-19, resetting the instant case due to the intended filing of a Motion for Bail.	Based on the case records, a Motion for Bail was already filed as early as 24 June 2014, and apparently, the same was not acted upon by the subject court; hence it remains unresolved as of the date of judicial audit.	<i>"... [T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i>
7	12-017-C	Pp. vs. Eleuterio Maglasang, Jr.	1-31-12	Application for Bail was filed on 3-6-12. Order dated 12-17-14, submitting the said Application for Bail for resolution. Order dated 3-11-15, granting the Motion for Reduction of Bail was filed on 3-10-15. Formal Offer of Exhibits by the accused was filed on 11-14-18 (reverse trial).	The instant case involves the crime of Murder, hence, non-bailable. However, there is no record of any resolution on the said Application for Bail after it was submitted for resolution on 17 December 2014. Instead, the subject court issued an Order granting the Motion to Reduce Bail even if there was no resolution yet on the Application for Bail.	<i>"... A resolution dated February 16, 2015 on the Application for Bail is now attached to the records of the case. My staff failed to properly stitch the case folders. The pleadings, orders and resolutions in the case folders are loosely inserted and as a result the said resolution was detached from the record during audit."</i>
8-9	FC-08-05-V and	Pp. vs. Celso Supremo	4-15-08	Formal Offer of Exhibits	There was inordinate	<i>"[T]he delay in the resolutions</i>

	FC-08-06-V			<p>of the prosecution was filed on 11-26-17.</p> <p>Order dated 11-28-17, directing the defense to file its Comment thereto within 5 days.</p> <p>Order dated 8-6-19, directing anew the defense to file its Comment within 10 days, and setting the presentation of defense evidence on 12-3-19.</p>	<p>delay in the submission of the Comment by the defense on the Formal Offer of Exhibits of the prosecution, spanning close to two (2) years from the time it was first directed to file the same on 28 November 2017.</p> <p>The subject court should have <i>motu proprio</i> ordered for the waiver of the said Comment owing to the said delay, and outrightly resolved the pending incident.</p> <p>Hence, due to the delayed compliance, the instant case has been dormant for the last two (2) years as of the date of the judicial audit.</p>	<p><i>and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i></p>
10	16-117-V	Pp. vs. Millard C. Aplicador	6-27-16	<p>Motion to Release the Items Subject of the Case was filed on 3-30-16, and the corresponding Comment thereon was submitted on 8-1-16.</p> <p>Order dated 3-6-18, resolving the said Motion.</p>	<p>There was inordinate delay of almost two (2) years in the resolution of the said Motion.</p>	<p><i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i></p>
11	18-24-L	Pp. vs. Wilfredo Absin	9-3-18	<p>Order dated 3-26-19, dismissing the instant case due</p>	<p>There is nothing in the case records which shows that</p>	<p><i>"... [T]he undersigned is of the humble belief that there is no need to</i></p>

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				to the manifestation of the complainant that she and her accused-husband have already patched things up.	the public prosecutor was made to Comment on the said Manifestation prior to the <i>motu proprio</i> dismissal of the instant case by the subject court.	<i>issue order (sic) directing the public prosecutor to comment since the public prosecutor interposed no objection despite being notified of the manifestation of the complainant.</i> "
12	18-006-V	Pp. vs. Teodoro Andraque	1-25-18	Order dated 5-7-19, conducting the arraignment of the accused with Criminal Case No. 18-005-V.	There is nothing in the case records to show that accused Teodoro Andraque was arraigned. It was only accused Sixto Andraque who was arraigned for Criminal Case No. 18-005-V.	"... [B]oth accused were duly arraigned, however, my staff failed to properly stitch the case folders. The pleadings, orders and resolutions in the case folders are loosely inserted and as a result the certificate of arraignment of one accused was detached from the record during audit. The records are intact now."
13-14	FC-04-10-G and FC-042-G	Pp. vs. Rady Alcala	3-25-04	<p>Court of Appeals Decision dated 7-11-11, remanding the instant cases to the subject court for the reception of the prosecution's evidence.</p> <p>The said Court of Appeals decision was received by the subject court on 3-1-12.</p> <p>Order dated 9-13-18, resetting the</p>	<p>It can be gleaned from the flow of the proceedings that there was inordinate delay by the subject court to comply with the Court of Appeals directive, and set the instant cases for hearing after it received the appellate court's decision on 1 March 2012, taking more than six (6) years before it issued the Order dated 13 September 2018, setting the hearing on 14 March 2019.</p>	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."

				<p>hearing on the said cases on 3-14-19, after the same were remanded to the subject court.</p> <p>Order dated 3-14-19, setting the instant cases for the continuation of the initial trial on 8-15-19.</p>		
15	12-023-G	Pp. vs. Cerelo Ferolino Tejares	2-22-12	<p>Prosecution's Formal Offer of Exhibits was received on 6-30-17.</p> <p>Order dated 11-16-17, directing the defense to file its Comment on the said Formal Offer of Exhibits within 5 days.</p> <p>However, no Comment was submitted.</p> <p>Order dated 8-1-18, admitting the said Formal Offer of Exhibits.</p> <p>Order dated 11-15-18, directing the defense to again file its Comment on the said Formal Offer of Exhibits within 5 days.</p> <p>Order dated 5-16-19, stating that, <i>"The State</i> </p>	<p>It can be gleaned from the flow of the proceedings that there was no compliance by the defense on the subject court's Order to file its Comment on the Prosecution's Formal Offer of Exhibits.</p> <p>Consequently, on 1 August 2018, the subject court admitted the Prosecution's Formal Offer of Exhibits, sans the Comment of the defense.</p> <p>However, the subject court still continued to reiterate its directive for the defense to file its Comment in the ensuing Orders dated 15 November 2018 and 16 May 2019, notwithstanding its ruling on the said Formal Offer of Exhibits. Such a repetitive act contributes largely to the further delay</p>	<p><i>"... [T]he repetitive act of the court was due to the negligence of my staff who failed to attach the orders, resolutions, pleadings, immediately and properly."</i></p>

				<i>in this case having already rested its case and filed its FOE, the defense intimated to the court that he is filing his comments to the FOE. Reset this case to 10-29-19."</i>	in the litigation of the instant case.	
16	11-008-C	Pp. vs. Juvy Renejani, et al.	2-2-11	<p>Prosecution's Formal Offer of Exhibits was filed on 10-26-16.</p> <p>Order dated 11-10-16, admitting the said Formal Offer of Exhibits despite the failure of the defense to file its Comment thereon.</p> <p>Order dated 11-29-17, directing the defense to file its Comment on the said Formal Offer of Exhibits.</p>	<p>Based on the Order dated 10 November 2016, the defense has not filed its Comment on the Formal Offer of Exhibits of the prosecution. Notwithstanding, the said Formal Offer of Exhibits was admitted.</p> <p>However, the subject court still continued to reiterate its directive for the defense to file its Comment in the ensuing Order dated 29 November 2017, despite its previous ruling on the said Formal Offer of Exhibits. Such a repetitive act contributes largely to the further delay in the litigation of the instant case.</p>	<i>"... [T]he repetitive act of the court was due to the negligence of my staff who failed to attach the orders, resolutions, pleadings, immediately and properly."</i>
17	16-087-C	Pp. vs. Narciso Omboy, et al.	5-11-16	<p>Motion to Dismiss with an Affidavit of Desistance was filed on 8-5-16.</p> <p>Order dated 9-20-17, denying the said Motion on the basis of the Manifestation of the prosecutor that</p>	<p>There was inordinate delay of over one (1) year and three (3) months in resolving the said Motion which is way beyond the reglementary period to resolve the same.</p>	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the</i>

				he can probably secure the conviction of the accused.		<i>strong quake in 2012 as a result some cases were left unattended.</i> "
18	00-024-G	Pp. vs. Ranulfa Alpas	4-3-00	<p>Order dated 7-26-06, archiving the instant case for the reason that the accused had jumped bail.</p> <p>Order dated 4-26-11, setting the Pre-Trial Conference on 3-31-11, and the Pre-Trial on 6-19-11.</p> <p>Notice of Hearing dated 1-15-16.</p>	<p>The reason adduced in archiving the instant case, as stated in the Order dated 26 July 2006, is not among those allowed under OCA Circular No. 89-2004 dated 12 August 2004.⁴³</p> <p>The case of an accused who jumped bail may only be archived if she/he is not yet arraigned and can no longer be arrested by the bondsman.</p> <p>This, however, is not the situation in the instant case since prior to its archiving, the accused was already arraigned on 3 April 2000.</p> <p>The subject court should have conducted a trial in <i>absentia</i> which is allowed under Sec. 14 (2), Article III of the 1987 Constitution, which provides that "<i>after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified</i></p>	<p><i>"... [T]he court wanted to afford accused full opportunity to be heard thus the subject court opted to archive the case pending arrest of the accused instead of having trial in absentia."</i></p>

					<p><i>and his failure to appear is unjustifiable.”</i></p> <p>Moreover, the instant case has become dormant for about five (5) years, there being no movement in the proceedings therein from the issuance of the Order dated 26 April 2011, setting the Pre-Trial Conference on 31 March 2011 and the Pre-Trial on 19 June 2011, to the issuance of the Notice of Hearing dated 15 January 2016.</p>	
19	FC-17-48-G	Pp. vs. Ailita Herebit	10-30-17	<p>Order dated 10-18-18, directing the handling prosecutor to reinvestigate the propriety of releasing the accused when the offense charged is considered to be non-bailable.</p> <p>Motion to Expunge the Record on Arraignment (for reinvestigation purposes) filed on 11-5-18.</p> <p>Order dated 12-12-18, granting the said Motion, and directing the public prosecutor to conduct the reinvestigation.</p> <p>Motion</p>	<p>The case records do not show that the subject court afforded the defense the opportunity to file its corresponding Comment/s relative to the said motions.</p>	<p><i>“... [I]t can be seen from the record of the case that defense) was copy furnished, however, despite being copy furnished the defense filed no comment. Thus, to expedite the proceedings, the court resolved the motions within the prescribed period.”</i></p>

				to Admit Amended Information filed on 2-14-19. Order dated 2-27-19, granting the said Motion.		
20	17-070-C	Pp. vs. Romulo Tan	7-1-17	<p>Motion to Allow the Accused to Plea Bargain was filed on 8-13-18.</p> <p>Order dated 11-14-18, stating that, <i>"considering that there is a standing motion for plea bargaining and considering further that the conflict between the Supreme Court Circular and Department of Justice Circular with respect to Sec. 5 is still to be resolved, reset this case to March 20, 2019 at 8:30 in the morning."</i></p>	<p>As of the date of the judicial audit, the resolution on the instant Motion is already delayed for a year because the subject court deferred its ruling on the same until the said conflict is finally resolved.</p> <p>However, the said Order is devoid of any information regarding how the said conflict will be resolved and by whom, or if there is a pending case on the matter before the Supreme Court for resolution.</p> <p>Notwithstanding, it bears to emphasize that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁴⁴ dated 4 May 2018; OCA Circular No. 80-2019⁴⁵ dated 30 May 2019, and OCA Circular No.</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i></p>

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Supra.

