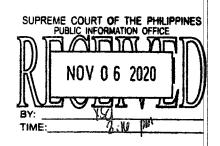


Republic of the Philippines Supreme Court Manila



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

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

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.	5-16-16	Order dated 5-28- 19, denying the Motion to Dismiss filed on 2-12-19, and submitting the instant case for	No decision on the instant case as of the date of the judicial audit. The instant case
		Evangelista vs. Hon. Oliver S. Bongoyan, and		decision.	should be decided on or before 26 August 2019.
		Hon. Archie Teologo, et al. vs. Hon. Glorian Repita, et al.			
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.
	<u></u>	Speci	al Proceedin	· · · · · · · · · · · · · · · · · · ·	
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.

Villa	Fernando Rossini C. sor, oners	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	

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				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
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.	already overdue. 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

				handling prosecutor to file his Comment on the said Motion within 10 days from even date. Comment on the said Motion was filed on 10-17-14.	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.
9-10	13-036-C and FC-13-09-C	Pp. vs. Samuel Camarines	4-18-13	Motion to Dismiss was filed on 6-6-19, and the Comment thereon was submitted on 7-16-19.	No resolution on the said Motion as of the date of the judicial audit. 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.
11	11-095-C	Pp. vs. Melchor Estrada, et al.	12-9-11	Motion to Suppress Evidence was filed on 1-6-12. Order dated 10-1-14, directing the prosecution to file its Comment thereon within 10 days. Reply was received on 10-23-14, mentioning that the prosecution filed its Comment dated 10-2-14.	judicial audit. There is also an evident inordinate

					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

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

				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
21-	17-026-C and	Pp. vs. Cecelio	3-28-17	Motion to Allow	No resolution on
22	17-027-C	Caballero		the Accused to Plea Bargain was	the said Motion as

				filed on 8-13-18, and the Comment/ Objection thereon was received on 8-28-18.	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.
23	18-012-C	Pp. vs. Eruel Delubio, et al.	2-12-18	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. The Reply filed by the accused to the said Opposition was submitted on 9-26-18.	No resolution on the said Motion as of the date of the judicial audit. 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. Hence, its
24	16-211-G	Pp. vs. Celdan M. Zapanta	11-14-16	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.	Resolution is already overdue. No resolution on the said Motion as of the date of the judicial audit. 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 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	No resolution on the said Motion as of the date of the judicial audit.
				corresponding	,

				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.

					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.	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 October 2018, and it should have been resolved on or before 1 January 2019. Hence, its
					resolution is already overdue.
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.	No resolution on the said Motion as of the date of the judicial audit. 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. Hence, its resolution is already overdue.
36- 37	18-008-G and 18-009-G	Pp. vs. Henry Tiongson	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	No resolution on the said Motion as of the date of the judicial audit. However, considering that the Comment
				filed on 9-27-18, and the Comment	thereon was already filed, the

				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	No resolution on the said Motion as of the date of the judicial audit. However, considering that
				thereon was submitted on 8-28-18.	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.	No resolution on the said Motion as of the date of the judicial audit.
		-		Prosecution's Formal Offer of Exhibits on the Motion for Bail was submitted on 5-16-17. Order dated 6-29-	The same should have been resolved on 27 September 2017; hence, the resolution on the said Motion for
				17, admitting the said Formal Offer of Exhibits.	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