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Supra.

					<p>104-2019⁴⁶ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>Specifically, OCA Circular No. 80-2019 unequivocally enunciates that judges are bound to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are <i>“constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government.”</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>	
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⁴⁶ *Supra.*

21-22	09-002-L and 09-003-L	Pp. vs. Dave Clark Rife	1-27-09	<p>Order dated 4-18-18, directing the defense counsel to comply with all the requirements for plea bargaining so that the court can act on his manifestation that the accused intends to plea-bargain.</p> <p>Order dated 11-13-18, resetting the hearing on the instant cases on 3-12-19, pending the resolution by the Supreme Court on the conflict between the SC Circular and DOJ Memorandum.</p> <p>Order dated 1-14-19, directing the accused to report to the Negros Oriental Provincial Crime Laboratory in Dumaguete City for drug dependency examination.</p>	<p>With regard to the Order dated 13 November 2018, reference is made to OCA Circular No. 80-2019⁴⁷ dated 30 May 2019, mandating judges to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are “constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, <u>and they cannot just defer to the policy of another Branch of the government.</u>” (underscoring provided)</p> <p>Hence, it is incumbent upon the subject court to act accordingly on the pending Motion to Plea Bargain.</p>	<p>“... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea.”</p>
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⁴⁷ Ibid.

					<p>However, there is nothing in the case records which shows that accused filed any Motion to Plea Bargain.</p> <p>Regardless, the subject court issued the Order dated 4 September 2018, directing the accused to undergo drug dependency examination despite the absence of any corresponding Motion to Plea Bargain.</p>	
23	14-141-G	Pp. vs. Roy Sereno	8-7-14	<p>Prosecution's Formal Offer of Exhibits for the Petition for Bail was filed on 6-25-15.</p> <p>Order dated 4-28-16, admitting the said Formal Offer of Exhibits, and submitting for resolution the Petition for Bail (defense waived the presentation of its evidence).</p> <p>Motion for Reconsideration on the Order dated 4-28-16 was received on 6-3-16, regarding the proper marking of exhibits on the formal offer.</p> <p>Order dated 6-10-16, granting the said Motion for</p>	<p>There was inordinate delay of almost one (1) year in the issuance of the ruling on the prosecution's Formal Offer of Exhibits.</p> <p>Likewise, there was also inordinate delay of close to a year in resolving the Petition for Bail which was submitted for resolution on 28 April 2016, but was only decided on 20 March 2017.</p>	<p><i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i></p>

				Reconsideration. Order dated 3-20-17, denying the Motion for Bail.		
24	19-123-C	Pp. vs. Jannelo Bulandres	6-19-19	Motion to Release Impounded Motorcycle to its Registered Owner was filed on 7-26-16. Order dated 7-29-19, granting the said Motion.	There was inordinate delay of three (3) years in resolving the said Motion.	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."</i>
25-26	04-051-G and 04-052-G	Pp. vs. Vicente Vergara	6-24-04	Motion for Reduction of Bail (from P 200,000.00 to P 100,000.00) was filed on 9-24-04. Order dated 12-2-04, denying the said Motion. A copy of the said Order was personally received on 12-10-04 by Atty. Jasper Adrian P. Cadelina, counsel of record of the accused. Accused's Motion for Reconsideration on the Order dated 12-2-04 was filed on 3-21-05. Order dated	Upon perusal of the case records, it reveals that the public prosecutor on record was public prosecutor Ethyl B. Eleccion who was the one furnished a copy of the Motion for Reduction of Bail that she received on 2 December 2004. She was also the public prosecutor during the arraignment of the accused, as well as during the conduct of the Pre-Trial and the initial trial. However, in resolving the said Motion for Reduction of Bail, the said public prosecutor was	<i>"... [T]he grant of the reduction of bail bond was due to the constitutional rights (sic) of the accused against excessive bail. The 'no objection' of the public prosecutor indicates assent."</i>

				<p>3-22-05, granting the said Motion for Reconsideration.</p> <p>Opposition to the Motion for Reconsideration was filed by public prosecutor Eleccion on 4-8-05.</p> <p>Motion for Further Reduction of Bail (from P100,000.00 to P60,000.00) was filed on 8-11-05.</p> <p>Order dated 10-11-05, granting the said Motion.</p>	<p>not required by the subject court to submit her Comment/ Opposition thereon.</p> <p>Interestingly, in the hearing on the said Motion for Reconsideration on 22 March 2005, public prosecutor Eleccion was not present. In her stead was public prosecutor Macarieto I. Trayvilla, in a "special appearance", who interposed no objection on the said Motion for Reconsideration.</p> <p>Ironically, on 8 April 2005, prosecutor Eleccion filed her Opposition to the said Motion for Reconsideration but the same was unacted upon by the subject court since it resolved with apparent haste the pending incident on 22 March 2005, a day after it was filed.</p>	
27	16-174-C	Pp. vs. Michael Villarante	9-2-16	<p>The Minutes of the Hearing dated 15 August 2018 states that, <i>"regarding the plea bargain, the State is opposed to it. Said incident is denied."</i></p> <p>Order dated 10-3-18, denying the Motion for Reconsidera-</p>	<p>Evidently, the subject court merely relied on the objection or opposition of the public prosecutor in denying the said Motion for Reconsideration, without even considering the grounds and arguments propounded therein.</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the</i></p>

				tion to the Order denying the Motion to Plea Bargain filed on 8-24-18.	It should be emphasized that OCA Circular No. 80-2019 ⁴⁸ mandates judges to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases. However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are "constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, <u>and they cannot just defer to the policy of another Branch of the government.</u> " (underscoring provided)	<i>public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i>
28	09-033-C	Pp. vs. Vannie Baluran	6-30-00	Date of the initial trial on 3-30-11. Order dated 3-20-19, resetting the trial on 9-18-19.	There were apparent inordinate delays in the hearings of the instant case, considering that no hearings were conducted from 4 November 2015 to 20 March 2019, or for a period of more than three (3) years, due to innumerable postponements.	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result</i>

						<i>some cases were left unattended."</i>
29	18-031-V	Pp. vs. Jolito Montemayor	3-27-18	<p>Motion to Plea Bargain was filed on 11-7-18.</p> <p>Order dated 11-6-18, stating that, "<i>considering that there is a standing motion for plea bargaining and considering further that the conflict of the Supreme Court Circular and DOJ Circular with respect to Sec. 5 is still subjudice, action in this case is held in abeyance.</i>"</p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁴⁹ dated 4 May 2018; OCA Circular No. 80-2019⁵⁰ dated 30 May 2019, and OCA Circular No. 104-2019⁵¹ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>Moreover, as enunciated in OCA Circular No. 80-2019, judges are bound to exercise</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i></p>

⁴⁹ *Supra.*
⁵⁰ *Supra.*
⁵¹ *Supra.*

					<p>their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are <i>“constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government.”</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p> <p>It should also be noted that the <u>Order dated 6 November 2018</u>, holding the proceedings in the instant case in abeyance due to the filing of the Motion to Plea Bargain, was issued a day earlier than the</p>	
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					filing of the said Motion to Plea Bargain which was only submitted a day after, or on 7 November 2018.	
30-32	18-021-L to 18-023-L	Pp. vs. Larry Sampero	3-19-18	Order dated 11-6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the Supreme Court of the conflict between the SC Circular and DOJ Circular on the plea bargaining guidelines.	<p>As of the date of the judicial audit, the instant case is deemed as dormant, there being no further setting or action done by the subject court thereon on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁵² dated 4 May 2018; OCA Circular No. 80-2019⁵³ dated 30 May 2019, and OCA Circular No. 104-2019⁵⁴ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i></p>

52 Ibid.
53 Ibid.
54 Supra.

					<p>exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are <i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government."</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>	
33	18-050-V	Pp. vs. Anthony Wendell Tarugo	6-8-18	<p>Motion for Plea Bargaining was filed on 11-7-18.</p> <p>Order dated 11-6-18, stating that, <i>"considering that there is a standing motion for plea</i></p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court thereon on account of the</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is</i></p>

				<p><i>bargaining and considering further that the conflict between the Supreme Court Circular and DOJ Circular with respect to Sec. 5 is still subjudice, the action on this case is held in abeyance."</i></p>	<p>conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁵⁵ dated 4 May 2018; OCA Circular No. 80-2019⁵⁶ dated 30 May 2019, and OCA Circular No. 104-2019⁵⁷ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are</p>	<p><i>of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i></p>
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⁵⁵ *Ibid.*
⁵⁶ *Ibid.*
⁵⁷ *Ibid.*

					<p><i>"constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, <u>and they cannot just defer to the policy of another Branch of the government.</u>"</i> (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>	
34-35	15-001-L and 15-002-L	Pp. vs. Rando Dacillo Benlot	1-5-15	<p>Motion to Plea Bargain was filed on 11-7-18.</p> <p>Order dated 11-6-18, holding in abeyance the resolution on the said Motion due to the conflict between the guidelines under the SC Circular and the DOJ Circular with respect to Sec. 5, R.A. 9165.</p>	<p>As of the date of the judicial audit, the said Motion remains unresolved and the instant case is considered as dormant, there being no further setting therein or action done by the subject court thereon on account of the conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea bargaining in drugs cases.</p> <p>It bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea</p>	<p><i>"... [T]he motion to allow the accused to Plea Bargain was not acted upon by the court due to the vehement opposition of the public prosecutors. The undersigned is of the humble belief that consent of the public prosecutor is an essential requisite in plea bargaining. There would be no plea bargaining agreement if the public prosecutor does not agree with the proposed plea."</i></p>

					<p>Bargaining Framework in Drugs Cases: OCA Circular No. 90-2018⁵⁸ dated 4 May 2018; OCA Circular No. 80-2019⁵⁹ dated 30 May 2019, and OCA Circular No. 104-2019⁶⁰ dated 5 July 2019, in resolving issues regarding plea-bargaining in drugs cases.</p> <p>As enunciated in OCA Circular No. 80-2019, judges are mandated to exercise its judicial discretion in resolving objections to the plea bargaining in drugs cases.</p> <p>However, if the said objection is made to effectively weaken the drug campaign of the government, then the same should be overruled since judges are “constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based on evidence, law and jurisprudence, <u>and they cannot just defer to the policy of another Branch of the</u></p>	
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58 Ibid.
59 Ibid.
60 Ibid.

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					<p><u>government.</u> ” (underscoring provided)</p> <p>Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.</p>	
36-37	19-110-V and 19-111-V	Pp. vs. Tonny Laguido	3-3-19	<p>Warrant of Arrest dated 6-4-19.</p> <p>Commitment Order dated 6-4-19.</p>	<p>It should be noted that the subject court still issued an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 4 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant cases.</p> <p>In instances such as this, the subject court needed only to issue a Commitment Order.</p>	<p>“... [I]t is the practice of my Clerk of Court to attach a Warrant of Arrest in every criminal case records although the accused was already arrested.”</p>
38	19-115-V	Pp. vs. Richie Dale Ramirez	6-13-19	<p>Warrant of Arrest dated 6-3-19.</p> <p>Commitment Order dated 6-13-19.</p> <p>Order dated 6-14-19, directing the release of the accused after he posted bail.</p>	<p>It should be noted that the subject court still issued an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 3 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant case.</p> <p>In instances such as this, the subject court needed only to issue</p>	<p>“... [I]t is the practice of my Clerk of Court to attach a Warrant of Arrest in every criminal case records although the accused was already arrested.”</p>

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					a Commitment Order.	
39-40	19-089-C and 19-090-C	Pp. vs. Jumenick Maquiling	4-17-19	Warrant of Arrest dated 4-22-19. Commitment Order dated 4-22-19.	It should be noted that the subject court still issued an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 22 April 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant cases. In instances such as this, the subject court needed only to issue a Commitment Order.	<i>"... [I]t is the practice of my Clerk of Court to attach a Warrant of Arrest in every criminal case records although the accused was already arrested."</i>
41	19-116-V	Pp. vs. Joseph Rojo	6-13-19	Warrant of Arrest dated 6-13-19. Commitment Order dated 6-13-19. Order dated 6-14-19, directing the release of the accused after posting bail.	It should be noted that the subject court still issued an Order directing the issuance of a Warrant of Arrest, which in this case was issued on 13 June 2019, notwithstanding the fact that the accused was already in custody at the time of the filing of the instant case. In instances such as this, the subject court needed only to issue a Commitment Order.	<i>"... [I]t is the practice of my Clerk of Court to attach a Warrant of Arrest in every criminal case records although the accused was already arrested."</i>
Civil Cases						
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)	Comment/s by Judge Trinidad

42	FC-02-03-G	Hyacinth Escutin vs. Ric Richard Liclican (for Voiding of Marriage)	3-21-02	Decision dated 9-1-07, declaring the marriage void.	<p>There was an Answer filed on 6 June 2002, but the respondent did not appear during the trial, notwithstanding the fact that he only resides in Dumaguete City.</p> <p>Moreover, there is no copy of the Notice of Appearance of the Office of the Solicitor General on record, which is tantamount to the absence of authority of the public prosecutor to represent the State in the instant case.</p> <p>Finally, no Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁶¹ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>	No Comment from Judge Trinidad on the subject audit findings.
43	FC-11-04-G	Sps. Nicasio Tabilon and Norelie Germunda vs. Jackeline Enero and the LCR of Numancia, Aklan (for Annulment of Marriage)	10-14-11	Decision dated 7-9-17, granting the annulment of marriage.	<p>The decision was fairly swift, given that the instant case was submitted for decision on 6 June 2017 and was decided on 6 July 2017, or approximately only one (1) month thereafter.</p> <p>Moreover, no Pre-Trial was conducted since the</p>	No Comment from Judge Trinidad on the subject audit findings.

⁶¹*Supra.*

					instant case was immediately set for the presentation of evidence <i>ex-parte</i> , in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ⁶² which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.	
44	FC-95-9-G	Edith Saraña vs. Reinaldo Saraña (for Voiding of Marriage)	6-27-95	Decision dated 2-11-16, declaring the marriage void.	<p>There is no Order on record stating that the instant case is submitted for decision. However, the Memorandum of plaintiff was submitted on 5 May 2011.</p> <p>Hence, the instant case is deemed submitted for decision on 5 May 2011, based on Administrative Circular No. 28,⁶³ which states that, "<i>the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier.</i>"</p> <p>Accordingly, the decision on 11 February 2016 was already delayed given that the decision</p>	No Comment from Judge Trinidad on the subject audit findings.

⁶² *Ibid.*
⁶³ *Supra.*

					<p>should have been rendered on or before 3 August 2011, or within ninety (90) days after the submission of the instant case for decision on 5 May 2011.</p> <p>Moreover, no Pre-Trial was conducted since the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁶⁴ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>	
45	FC-10-02-G	Monique Jennifer Lim-Sarabia vs. Lloyd Dexter Sarabia (for Nullity of Marriage)	10-1-10	Decision dated 6-29-17, declaring the marriage void.	<p>The instant case was submitted for decision on 14 March 2016, but it was only decided on 29 June 2017, or approximately one (1) year and three (3) months thereafter.</p> <p>Hence, there was inordinate delay in rendering the said decision.</p> <p>Moreover, no Pre-Trial was conducted since the instant case was immediately set for the presentation of evidence</p>	No Comment from Judge Trinidad on the subject audit findings.

⁶⁴

Supra.

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					<i>ex-parte</i> , in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ⁶⁵ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.	
46	FC-02-02-G	Joel Sy vs. Celerina Osorio Sy (for Declaration of Absolute Nullity of Marriage)	3-15-02	Decision dated 4-29-16, nullifying the marriage.	<p>The instant case was submitted for decision on 18 September 2012, although in the Order dated 12 November 2012, the Office of the Solicitor General was given time to file its Comment on the said petition. But there is no compliance therewith on record even as of the date of the judicial audit.</p> <p>Regardless, the instant case was decided, but only after approximately three (3) years and five (5) months.</p> <p>Hence, there was inordinate delay in rendering the said decision.</p>	No Comment from Judge Trinidad on the subject audit findings.
47	FC-06-03-G	Sarah De Guia vs. Michael de Guia	5-2-06	Decision dated 7-25-07, declaring the marriage void.	The proceedings in the instant case is exceptionally fast compared to the other cases, given that from the	No Comment from Judge Trinidad on the subject audit findings.

		(for Declara- tion of Absolute Nullity of Marriage)			<p>time it was filed on 4 May 2006, the instant case was decided only after one (1) year and two (2) months.</p> <p>Moreover, there is no Order on record to show that the instant case was submitted for decision. It was decided on 25 July 2007, a month after the petitioner filed her Formal Offer of Exhibits on 18 June 2007.</p> <p>Relative thereto, there is also no Order on record to show that the Formal Offer of Exhibits filed by petitioner was resolved by the subject court.</p> <p>Finally, no Pre-Trial was conducted since the instant case was immediately set for the presentation of evidence <i>ex-parte</i>, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁶⁶ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>	
48	FC-02-01-G	Yvette Martinez vs.	3-1-02	Decision dated 6-15-06, granting the annulment of marriage.	No Notice of Appearance by the Office of the Solicitor General on record,	No Comment from Judge Trinidad on the subject audit findings.

⁶⁶

Ibid.

		Joseph Francis Martinez (for Annulment of Marriage)			absent which, it cannot be presumed that the public prosecutor is properly deputized to appear for the State in the proceedings therein.	
49	FC-02-06-V	Teodor Calderon Baradi vs. Chereilyn Batilo-Baradi (for Annulment of Marriage)	7-11-02	Decision dated 6-30-08, granting the annulment of marriage.	<p>No Order on record submitting the instant case for decision, but the last Memorandum was filed by petitioner on 3 May 2007. Hence, the instant case was deemed submitted for decision on 3 May 2007, following Administrative Circular No. 28⁶⁷ which states that, <i>"the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier."</i></p> <p>Accordingly, the decision on 30 June 2008 was already delayed since it should have been rendered on or before 1 August 2007.</p> <p>Therefore, there was inordinate delay in deciding the instant case.</p>	No Comment from Judge Trinidad on the subject audit findings.
50	FC-06-01-V	Trinidad Ejercito Canomay	1-10-06	Decision dated 6-23-08, granting the said annulment of marriage.	There is no Return on the Summons dated 7 February 2006 on record.	No Comment from Judge Trinidad on the subject audit findings.

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Submission of Memoranda dated July 3, 1989.

		vs. Uldarico Canomay (for Annul- ment of Marriage)			<p>Moreover, the instant case was submitted for decision on 22 August 2007 and should have been decided on or before 20 November 2007.</p> <p>Hence, the decision rendered on 23 June 2008 was already delayed as it was rendered beyond the reglementary period to decide.</p>	
51	FC-06-04-G	Charlow Vargas vs. Oscar Vargas (for Annul- ment of Marriage)	5-30-06	Decision dated 6-8-15, granting the said annulment of marriage.	<p>There is no Order on record that the instant case was submitted for decision.</p> <p>However, petitioner's Formal Offer of Exhibits was filed on 20 November 2010, but nothing in the record shows that the subject court ruled on the same.</p> <p>Nevertheless, it can be inferred that upon the submission of the said Formal Offer of Exhibits by the petitioner, the latter rested its case. Hence, instant case was deemed submitted for decision on 20 November 2010, and the same should have been decided on or before 18 February 2011.</p> <p>Accordingly, the decision on 8 June 2015 was already delayed as it was rendered beyond</p>	No Comment from Judge Trinidad on the subject audit findings.