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. At 16-148-C Gaudencio Canete Pp. vs. 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. 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. Tejeros At 16-049-V and 16-050-V Tejeros Tejeros At 16-049-V and 16-050-V Tejeros Tej	1					
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42- 43 16-223-C and 16-224-C 44					V.	
42- 43 16-223-C and 16-224-C Javier Pp. vs. Erwin Javier Pp. vs. Erwin Javier Pp. vs. Erwin Plea Bargain was filed on 8-13-18, and the corresponding Comment thereon was received on 9- 20-18. However, considering that the Comment Mereon was received on 20 September 2018, and it should have been resolved on or before 19 December 2018. 44- 45 16-147-C and 16-148-C Gaudencio Canete Pp. vs. Gaudencio Canete Pp. vs. 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. Hence, its resolution is already overdue. No resolution on the said Motion as of 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its resolution is already overdue. No resolution or was received on 9- 20-18. Hence, its resolution is already overdue. No resolution or was received on 9- 20-18. Hence, its resolution and the corresponding Comment thereon was already filed, the instant matter is deemed submitted for resolution and 20 September 2018, and it should have been resolved on or before 19 December 2018. Hence, its Resolution is already overdue. No resolution on the said Motion as of the date of the processing in the deemed submitted for resolution is already overdue. No resolution on of the date of the instant matter is deemed submitted for resolution is already overdue. No resolution on of the date of the judicial audit.						
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				was received on 11-6-18.	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. Hence, its
					resolution is already overdue.
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.	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 19 March 2019, and it should have been resolved on or before 17 June 2019. Hence, its resolution is already overdue.
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.	No resolution on the said Motion as of the date of the judicial audit. 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. Hence, its Resolution is already overdue.

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. Jeoffrey 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.				

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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. Ex-Parte Motion for an Early Setting for Bail Hearing was filed on 8-7-18, and 3. Ex-Parte 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-	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.

	T		T		T
				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	 Motion for Reduction of Bail was filed on 10-11-18, and 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-	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	24-17. 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 nresolved 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	The said Petitions and Motion to Suppress Evidence remain unresolved for over three (3) years, while the
				Evidence was filed on 3-31-16, and 3. Motion for Bail	Motion for Bail is still pending, as of the date of the judicial audit.
				was filed on 6-11-19.	
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	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.
				3. Motion to Allow Accused to Plea Bargain was submitted on 6-25-18.	
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

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					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

					1-4 C41 111-1-1
		·			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-	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-	The said Motion remains pending
				19.	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	Petiton 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	 Motion to Plea Bargain was filed on 12-18-18, and 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.

84	FC-17-05-G	Eduardo Cordova	9-25-17	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. Motions to Set Pre-Trial were	Both Motions
		vs. Marites Cordova (for the declaration of nullity of marriage)		Pre-Trial were filed on 12-14-17 and 11-22-18. Order dated 6-18-19, stating that, "upon Motion of the petitioner, set this case for trial proper to September 17, 2019 at 8:00 o'clock in the morning."	unresolved as of the date of the

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.	action/setting by the subject court as of the date of the judicial			
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	action/setting by the subject court as of the date of			

				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	12-23-10	Order dated 5-	No further
	10 001 0	Magale	12 25 10	16-19, directing	action/setting by
		1714Guil		the issuance of a	the subject court
				Bench Warrant	as of the date of
				of Arrest against	the judicial audit.
				the accused, and	the judicial additi
				1	
				fixing the bail at	
				Php 10,000.00.	
				D 1 777	
				Bench Warrant	
				of Arrest was	
				issued on 7-5-	
	100000			19.	27
6	19-038-C	Pp. vs. Juan	2-16-19	Commitment	No further
		Hinandoy		Order was	action/setting by
				issued on 2-21-	the subject court
				19.	as of the date of
					the judicial audit.
7	19-041-C	Pp. vs. Francisco	2-22-19	Order dated 2-	No further
		Maribong		27-19, directing	action/setting by
				the release of the	the subject court
				accused who	as of the date of
				posted his bail.	the judicial audit.
8	19-056-G	Pp. vs. Corcodia	3-19-19	Order dated 5-9-	No compliance as
		Saragueles		19, directing the	-
		Aceveda		counsel for the	amendment of the
				accused to	Motion, and no
				amend his	further action by
				Motion.	the subject court
				Reinvestigation	as of the date of
				Report of the	judicial audit.
				public public	Jadioiai audit.
				prosecutor was	
				filed on 7-30-19.	
9	FC-12-06-C	Dn vo Vincert	4-11-12	Order dated 5-	No further
9	rc-12-00-C	Pp. vs. Vincent Manila	4-11-12		
		iviaiiiia	-	30-18, resetting	action/setting by
				the trial on 10-	the subject court
				31-18.	as of the date of
1.0	10 007 C	D 11	£ 2 10	0-4 1-4 1 6 2	the judicial audit.
10	19-097-C	Pp. vs. Leopoldo	5-3-19	Order dated 6-3-	No further
		Lenciano		19, directing the	action/setting by
				release of the	the subject court
				accused after he	as of the date of
	10 10 5			posted bail.	judicial audit.
11	19-105 - G	Pp. vs. Donato C.	5-27-19	Order dated 6-3-	No further
		Riveral, Jr.		19, directing the	action/setting by
				release of the	the subject court
				accused after he	as of the date of
				posted bail.	the judicial audit.
12	FC-12-73-G	Pp. vs. Mendino	6-7-12	Order dated 12-	No further
		Gallardo		6-18, resetting	action/setting by
	L	1		1	