					<p>the reglementary period to decide.</p> <p>Moreover, no Pre-Trial was conducted, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁶⁸ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>	
52	FC-17-04-C	Nelly Estrada vs. Joemon Estrada (for Declaration of Absolute Nullity of Marriage)	9-18-17	<p>The Return on Summons dated 10-10-17 states that, <i>"the respondent is now in Manila with no address given for almost two (2) years now."</i></p> <p><i>Ex Parte</i> Motion to Serve Summons either by substituted service or by publication was filed on 4-16-18.</p> <p>Order dated 5-30-18, stating that, <i>"the Sheriff is hereby directed to serve the Summons thru substituted service, should the same be futile, let the Summons and petition and the Order be published in a newspaper</i></p>	<p>The Order dated 30 May 2018 of the subject court, directing the petitioner to publish the Summons and the Order in a <u>newspaper of general circulation in Negros Oriental and its component cities</u>, runs counter to the specific provision under Sec. 6 (1) of A.M. No. 02-11-10-SC⁶⁹ which provides that, <i>"Where the respondent cannot be located at his given address or his whereabouts are unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of court, be effected upon him by publication once a week for two</i></p>	<p><i>"... [W]ith all due respect the Rule provides that when the whereabouts of respondent is unknown as in this case, service may be effected upon him by publication in a newspaper of general circulation in such place as the court may order."</i></p>

⁶⁸ *Supra.*
⁶⁹ *Ibid.*

				<p><u>of general circulation in the Province of Negros Oriental and its component cities once a week for 3 consecutive weeks.</u>" (underscoring provided)</p> <p>Publication in the Dumaguete Star Informer on 22 and 29 July, and on 5 August 2018.</p>	<p><u>consecutive weeks in a newspaper of general circulation in the Philippines and in such places as the court may order.</u>" (underscoring provided)</p> <p>The need to comply with the above-quoted provision is mandatory, and with more reason in the instant case since the respondent is known to have resided in Manila for the last two (2) years.</p>	
53	FC-16-03-C	Jay Dayondon vs. Charrie Dayondon (for Annulment of Marriage)	3-14-16	<p>Answer was filed on 7-12-16.</p> <p>Order dated 12-6-17, stating that, "<i>when this case was called for Pre-Trial, petitioner and counsel appeared. There was no appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given ten days to file his legal opinion. In the meantime, this case is held in abeyance.</i>"</p>	<p>The instant case has not been acted upon since December 2017 after the issuance of the Order dated 6 December 2017.</p> <p>However, the rationale of the said Order runs counter with Sec. 13(b) of A.M. No. 02-11-10-SC⁷⁰ which states that, "<i>if the respondent has filed his answer but fails to appear, the court shall proceed with the pre-trial and require the public prosecutor to investigate the non-appearance of the respondent and submit within fifteen days thereafter a report to the court stating whether his</i></p>	<p>"... [T]his case was left unattended and not acted upon because of the heavy caseloads in the subject court and the case folders were not orderly arranged."</p>

					<i>non-appearance is due to any collusion between the parties. If there is no collusion, the court shall require the public prosecutor to intervene for the State during the trial on the merits to prevent suppression or fabrication of evidence."</i>	
54	FC-18-05-G	Nathaniel Villahermosa vs. Mary Ann Villahermosa (for Declaration of Nullity of Marriage)	5-23-18	Order dated 7-18-19, directing the petitioner to amend the petition for being defective, there being no specific address of the respondent in the said Petition.	The said Petition should have been dismissed in accordance with par. d of OCA Circular No. 63-2019 ⁷¹ dated 17 April 2019, stating that, <i>"the failure of the petitioner to comply with the residency requirement shall be a ground for the immediate dismissal of the petition, without prejudice to the refiling of the petition in the proper venue."</i>	<i>"... [T]he petitioner in the instant case has complied with the residency requirement, however, the court finds slight clerical error as to his specific address and it would be too harsh to dismiss the case, thus the court allowed the petitioner to amend his petition."</i>
55	FC-17-07-G	Marjorie Salvador vs. Bryan Roy Salvador (for Declaration of Nullity of Marriage)	11-24-17	Order dated 2-7-19 states that, <i>"considering that the investigation report is already in, after marking the exhibits today, set this case for trial proper on 3-28-19 at 8:30 in the morning."</i>	It is evident from the Order dated 7 February 2019 that there was no Pre-Trial conducted since the proceedings therein was immediately set for initial trial after the filing of the No Collusion Report. This practice contravenes the succinct provision of Sec. 11 (1)	<i>"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."</i>

					<p>of A.M. No. 02-11-10-SC⁷² which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p> <p>Moreover, it has been observed that the address of the petitioner, as indicated in the said petition, is incomplete as it only states "<i>Poblacion, Guihulngan City, Negros Oriental,</i>" without the house number or the street name. There is also no address indicated in the Verification of the said Petition.</p> <p>However, in the Barangay Certification dated 1 February 2019, to prove the residency of the petitioner, which was submitted over one (1) year after the said Petition was filed, the indicated address of the petitioner is Roxas St., Poblacion, Guihulngan City, Negros Oriental.</p> <p>It can then be inferred that it was only after over one (1) year following the filing of the said</p>	
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⁷² *Supra.*

					Petition that the petitioner resided in the address indicated in the Barangay Certification.	
56	FC-15-05-G	Alvin Mendoza Tomesa vs. Jenilyn Masa Paguio-Tomesa (for Declaration of Nullity of Marriage)	8-26-15	Decision dated 4-19-18, granting the nullity of marriage.	The instant case was decided faster than the other cases given that the Formal Offer of Exhibits of the petitioner was only filed on 5 March 2018, and over a month thereafter, the instant case was decided.	<i>"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."</i>
57	FC-12-01-G	Ronard M. Susas vs. Robie A. Susas (for Declaration of Absolute Nullity of Marriage)	4-25-12	Summons dated 4-25-12 was duly served per Return that was filed on 5-9-12. The Notice of Appearance of the Office of the Solicitor General was filed on 6-6-12. Order dated 9-6-18, directing the public prosecutor to conduct an investigation whether or not collusion exists between the parties.	From the time the Return on the Summons was filed on 9 May 2012, there was an inordinate delay of more than six (6) years before the subject court acted on the instant case, and issued the Order dated 6 September 2018. The latter Order is also the last issued by the subject court, and no further action has been done since then.	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."</i>
58	FC-06-06-C	Junrose Silvano vs. Celso Silvano (for Declaration of	8-10-06	Order dated 9-3-13, issued by then APJ Bahonsua, directing the parties to submit their respective Memoranda.	Based on A.O. No. 95-2013 dated 6 May 2013, the designation of Judge Mario O. Trinidad as assisting judge of Br. 61, RTC, Bogo City, Cebu,	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the</i>

		Nullity of Marriage)		<p>Respondent's Memorandum was filed on 3-30-14, but there is no Memorandum from the petitioner on record.</p> <p>Decision dated 11-18-15, granting the nullity of marriage.</p>	<p>pursuant to A.O. No. 137-2012 dated 17 July 2012, was revoked on even date.</p> <p>Consequently, he was expected thereafter to re-assume as the presiding judge of the subject court. Evidently, there was delay in deciding the instant case since approximately more than two (2) years have elapsed from the time Judge Trinidad should have re-assumed as the presiding judge of the subject court to the time that he decided the instant case.</p>	<p><i>case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."</i></p>
59	FC-18-06-V	Janet Sabanal-Arigo vs. AM Arigo (for Declaration of Nullity of Marriage)	8-16-18	<p>The address of the petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental.</p> <p>In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental.</p> <p>The Sheriff's Return on the Summons dated 9-17-18 (no date of receipt) states that, "on</p>	<p>It can be noted that the address of petitioner in the said Petition is not complete there being no indication of the house number and street name.</p> <p>Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition.</p> <p>However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which was filed on 21 March 2019, it is indicated that she is "a resident</p>	<p>No Comment from Judge Trinidad on the subject audit findings.</p>

			<p>30th day of August, the undersigned tried to serve a copy of Summons with Respondent and annexes attached thereto issued by the Regional Trial Court Branch 64, Guihulngan City on the above-entitled case upon respondent AM C. Arigo with given address at Tandayag, Amlan, Negros Oriental. However, the house was closed and no person was inside the house. <u>As per information by the neighbor, no one occupies the house.</u>" (underscoring supplied)</p> <p>It further discloses that, <u>"on 14th day of September 2018, the undersigned went back at the given address. A certain Honeylyn C. Sabanal, 24 years of age were (sic) there, who claimed to be Petitioner's [Sister-in-law].</u></p> <p><u>As per information, respondent</u></p>	<p><u>of Amlan, Negros Oriental."</u></p> <p>The Municipality of Amlan, Negros Oriental, is outside the jurisdiction of the City of Guihulngan, Negros Oriental, since it is within the territorial jurisdiction of Tanjay City, Negros Oriental.</p> <p>A further verification revealed that the same parties have a pending Petition for the same cause of action before Br. 43, RTC, Tanjay City, Negros Oriental (currently stationed in Dumaguete City), denominated as Spec. Proc. No. 453,⁷³ that was filed earlier on 21 November 2013.</p> <p>In the said Petition, the stated address of both parties is Tandayag, Amlan, Negros Oriental, and the same address was also reflected in the petitioner's Judicial Affidavit that was filed on 4 May 2017 for the afore-mentioned case.</p> <p>On 30 July 2018, the petitioner filed a Notice to Withdraw Petition, but</p>	
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				<p><u>is not leaving (sic) in that house anymore.</u></p> <p>Hence, substituted service is resorted to her who signed and acknowledged the receipts thereof.” (underscoring provided)</p>	<p>the same remains unacted upon to date by Br. 43, RTC, Tanjay City, Negros Oriental.</p> <p>Meanwhile, the Sheriff’s Return on the Summons dated 17 September 2018 categorically states that the respondent no longer resides in the said address, yet substituted service was still resorted to, and that the Summons was declared to have been duly served.</p> <p>Finally, no Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC,⁷⁴ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.</p>	
60	FC-17-02-C	Flonisa Aragon Mindac vs. Mark Besin Amarante (for Declaration of Nullity of Marriage)	2-14-17	Order dated 6-27-19, resetting the initial trial on 10-3-19.	No Pre-Trial was conducted therein, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ⁷⁵ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.	No Comment from Judge Trinidad on the subject audit findings.

⁷⁴ Ibid.
⁷⁵ Ibid.

61	FC-18-02-C	Robengie D. Rogano vs. Jeany Per Rogano	3-13-18	<p>Return on Summons was submitted on 4-25-18, stating that it was unserved because respondent no longer resides at their ancestral home for almost three (3) years, and she is now in Manila working as a lady guard. Her aunt Nenita Dela Cuesta, does not know her present address.</p> <p>Motion for Leave to Serve Summons with copy of Petition by way of publication in accordance with Section 14, Rule 14, New Rules of Court dated 5-11-18 (no date of receipt).</p> <p>Order dated 6-4-18, directing the petitioner to publish a <u>copy of the Petition and the Order in a newspaper of general circulation in the Province of Negros Oriental and its component cities once a week for three (3) consecutive weeks.</u></p>	<p>The Order dated 4 June 2018, directing the petitioner to publish the Summons and the Order in <u>a newspaper of general circulation in Negros Oriental and its component cities,</u> runs counter to the specific provision under Sec. 6 (1) of A.M. No. 02-11-10-SC,⁷⁶ which provides that, “<i>where the respondent cannot be located at his given address or his whereabouts are unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of court, be effected upon him by publication once a week for two consecutive weeks in a newspaper of general circulation in the Philippines and in such places as the court may order.</i>” (underscoring provided)</p> <p>The need to comply with the above-quoted provision is mandatory, and with more reason in the instant case given that the respondent is already based in Manila for the last three (3) years.</p>	<p>“... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court.”</p>
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				The same were published on 29 July, 5 August and on 12 August 2018 in the Dumaguete Star Informer.		
62	FC-18-01-G	Francis Eusebio vs. Roxane L. Eusebio (for declaring the marriage void)	3-8-18	Decision dated 11-28-18, declaring the marriage void.	It should be noted that the instant case was decided exceptionally fast as compared to the other cases with similar cause of action, given that the same was submitted for decision on 22 November 2018, and six (6) days thereafter, the same was decided. Moreover, no Pre-Trial was conducted, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, ⁷⁷ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.	<i>"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."</i>
63	FC-17-05-G	Eduardo Cordova vs. Marites Cordova (for the declaration of nullity of marriage)	9-25-17	Motion to Set Pre-Trial was filed on 12-14-17. Motion to Set Pre-Trial was filed on 11-22-18. Order dated 6-18-19, stating that, <i>"upon Motion of the petitioner,</i>	Inspite of the said Motions, which are still pending and unresolved as of the date of the judicial audit, the subject court proceeded to set the case for trial proper, without first conducting the Pre-Trial. Such act contravenes Sec. 11 (1)	No Comment from Judge Trinidad on the subject audit findings.

				<i>set this case for trial proper to September 17, 2019 at 8:00 o'clock in the morning."</i>	of A.M. No. 02-11-10-SC, ⁷⁸ which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.	
64	FC-14-02-V	Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage)	12-19-14	Motion to Dismiss was filed on 3-6-15 due to improper venue on the ground that the petitioner is a resident of Dumaguete City, and that two (2) other cases were previously filed based on the same cause of action in Br. 58, RTC, San Carlos City, Negros Occidental, on 7-24-13, that was eventually dismissed for improper venue, having been established therein that the petitioner is a resident of Dumaguete City and not of San Carlos City, and in Br. 63, RTC, Bayawan City, on 9-11-14 which was also dismissed for lack of jurisdiction on the ground that petitioner is a resident	<p>It should be noted that the holding in abeyance of the proceedings in the instant case is improper considering that the Court of Appeals has not issued a TRO to suspend the proceedings.</p> <p>Moreover, in the hearing on 12 November 2015, wherein the Motion to Dismiss was denied, the reception of petitioner's evidence proceeded despite the absence of the movant who was not properly notified based on the transcript of stenographic notes, disclosing that there was no return on the Subpoena sent to her. In effect, the latter was not afforded due process inasmuch as she was deprived of the opportunity to cross-examine the witness presented during the said hearing.</p>	<i>"... [T]he case was being held in abeyance pending resolution of the application for TRO before the Court of Appeals."</i>

				<p>of Camanjac, Dumaguete City.</p> <p>Order dated 11-12-15, denying the said Motion to Dismiss after hearing was conducted thereon.</p> <p>Motion for Reconsideration on the Order dated 11-12-15 was filed on 5-5-16.</p> <p>Order dated 11-3-17, denying the said Motion for Reconsideration.</p> <p>Petition for Certiorari before the Court of Appeals, assailing the Orders dated 11-12-15 and 11-3-17, and praying for a Preliminary Injunction and/or TRO.</p> <p>Court of Appeals Resolution dated 4-19-18, directing the private respondent (petitioner in the instant case) to file his Comment. No ruling on the prayer for TRO was issued.</p> <p>Order dated 9-13-18, holding the</p>		
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				proceedings in the instant case in abeyance, there being a petition for Certiorari.		
Special Proceedings						
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)	Comment/s of Judge Trinidad
65	18-03-G	In the Matter of Change of Name from Jamila Brillanes to Jamila Mubarak Munasir Ali Billanes Al-Ghayathin in the Certificate of Live Birth Elisa O. Billanes, petitioner vs. Local Civil Registrar, Bacolod City	6-11-18	Decision dated 10-9-18, granting the instant Petition.	The instant case was filed on 18 June 2018, and it was decided on 9 October 2018, or approximately after only four (4) months. Likewise, in the said Petition, the address of the petitioner is incomplete since it was merely mentioned that she is a "resident of Guihulngan City, Negros Oriental, for more than 3 years." There is also no address indicated in the Verification therein.	"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."
66	FC-18-03-G	In the Matter of Adoption of Minor Queenzy Zyra Que Anthony Thimoth Clarke, consented by spouse Jethel Aliling Que Clarke, petitioner	4-2-18	Order dated 6-4-18, directing the party to submit Formal Offer of Exhibits within 10 days after the Comment of the State; thereafter, the instant case was submitted for decision. State's Comment provides, among others, that the case study should be	It is readily apparent that the instant case was decided exceptionally fast as compared to other cases with similar cause of action, considering that the same was decided after only three (3) days from the filing of the case study as prayed for in the Comment of the State.	"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being

				submitted first before the subject court decides on the instant case. Case study was filed on 7-13-18. Decision dated 7-16-18, granting the adoption.		<i>arranged by the Clerk of Court."</i>
67-68	15-01-L and 15-02-L	Correction of Entry on the Date of Birth in the Marriage Record of Danilo Aguilar Bebelone	3-30-15	Order dated 2-16-17, submitting the instant cases for decision. Decision dated 2-21-18, granting the said Petition.	There was inordinate delay in deciding the instant case, given that over one (1) year had elapsed from the time the same was submitted for decision until the time that it was decided.	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."</i>
69	11-02-C	Change of First Name and Correction of Entry of Sex of Stephen Feliciano	1-31-11 (Amended Petition was filed on 5-17-17)	Order dated 8-1-18, submitting the instant case for decision. Decision dated 8-14-19, granting the said Petition.	Nothing in the case records would show that the mandatory requirement of publication was complied with as regards the Amended Petition. Furthermore, there was inordinate delay of almost a year from the time the instant case was submitted for decision until the time that it was decided.	<i>"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."</i>
70	FC-13-01-G	In the Matter of Adoption of Vera	2-4-13	Order dated 2-7-19, submitting the instant case for	There was inordinate delay from the time the instant case was	<i>"[T]he delay in the resolutions and decisions</i>

		Christine Martinez Vergara Sps. Rojan and Rosalie Postrano-Vergara, petitioners		decision. Decision dated 7-15-19, granting the said Petition.	submitted for decision until the time that it was decided.	<i>was due to heavy caseloads, and the case records were not chronologically and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."</i>
71	FC-17-01-V	Ronz Ivan Pagar Escribano vs. Helen Dickenson	2-7-17	Order dated 7-17-19, submitting the instant case for decision. Decision dated 7-25-19, granting the said petition.	The instant case was decided exceptionally fast as compared to other cases with similar cause of action, considering that the decision was rendered only six (6) days after the same was submitted for decision.	<i>"... [T]hese cases were decided faster than other cases because my staff failed to chronologically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."</i>

In sum, Judge Trinidad failed to resolve two (2) cases within the required period and pending incidents that were already submitted for resolution in forty-six (46) cases.⁷⁹ The respective resolutions of the said pending incidents were overdue for almost a year to over nine (9) years from the time that the same were submitted for resolution.

Judge Mario Trinidad failed to decide a civil case and a special proceedings case within the reglementary period as prescribed by law. In Civil Case No. FC-11-03-G,⁸⁰ the subject court issued an Order dated February 6, 2017, admitting the Formal Offer of Exhibits of petitioner, and submitting the instant case for decision. Hence, following the ninety (90)-day period provided by law to decide cases, the instant case should have been decided on or before May 7, 2017. The said decision was already overdue for more than

⁷⁹ Rollo, pp. 2-19.

⁸⁰ Titled "*Mary Grace Lostan-Aguilos v. Giovie Aguilos.*"

two (2) years as of the date of the judicial audit, and yet no decision has been rendered by the subject court on the instant case to date.

As for Special Proceedings Case No. FC-14-03-G,⁸¹ the same was submitted for decision on November 27, 2017 per the subject court's Order of even date. Given the ninety (90)-day period to decide the instant case, the subject court should have decided the same not later than February 25, 2018. Hence, as of the date of the judicial audit, the said decision was already overdue for more than one (1) year, and to date, there is no showing that the said case has already been decided.