				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.

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24 19-089-C and 19-090-C Pp. vs. Jumenick Maquiling Pp. vs. Joseph Rojo Pp. vs. Joseph Rojo Pp. vs. Joseph Rojo Pp. vs. Joseph Rojo Pp. vs. Jolito No further action/setting by the subject court as of the date of judicial audit. Pp. vs. Jolito No further action/setting by the subject court as of the date of judicial audit. Pp. vs. Jolito No further action/setting by the subject court as of the date of judicial audit. Pp. vs. Jolito No further action/setting by the subject court as of the date of incomment of the judicial audit. Pp. vs. Jolito No further action/setting by the subject court as of the date of the judicial audit. Pp. vs. Jolito No further action problems of the date of the judicial audit. Pp. vs. Jolito No further action in the standing molion 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. Pp. vs. Larry No further action by the Supreme Court of the conflict of the Supreme Court of the subject court of the date of the judicial audit.	-				Order dated 6-	
24 19-089-C and 19-090-C 25 and 19-090-C 26 19-116-V Pp. vs. Joseph Rojo 27 18-031-V Pp. vs. Jolito Montemayor 28 18-021-L to 29 18-023-L 29 18-023-L 20 19-08-C and 19-090-C 20 19-116-V Pp. vs. Joseph Rojo 21 18-023-L 22 19-116-V Pp. vs. Jolito Montemayor 22 19-116-V Pp. vs. Jolito Montemayor 23 18-023-L 24 18-023-L 25 18-023-L 26 19-116-V Pp. vs. Jolito Montemayor 26 19-116-V Pp. vs. Jolito Montemayor 27 18-031-V Pp. vs. Jolito Montemayor 28 18-023-L 29 18-023-L 29 18-023-L 20 18-023-L 20 18-023-L 21 18-023-L 22 19-126 Maquiling 24-17-19 Marant of Arrest dated 6-13-19. 25 18-031-V Pp. vs. Jolito Montemayor 26 18-021-L to 18-023-L 27 18-021-L to 18-023-L 28 18-023-L 29 18-021-L to 18-023-L 29 18-021-L to 18-023-L 20 18-021-L to 18-023-L 20 18-021-L to 18-023-L 21 18-021-L to 18-023-L 22 19-126 Maquiling 24-17-19 Marant of Arrest dated 4-22-19. 26 18-021-L to						
24 19-089-C and 19-090-C 19-116-V Pp. vs. Joseph Rojo Pp. vs. Joseph Commitment Order dated 4- 22-19. Arrest dated 4- 22-19. Commitment Order dated 6- 13-19. Pp. vs. Joseph Commitment Order dated 6- 13-19. Order dated 6- 13-19. Order dated 6- 13-19. Order dated 6- 13-19. Order dated 11- 6-18, stating that, "considering that, "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. Order dated 11- 6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the subject of the judicial audit. Order dated 11- 6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the subject of the judicial audit. Order dated 11- 6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the subject audit.						
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25 and 19-090-C Maquiling						
19-090-C 19-116-V Pp. vs. Joseph Rojo 19-031-V Pp. vs. Jolito Montemayor No further action by the subject court as of the date of the judicial audit. Pp. vs. Jolito Mortemayor Pp. vs. Jolito Montemayor Pp. vs. Jolito Montemayor Pp. vs. Jolito Montemayor No further action by the subject court as of the date of the judicial audit. Pp. vs. Jolito Mortemayor No further action by the subject court as of the date of the judicial audit. Pp. vs. Jolito Mortemayor Pp. vs. Jolito Mortemayor Pp. vs. Jolito Mortemayor No further action by the subject court as of the date of the judicial audit. Pp. vs. Jolito Mortemayor Pp. vs. Jolito Mortemayor Pp. vs. Jolito Arread del 11- Pp. vs. Jolito Arread del 11- Pp. vs. Jolito Mortemayor Pp. vs. Jolito Arread del 11- Pp. vs. Jolito Mortemayor No further action by the subject court as of the date of the judicial audit. Pp. vs. Jolito Arread del 11- Pp. vs. Jolito Arread				4-17-19		