Thus, in its Memorandum⁸² dated June 8, 2020, addressed to the Chief Justice Diosdado M. Peralta, the OCA recommended that the subject judicial audit report be re-docketed as a regular administrative matter, and retired Presiding Judge Mario O. Trinidad be found guilty of gross ignorance of the law or procedure, undue delay in rendering decisions and in resolving pending incidents already submitted for resolution, and simple misconduct, and be meted the penalty of fine in the amount of one million pesos (₱1,000,000.00), to be deducted from the proceeds of his retirement benefits.

The OCA pointed out that Judge Trinidad failed to give any justifiable reason for the delay. Among these reasons are the burgeoning caseload of the subject court, which he claims already reached almost 2,000 cases; his temporary detail to other courts sometime in 2008 due to an attempt on his life; the earthquake that struck Guihulngan City in 2012 resulting in the collapse of the Hall of Justice thereat and the consequential disarray of the case records which, he alleged, was attributed to the failure of the court staff to chronologically and orderly arrange them thereafter, thereby causing the affected cases to be overlooked; the cancelled hearings in 2014 after a grenade was lobbed at his house, and the escalating encounters between the New People's Army and the Philippine National Police, resulting in the rampant killings in the area that made litigants, their witnesses, and the counsels, including the public prosecutors, skip hearings for fear of their lives, necessitating the resetting of the scheduled hearings.

The OCA further stressed that these events that allegedly caused the delay would not hold water as two (2) cases which decisions were already overdue were only submitted for decision on February 6, 2017 and November 27, 2017, respectively. However, the records of the Office of the Court Administrator show that he was detailed to other courts as early as 2008,⁸³

⁸¹ *Adoption and Cancellation of Simulated Birth Record, Sps. Fernando and Rossini C. Villasor, petitioners.*

⁸² *Rollo*, pp. 1-171.

⁸³ Per Administrative Order No. 169-2008 dated December 4, 2008, Judge Trinidad was designated as the Acting Presiding Judge of Branch 46, Regional Trial Court, Larena, Siquijor.

then in 2011,⁸⁴ in 2012⁸⁵ and up until 2013⁸⁶ only. As for the incident where a grenade was thrown at his house, this happened in 2014, and the resulting cancellation of court proceedings was only for a few days.

As to his assertion that hearings were also cancelled in 2017 because of the absence of the parties and counsels due to the altercation between the New People's Army and the Philippine National Police, still this will not justify the delay because by this time, the cases were already submitted for decision, hence, the hearings were already terminated. Clearly, these events which took place prior to the submission of the subject cases for decision, could not have possibly hindered him from timely rendering the said decisions.

RULING

After a perusal of the records, the Court concurs with the findings and recommendations of the OCA.

The foregoing are undisputed facts as they are based court records. The irregularities speak for themselves and require no in-depth discussion. In effect, the evidence against Judge Trinidad, speaks of his infractions as to justify the application of the doctrine of *res ipsa loquitur*.

This is not the first time that the principle has been applied in administrative cases. In a number of cases, the Court applies the *res ipsa loquitur* principle in removing judicial officers and personnel from office. As can be gathered from the cases decided in this jurisdiction, *res ipsa loquitur* has been defined as the "the thing speaks for itself" and "the fact speaks for itself."⁸⁷ It is even asserted that there is no more need for any further investigation."⁸⁸

*On the charge of Undue Delay in Rendering Decisions
and Resolutions of Pending Incidents,
and Gross Inefficiency.*

⁸⁴ Per Administrative Order No 108-2011 dated July 20, 2011, Judge Trinidad was designated as Assisting Judge (full time) of Branch 53, Regional Trial Court, Lapu-Lapu City, Cebu.

⁸⁵ Per Administrative Order No. 137-2012 dated September 17, 2012, Judge Trinidad was designated as Assisting Judge (full time) of Branch 61, Regional Trial Court, Bogo City, Cebu, and his designation as Assisting Judge of Branch 53, Regional Trial Court, Lapu-Lapu City, Cebu, was revoked.

⁸⁶ Per Administrative Order No. 95-2013 dated May 6, 2013, revoking the designation of Judge Trinidad as Assisting Judge of Branch 61, Regional Trial Court, Bogo City, Cebu, pursuant to Administrative Order No. 137-2012 dated July 17, 2012.

⁸⁷ *People v. Hon. Valenzuela, et al.*, 220 Phil. 385 (1985) and *Padilla v. Dizon*, A.C. No. 3086, May 3, 1989, 158 SCRA 127.

⁸⁸ See *Sy v. Mongcupa*, 335 Phil. 182, 187 (1997).

The Constitution expressly provides that all lower courts should decide or resolve cases or matters within three months from the date of submission.⁸⁹ Section 5, Canon 6 of the New Code of Judicial Conduct⁹⁰ likewise provides:

Sec. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness.

Accordingly, this Court has laid down certain guidelines to ensure the compliance with this mandate. More particularly, Supreme Court Administrative Circular No. 13-87⁹¹ provides:

3. Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts.

Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so.

Supreme Court Administrative Circular No. 1-88⁹² further states:

6.1 All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts.

Given the foregoing rules, the Court cannot overstress its policy on prompt disposition or resolution of cases. Delay in the disposition of cases is a major culprit in the erosion of public faith and confidence in the judicial system, as judges have the sworn duty to administer justice without undue delay. Thus, judges have been constantly reminded to strictly adhere to the rule on the speedy disposition of cases and observe the periods prescribed by the Constitution for deciding cases, which is three months from the filing of the last pleading, brief or memorandum for lower courts. To further impress upon judges such mandate, the Court has issued guidelines (Administrative Circular No. 3-99 dated January 15, 1999) that would ensure the speedy disposition of cases and has therein reminded judges to scrupulously observe the periods prescribed in the Constitution.⁹³

In the instant case, we have considered the justifications and explanations proffered by Judge Trinidad, however, while they may be recognized as true and reasonable, they are not sufficient to exonerate him from liability. Indeed, as the OCA noted, Judge Trinidad's explanations cannot exculpate him from his administrative liability for undue delay in

⁸⁹ Section 15, Article VIII, Constitution.

⁹⁰ A.M. No. 03-05-01-SC, June 1, 2004.

⁹¹ Dated July 1, 1987.

⁹² Dated January 28, 1988.

⁹³ *Bancil v. Judge Reyes*, 791 Phil. 401, 407-408 (2016).

deciding the two (2) cases and in resolving the pending incidents for resolution in forty-six (46) cases. The inordinate delay was not just in terms of days or months, but delay in terms of years. Aside from the said undecided cases and unresolved incidents, there were, as of the date of the judicial audit, eighty-four (84) pending incidents that remained to be resolved;⁹⁴ forty-one (41) cases which were considered as dormant, there being no further action and/or further setting thereon;⁹⁵ and the absence of hearings in some criminal cases for one (1) to two (2) years.

We are also aware of the heavy case load of trial courts, as well as the different circumstances or situations that judges may encounter during trial, thus, the Court has allowed reasonable extensions of time needed to decide cases, but such extensions must first be requested from the Court. Whenever a judge cannot decide a case promptly, all he has to do is to ask the Court for a reasonable extension of time to resolve it. However, there is no showing that Judge Trinidad requested for any extension of time within which to decide the said civil cases and the said pending incidents for resolution. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law.⁹⁶

The rules and jurisprudence are clear on the matter of delay. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.²⁸ Judges must decide cases and resolve matters with dispatch because any delay in the administration of justice deprives litigants of their right to a speedy disposition of their case and undermines the people's faith in the judiciary. Indeed, justice delayed is justice denied.⁹⁷

Delay in rendering decisions and resolutions of pending incidents already submitted for resolution is a serious violation of Section 15,⁹⁸ Article VIII of the Constitution, and a blatant violation of Rule 3.05⁹⁹ of the Code of Judicial Conduct and Section 5,¹⁰⁰ Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary, which require judges to dispose of court businesses promptly.

On the charge of Gross Ignorance of the Law

⁹⁴ Rollo, pp. 19-31.

⁹⁵ *Id.* at 31-39.

⁹⁶ *Re: Cases Submitted for Decision Before Hon. Baluma*, 717 Phil. 11, 17 (2013).

⁹⁷ *Miano v. Aguilar*, 782 Phil. 33, 42 (2016).

⁹⁸ "All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts."

⁹⁹ Rule 3.05 – A judge shall dispose of the court's business promptly and decide cases within the required periods.

¹⁰⁰ Sec. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

The audit report shows that in Criminal Case No. 00-024-G,¹⁰¹ the accused, who was released on bail, was arraigned on April 3, 2000. Thereafter, she jumped bail, prompting the subject court to issue the Order dated July 26, 2006, archiving the instant case for the reason that the accused had jumped bail. In his defense, Judge Trinidad stated that the reason for archiving the instant case was because *“the court wanted to afford accused full opportunity to be heard thus the subject court opted to archive the case pending arrest of the accused instead of having trial in absentia.”*

However, under OCA Circular No. 89-2004¹⁰² dated August 12, 2004, a case may only be archived if the accused jumped bail before arraignment and she/he cannot be arrested by the bondsman. In the instant case, the accused was already arraigned prior to jumping bail, hence, Judge Trinidad should have conducted trial in *absentia*, in accordance with Section 14(2), Article III of the 1987 Constitution, which provides that, *“after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.”* As a consequence thereof, the instant case was dormant for five (5) years following the archiving, to the prejudice of the State and the offended party.

Also, in Civil Case No. FC-17-04-C,¹⁰³ for Declaration of Absolute Nullity of Marriage, the Return on the Summons dated October 10, 2017 provided that *“the respondent is now in Manila with no address given for almost two (2) years now.”* Petitioner filed an *Ex-Parte* Motion to Serve Summons Either by Substituted Service or by Publication on April 16, 2018, which Judge Trinidad granted in the Order dated May 30, 2018, stating that *“the Sheriff is hereby directed to serve the Summons thru substituted service, should the same be futile, let the Summons and petition and the Order be published in a newspaper of general circulation in the Province of Negros Oriental and its component cities once a week for 3 consecutive weeks.”* The publication of the Summons, Petition and the said Order appeared in the *Dumaguete Star Informer* on July 22 and 29, and on August 5, 2018.