26 19-116-V Pp. vs. Joseph Rojo 6-13-19 Warrant of Arrest dated 6-13-19. 27 18-031-V Pp. vs. Jolito Montemayor Order dated 6-14-19, directing the release of the accused after posting ball. 28 18-021-L to Pp. vs. Larry Sampero Order dated 11-6-18, staling that there is a standing motion for plea bargaining and considering further that the conflict of the Supreme Court Circular with respect to Sec. 5 is still subjudice, action in this case is held in abeyance." 28 18-021-L to Pp. vs. Larry Sampero Order dated 11-6-18, staling that there is a standing motion for plea bargaining and considering further that the conflict of the Supreme Court Circular with respect to Sec. 5 is still subjudice, action in this case is held in abeyance." 28 18-021-L to Pp. vs. Larry Sampero Order dated 11-6-18, holding in abeyance the proceedings in the instant cases pending the resolution by the subject of the judicial audit.	25		Maquiling		1	
26 19-116-V Pp. vs. Joseph Rojo Pp. vs. Joseph Rojo 18-031-V Pp. vs. Jolito Montemayor Pp. vs. Joli		19-090-C			22-19.	
26 19-116-V Pp. vs. Joseph Rojo 27 18-031-V Pp. vs. Jolito Montemayor Pp. vs. Larry Sampero Pp. vs. Larr						
22-19. Pp. vs. Joseph Rojo Rojo Pp. vs. Jolito Montemayor Pp. vs. Jolito Montemated Geneauces differ posting by the subject court as of the date of the judicial of the judicia					1	judicial audit.
19-116-V Pp. vs. Joseph 6-13-19 Arrest dated 6- 13-19. Commitment Order dated 6- 13-19. Order dated 6- 13-19. Order dated 6- 14-19, directing the release of the accused after posting bail. Motion to Plea Bargain was filed on 11-7-18. Holding in the release of the accused after posting bail. Order dated 11- 6-18, stating that, "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." Order dated 11- 6-18, helding in the superior of 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." Order dated 11- 6-18, holding in the instant cases pending the resolution by the subject court as of the date of the judicial addit.					i e	
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27 18-031-V Pp. vs. Jolito Montemayor Pp. vs. Jolito Order dated 6-13-19. 28- 28- 29 18-023-L Pp. vs. Larry 29 18-023-L Pp. vs. Larry Sampero Pp. vs. Larry Pp. vs. Larry Sampero Pp. vs. Larry	26	19-116-V		6-13-19	1	
27 18-031-V Pp. vs. Jolito Montemayor Sampero Montemayor Sampero Sampe			Rojo		1	
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28- 18-021-L to 29 18-023-L Sampero Pp. vs. Larry 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						
28- 29 18-023-L Pp. vs. Larry Sampero 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						
28- 29 18-023-L Sampero Pp. vs. Larry Sampero Sampero 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						
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Sampero 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	28-	18-021-L to	Pp. vs. Larry	3-19-18		No further action
abeyance the proceedings in the instant cases pending the resolution by the Supreme Court of the conflict between the SC Circular and the						
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Supreme Court of the conflict between the SC Circular and the					pending the	
of the conflict between the SC Circular and the						
between the SC Circular and the						
Circular and the					1	
DOJ Circular on						
					DOJ Circular on	