¹⁰¹ *People of the Philippines v. Ranulfa Alpas.*

¹⁰² Reiteration of the Guidelines in the Archiving of Cases.

X X X

- a) A criminal case may be archived only if after the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer xxx;
- b) The accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;
- c) A valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and the criminal cases are consolidated;
- d) An interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction, and
- e) When the accused has jumped bail **before arraignment** and cannot be arrested by the bondsman. (Emphasis supplied)

¹⁰³ *Nelly Estrada vs. Joemon Estrada.*

The audit report showed that the same procedure was repeated in Civil Case No. FC-18-02-C,¹⁰⁴ for Annulment of Marriage, where the Return on the Summons, which was submitted on April 25, 2018, stated that it was unserved since respondent no longer resided in their ancestral home for almost three (3) years, and that she has been living in Manila where she works as a lady guard. Petitioner filed a Motion for Leave to Serve Summons with a Copy of the Petition by way of Publication on May 11, 2018. Accordingly, Judge Trinidad issued the Order dated June 4, 2018, directing the petitioner to publish a copy of the Petition and the Order in a newspaper of general circulation in the Province of Negros Oriental and its component cities once a week for three (3) consecutive weeks. The same were published on July 29, August 5 and August 12, 2018 in the *Dumaguete Star Informer*.

Again, Judge Trinidad justified the said orders by elucidating that “*the Rule provides that when the whereabouts of respondent is unknown as in this case, service may be effected upon him by publication in a newspaper of general circulation in such place as the court may order.*” However, the provision relied upon by Judge Trinidad, which pertains to extraterritorial service under Section 15,¹⁰⁵ Rule 14 of the Rules of Court, is misplaced since the subject cases involved nullity and annulment of marriages, respectively. As such, the applicable provision is that provided under Section 6 (1) of A.M. No. 02-11-10-SC, which emphatically states that “[w]here the respondent cannot be located at his given address or his whereabouts are unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of court, be effected upon him by publication once a week for two consecutive weeks **in a newspaper of general circulation in the Philippines and in such places as the court may order.** In addition, a copy of the summons shall be served on the respondent at his last known address by registered mail or any other means the court may deem sufficient.”¹⁰⁶ Thus, the publication should not only be made in a newspaper of general circulation in such places as the court may order, but also in a newspaper of general circulation in the Philippines. More so, in the cases considering that the respective Returns on the Summons provided that both respondents are already residing in Manila.

Judge Trinidad likewise failed to direct the petitioners to comply with the additional requirement of serving summons on the respondents at their respective last known addresses by registered mail or by other means the subject court deemed sufficient.

¹⁰⁴ *Robengie D. Rogano v. Jeany Per Rogano*.

¹⁰⁵ **Sec. 15.** Extraterritorial service. – When the defendant does not reside and is not found in the Philippines, and the action affects the personal status of the plaintiff or relates to, or the subject of which is, property within the Philippines, in which the defendant has or claims a lien or interest, actual or contingent, or in which the relief demanded consists, wholly or in part, in excluding the defendant from any interest therein, or the property of the defendant has been attached within the Philippines, service may, by leave of court, be effected out of the Philippines by personal service as under Section 6; or by publication in a newspaper of general circulation in such places and for such time as the court may order, in which case a copy of the summons and order of the court shall be sent by registered mail to the last known address of the defendant, or in any other manner the court may deem sufficient.” [Underscoring provided]

¹⁰⁶ Emphasis supplied.

Anent Civil Case No. FC-18-05-G,¹⁰⁷ for Declaration of Nullity of Marriage, Judge Trinidad issued the Order dated July 18, 2019, directing the petitioner to amend the petition for being defective, there being no specific address of the respondent therein. The judicial audit team flagged the said order as improper since the appropriate action should have been to dismiss the instant case without prejudice, for failure to prove residency. Judge Trinidad explained that the instant case was not outrightly dismissed because “[petitioner] has complied with the residency requirement, however, the court finds slight clerical error as to his specific address and it would be too harsh to dismiss the cases, thus the court allowed the petitioner to amend his petition.”

However, in the Supreme Court Resolution dated October 2, 2018 in A.M. No. 02-11-10-SC (*Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*) and in A.M. No. 02-11-11-SC (*Re: Rule on Legal Separation*), approving the Proposed Guidelines to Validate Compliance with the Jurisdictional Requirement Set Forth in A.M. No. 02-11-10-SC, it provides that the petition shall immediately be dismissed if the petitioner fails to comply with the residency requirements, namely, failure to state the complete address of the parties in the petition (*i.e.*, house number, street, *purok*/village/subdivision, barangay, zone, town, city, and province), and the submission of the three (3) supporting documents that are enumerated under paragraph (a) of the said resolution. Clearly, the verified petition is dismissible on its face for not being compliant with the residency requirement.

Moreover, the audit team reported that in a number of cases¹⁰⁸ involving annulment and nullity of marriages, where majority of said petitions were granted, Judge Trinidad failed to conduct of pre-trial, a mandatory stage of the proceedings as explicitly directed under Section 2,¹⁰⁹ Rule 18 of the Rules of Court and under Section 11 (1) of A.M. No. 02-11-10-SC.¹¹⁰ Notably, Judge Trinidad did not offer any explanation as regards his failure to comply with the mandatory requirement of setting the subject cases for pre-trial.

¹⁰⁷ *Nathaniel Villahermosa v. Mary Ann Villahermosa*.

¹⁰⁸ Civil Case Nos. FC-02-03-G, *Hyacinth Escutin v. Ric Richard Liclican* (Decision dated 1 September 2007, declaring the marriage void); FC-11-04-G, *Sps. Nicasio Tabilon and Norelie Germunda v. Jackeline Enero and the LCR of Numancia, Aklan* (Decision dated July 9, 2017, granting the annulment of marriage); FC-95-9-G, *Edith Saraña v. Reinaldo Saraña* (Decision dated February 11, 2016, declaring the marriage void); FC-10-02-G, *Monique Jennifer Lim-Sarabia v. Lloyd Dexter Sarabia* (Decision dated June 29, 2017, declaring the marriage void); FC-06-03-G, *Sarah De Guia v. Michael De Guia* (Decision dated 25 July 2007, declaring the marriage void); FC-06-01-G, *Trinidad Ejercito Canomay v. Uldarico Canomay* (Decision dated June 23, 2008, granting the annulment of marriage); FC-06-04-G, *Charlow Vargas v. Oscar Vargas* (Decision dated June 8, 2015, granting the annulment of marriage); FC-17-07-G, *Marjorie Salvador v. Bryan Roy Salvador*; FC-18-06-V, *Janet Sabanal-Arigo v. AM Arigo*; FC-17-02-C, *Flonisa Aragon Mindac v. Mark Besin Amarante*; FC-17-05-G, *Eduardo Cordova v. Marites Cordova*; and FC-18-01-C, *Francis Eusebio v. Roxane L. Eusebio* (Decision dated November 28, 2018, declaring the marriage void).

¹⁰⁹ **Sec. 2. Nature and purpose.** – The pre-trial is mandatory. x x x

¹¹⁰ *Supra*.

In Criminal Case Nos. 19-110-V and 19-111-V;¹¹¹ 19-115-V;¹¹² 19-089-C and 19-090-C,¹¹³ and 19-116-V,¹¹⁴ it has been observed that the subject court still issued orders directing the issuance of a warrant of arrest notwithstanding the fact that the respective accused were already in custody at the time of the filing of the instant cases. For these, Judge Trinidad explained that it has been the practice of his branch clerk of court to attach a warrant of arrest in every criminal case record although the accused were already arrested at the time of the filing of the Informations.

However, said practice does not conform with the explicit provision in Section 5 of Rule 112 of the Rules of Court, that “[i]f the [judge] finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested ... when the complaint or information was filed pursuant to Section 6 of this Rule.”

Likewise, in Criminal Case Nos. 03-014-G and 03-015-G,¹¹⁵ accused’s application for bail was granted per Order dated February 27, 2006. However, on appeal to the Court of Appeals, the latter, in its Resolution¹¹⁶ dated June 25, 2008, directed the subject court to order the arrest and detention of the accused, and to cancel his bail. A copy of the said resolution was received by the subject court on July 10, 2008. Thereafter, the Petition for Review¹¹⁷ filed by accused before the First Division of the Supreme Court was denied in the Resolution dated October 20, 2010, a copy of which was received by the subject court sometime in May 2011. Notwithstanding, records reveal that Judge Trinidad failed to comply with and implement the directive of the Court of Appeals. At the time of the judicial audit, the accused remained released on bail as there was no record that Judge Trinidad revoked his bail and issued a warrant for his arrest.

In Criminal Case Nos. FC-04-10-G and FC-04-042-G,¹¹⁸ the Court of Appeals rendered a Decision dated July 11, 2011, remanding the instant cases to the subject court for the reception of the prosecution’s evidence. A copy of the said decision was received by the subject court on March 1, 2012. However, the same was only acted upon by Judge Trinidad after more than six (6) years, when he issued the Order dated September 13, 2018, resetting the hearing of the instant cases on March 14, 2019. As of the date of the judicial audit, the case was still on the initial trial stage of the proceedings.

¹¹¹ *People of the Philippines v. Tommy Laguido.*

¹¹² *People of the Philippines v. Richie Dale Ramirez.*

¹¹³ *People of the Philippines v. Jumenick Maquilang.*

¹¹⁴ *People of the Philippines v. Joseph Rojo.*

¹¹⁵ *People of the Philippines v. Sgt. Honofre Cabrera.*

¹¹⁶ In CA-G.R. SP No. 01919.

¹¹⁷ Denominated as G.R. No. 192919.

¹¹⁸ *People of the Philippines v. Rady Alcala.*

For his defense, Judge Trinidad again invoked the excuse of having a heavy caseload in the subject court and the disorderly management of the case records for not promptly acting on the cited directives of the appellate court.

Judging by the foregoing, the Court can only conclude that the actuations of Judge Trinidad were not only gross ignorance of the law, but also grave abuse of discretion as well as defiance to the lawful directives/orders of the appellate courts. Indeed, as OCA observed, Judge Trinidad repeatedly failed to apply even the very basic of laws, rules and procedures, which he cannot feign ignorance of, given his stature as a presiding judge of the second level court for fifteen (15) years.

No less than the Code of Judicial conduct mandates that a judge shall be faithful to the laws and maintain professional competence. Indeed, competence is a mark of a good judge. A judge must be acquainted with legal norms and precepts as well as with procedural rules. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court the duty to be proficient in the law. Unfamiliarity with the Rules of Court is a sign of incompetence. Basic rules of procedure must be at the palm of a judge's hands.¹¹⁹

Though not every judicial error bespeaks ignorance of the law or of the rules, and that, when committed in good faith, does not warrant administrative sanction, the rule applies only in cases within the parameters of tolerable misjudgment. When the law or the rule is so elementary, not to be aware of it or to act as if one does not know it constitutes gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court proficiency in the law, and the duty to maintain professional competence at all times. When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts. A judge is expected to keep abreast of the developments and amendments thereto, as well as of prevailing jurisprudence. Ignorance of the law by a judge can easily be the mainspring of injustice.¹²⁰

In the absence of fraud, dishonesty, or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action. However, the assailed judicial acts must not be in gross violation of clearly established law or procedure, which every judge must be familiar with. Every magistrate presiding over a court of law must have the basic rules at the palm of his hands and maintain professional competence at all times. Thus, Judge Trinidad's actuations cannot be considered as mere error of judgment that can be easily

¹¹⁹ *State Prosecutor Comilang, et al. v. Judge Belen*, 689 Phil. 134, 146 (2012).

¹²⁰ *Sunico v. Judge Gutierrez*, 806 Phil. 94, 109 (2017).

excused. Obstinate disregard of basic and established rule of law or procedure amounts to inexcusable abuse of authority and gross ignorance of the law.¹²¹

PENALTY

The administration of justice demands that those who don judicial robes be able to comply fully and faithfully with the task set before them. As frontline officials of the judiciary, judges should, at all times, act with efficiency and with probity. They are duty-bound not only to be faithful to the law, but likewise to maintain professional competence. The pursuit of excellence must be their guiding principle. This is the least that judges can do to sustain the trust and confidence which the public reposed on them and the institution they represent.¹²²

In the instant case, the judicial audit revealed that there were many cases that were undecided notwithstanding the lapse of the 90-day reglementary period within which they should be disposed, apart from those that have remained dormant or unacted upon for several years. There was inordinate delay in deciding two (2) cases and pending incidents for resolution in forty-six (46) cases. Aside from the said undecided cases and unresolved incidents, there were, as of the date of the judicial audit, eighty-four (84) pending incidents that remained to be resolved;¹²³ forty-one (41) cases which were considered as dormant;¹²⁴ and the absence of hearings in some criminal cases for one (1) to two (2) years. In the absence of an extension of time within which to decide these cases, Judge Trinidad's failure to diligently perform his judicial duties is simply inexcusable. Failure to decide cases and other matters within the reglementary period constitutes *gross inefficiency* and warrants the imposition of administrative sanction against the erring magistrate.¹²⁵

Thus, in *Re: Cases Submitted for Decision before Hon. Emuslan*,¹²⁶ the Court imposed a fine of Fifty Thousand Pesos (P50,000.00) on Judge Emuslan for gross inefficiency due to his failure to decide forty-three (43) cases and pending incidents before he retired. All cases and incidents had been submitted for decision or resolution, and the reglementary period to decide or resolve the cases or incidents had already lapsed on the date of his retirement.

¹²¹ *Id.* at 110.

¹²² *OCA v. Former Judge Leonida*, 654 Phil. 668, 678 (2011).

¹²³ *Rollo*, pp. 19-31.

¹²⁴ *Id.* at 31-39.

¹²⁵ *Rubin, et al. v. Judge Corpus-Cabochan*, 715 Phil. 318, 334 (2013); *OCA v. Judge Santos*, 697 Phil. 292, 299 (2012); *Re: Cases Submitted for Decision before Hon. Emuslan*, 630 Phil. 269, 272 (2010); *Report on the Judicial Audit Conducted in the RTC, Branch 22, Kabacan, North Cotabato*, 468 Phil. 338, 345 (2004).

¹²⁶ 630 Phil. 269 (2010).

In *OCA v. Judge Quilatan*,¹²⁷ citing *Re: Cases Submitted for Decision Before Hon. Bayani Isamu Y. Ilano, Former Judge, Regional Trial Court, Branch 71, Antipolo City*, the Court imposed a fine of Fifty Thousand Pesos (₱50,000.00) on Judge Quilatan for his failure to decide within the reglementary period thirty-four (34) cases submitted for decision prior to his date of retirement.

Again, in *OCA v. Retired Judge Guillermo Andaya*,¹²⁸ the Court imposed a fine of Fifty Thousand Pesos (₱50,000.00) on Judge Andaya for his failure to decide forty-five (45) cases submitted for decision within the reglementary period.

Meanwhile, gross ignorance of the law is a serious charge under Section 8, Rule 140 of the Rules of Court. Justices and judges found guilty of these charges may be penalized by any of the following:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.¹²⁹

Further, in A.M. No. RTJ-15-2436 dated July 18, 2016, Judge Trinidad was found guilty of conduct unbecoming a judge and fined with a stern warning that a repetition of the same or similar offenses shall be dealt with more severely.¹³⁰

Considering Judge Trinidad's previous administrative sanction, the number of cases/incidents left undecided and the lack of any plausible explanation for such failure to decide within the reglementary period constituting gross inefficiency, his violations of Court resolutions and directives constituting gross ignorance of the law, the most severe penalty should be imposed upon Judge Trinidad.

However, considering his compulsory retirement on January 19, 2020, the penalty of dismissal from service can no longer be imposed. Nevertheless, cessation from office by reason of resignation, death or retirement is not a ground to dismiss the case filed against him at the time that he was still in the

¹²⁷ A.M. No. MTJ-09-1745, September 27, 2010, 631 SCRA 425, 429.

¹²⁸ 712 Phil. 33 (2013).

¹²⁹ Rules of Court, Rule 140, Sec. 11(A).

¹³⁰ *Rollo*, p. 171.

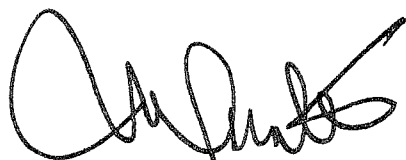
public service.¹³¹ Thus, in *lieu* of the penalty of dismissal from the service for his gross inefficiency and gross ignorance of the law, We, instead, impose the accessory penalties of dismissal from the service, *i.e.*, forfeiture of retirement benefits, **except** accrued leave credits, and disqualification from re-employment in any branch or service of the government, including government-owned and controlled corporations.

Finally, let this be a reminder to all the incumbent judges that the Court has adopted rules, circulars, and guidelines for judges to follow in order to expedite the resolution of cases. These are intended to render fair, just and swift justice to give meaning to the very purpose of the existence of the Court as dispenser of justice. In this regard, even with Judge Trinidad's retirement, it did not stop the Court from imposing the proper penalty to those found to be in discord with the Court's policies.

WHEREFORE, the Court finds respondent Judge Mario O. Trinidad, then Presiding Judge of Branch 64, Regional Trial Court, Guihulngan City, Negros Oriental, **GUILTY** of Gross Inefficiency and Gross Ignorance of the Law. In *lieu* of dismissal from the service which the Court can no longer impose, Judge Trinidad's retirement benefits are instead declared **FORFEITED** as penalty for his offenses, except accrued leave credits. He is, likewise, barred from re-employment in any branch or instrumentality of government, including government-owned or controlled corporations.

This Resolution is immediately executory.

SO ORDERED.



DIOSDADO M. PERALTA

Chief Justice



ESTELA M. PERLAS-BERNABE

Associate Justice



MARVIC MARIO VICTOR F. LEONEN

Associate Justice



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

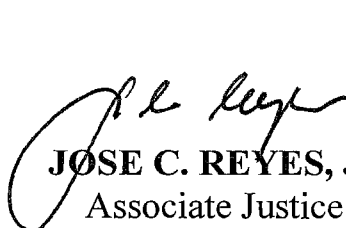


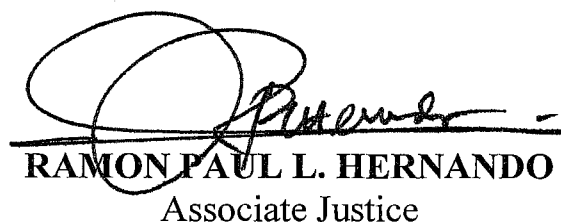
ALEXANDER G. GESMUNDO

Associate Justice

¹³¹

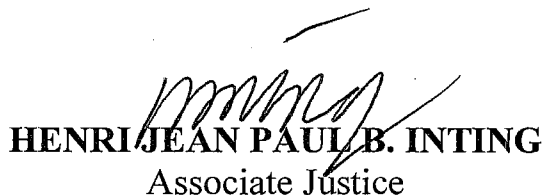
See *OCA v. Grageda*, 706 Phil. 15, 21 (2013).

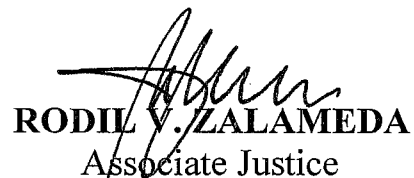

JOSE C. REYES, JR.
Associate Justice

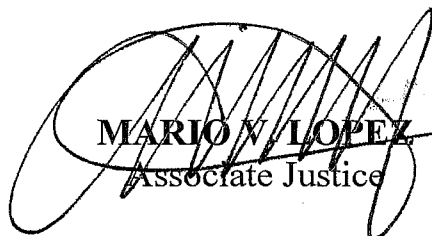

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice

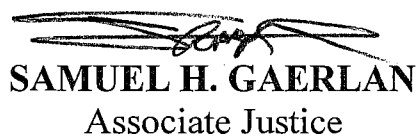

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

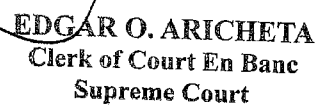

MARIO V. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

On leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

CERTIFIED TRUE COPY


EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court