				the plea	
				bargaining guidelines.	
30	18-050-V	Pp. vs. Anthony	6-8-18	Motion for Plea	No further action
50	10.030-1	Wendell Tarugo	0 0 10	Bargaining was	by the subject
				filed on 11-7-18.	court as of the date
					of the judicial
				Order dated 11-	audit.
				6-18, stating	
				that, "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."	
31-	15-001-L	Pp. vs. Rando	1-5-15	Motion to Plea	No further action
32	and	Dacillo Benlot		Bargain was	by the subject
	15-002-L			filed on 11-7-18.	court as of the date
				Order dated 11-	of the judicial audit.
				6-18, holding in	audit.
				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.	
33-	16-220-C	Pp. vs. Julmar	12-9-16	Order setting the	No further
34	and	Gabagaba		continuation of	action/setting by
	16-221-C			the trial on 4-24-	the subject court
				19.	as of the date of
35	02-043-G	Pp. vs. Proculo	6-10-02	Order dated 4-	the judicial audit. There is no
33	02-043-U	Gako, et al.	0-10-02	19-18, stating	Formal Offer
				that the	of Exhibits
				prosecution is	submitted by the
				deemed to have	prosecution on
				rested its case, and noting	record, and there is no further
				further that the	action/setting
				prosecution has	therein by the
				not yet	subject court as of
				submitted its	the date of the
					judicial audit.

				Formal Offer of Exhibits.	
		C	ivil Cases	Exilibits.	
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 exits 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, "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	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	abeyance." Summons dated 4-25-12 was duly served per Return that was submitted on 5- 9-12. The Notice of	No compliance on record, and no further action by the subject court as of the date of the judicial audit.
		·		Appearance of the Office of the Solicitor	

	r				
				General was	
				filed on 6-6-12.	
				Order dated 9-6-	
				18, directing the	
				public	
•				prosecutor to	·
			i	conduct an	
				investigation	
				whether or not	
				li i	
				collusion exists	
				between the	
10	70.17.01.0	371 77		parties.	
40	FC-17-06-G	Niña Ventula vs.	11-16-17	Order dated 11-	
	٠	Mario Ventula		29-17, stating	
				that there was	
				no urgency in	as of the date of
				issuing the	the judicial audit.
				Permanent	_
				Protection	
				Order, and	
				setting the	
				instant case for	
				preliminary	
				conference on	
				12-17-17.	
41	FC-14-02-V	Guillermo Laguda	12-19-14	Order dated 9-	No further
41	1 C-14-02-V	vs. Karen Balo-an	14-17-14	13-18, holding	action/setting by
		vs. Kaich Daio-all			
				the proceedings	
				on the instant	as of the date of
				case in	the judicial audit.
				abeyance.	

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.			

² Reiteration of the Guidelines in the Archiving of Cases.

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. Warrant of	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. No Return on the
6-7	19-131-C and 19-132-C	Pp. vs. Luarence-Cin Penkian	1-12-19	Arrest was issued on 1-15-19.	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	1-31-19	Warrant of	No Return on the
		Niminio		Arrest was issued on 2-6-	said Warrant of Arrest as of the date
				19.	of the judicial audit.
					01 1110 j
					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	1-11-19	Warrant of	No Return on the
		Tuayon, et al.		Arrest was	said Warrant of
				issued on 1-21- 19.	Arrest as of the date of the judicial audit.
				19.	of the judicial addit.
					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	1-11-19	Warrant of	No Return on the
		Isugan and		Arrest was	said Warrant of
		several John		issued on 1-21-	Arrest as of the date
		Does		19.	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.	1-22-19	Warrant of	No Return on the
		Josephine		Arrest was	said Warrant of
		Saguran		issued on 2-6-	Arrest as of the date
				19.	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	7-16-19	Warrant of	No Return on the
		Seraquillo		Arrest was	said Warrant of
				issued on 1-19- 19.	Arrest as of the date of the judicial audit.
				19.	or the judicial addit.
					The accused still
					remains at-large
					after six (6) months
					from the issuance of the said Warrant of
					Arrest.
		I	L		L

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.

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				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.

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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	No Return on the said Warrant of Arrest as of the date of the judicial audit.
				the Philippine National Police on 2-7-19.	The accused still remains at-large after six (6) months from the issuance of the said Warrant of
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.	Arrest. 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
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.	Arrest. 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
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.	Arrest. 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

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;
- The subject court, upon the filing of a Motion to Allow the 6. 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 aftercare 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	Court Action	Observation(s)/			
110.	Case 110.	11116	Filed	Court Action	Finding(s)			

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

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1-2	03-014-G and 03-015-G	Pp. vs. Cabrera	Honofre	2-24-03	Application for Bail was filed on	Since the instant case was filed in
					7-17-03.	2003, Pre-Trial has not yet
					Order dated 2-9-	commenced even
					06, submitting the said application	up to the time of the judicial audit.
					for decision, and	
					giving the prosecution five	Apparently, the subject court
					(5) days from	patently
					receipt to file its Formal Offer of	disregarded the Resolution of the
					Exhibits, and five	Court of Appeals
					(5) days from	dated 25 June
					receipt for the defense to file its	2008 in C.A. G.R. SP No. 01919,
					Comment.	directing it to order the
					Prosecution's	revocation of the
					Formal Offer of Exhibits was filed	bail posted by the accused and for
					on 2-28-06, while	the latter's arrest
					the corresponding Comment thereto	and detention, since nothing in
					was submitted on	the case records
					3-2-06. Order dated 2-27-06,	would show that the subject court
					granting the	complied with the
					Petition for Bail.	said directive.
					Court of Appeals	Likewise, despite
					Resolution dated 6-25-08 on C.A.	its receipt of the Supreme Court
					G.R. SP No.	Resolution on
					l	G.R. No. 192919, denying the
					by the subject court on 7-10-08,	Petition for
					directing the latter	Review on the said Court of
					to order the arrest and detention of	said Court of Appeals
					the accused, and	Resolution, there
					to cancel his bail.	is still no compliance on
					Court of Appeals	record by the
		-			Resolution dated 8-26-08, denying	subject court on the said directive
					the Motion for	of the Court of
					Reconsideration.	Appeals as of the date of the judicial
					Resolution of the	audit.
					First Division of the Supreme	To date, the
					Court dated 10-	accused remains
					20-10, on G.R. No. 192919,	at-large, and the instant case
					denying the	remains dormant,
					Petition for	there being no
					Review. The said Resolution was	further action or setting therein,
					received by the	after the issuance
					subject court	

sometime in May 2011. Sometime in May 2011. Manifestation dated 10-5-17, stating the death of the accused, with prayer for the dismissal of the said cases. 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. 3 13-098-G Pp. vs. Dandy Demiren Pp. vs. Dandy Dem						
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. 3 13-098-G Pp. vs. Dandy Demiren Pp. vs. 19, resetting the initial trial on 9-12-19. 4 16-225-V Pp. vs. Lester G. Benlot Pp. vs. Lester G. DISMISSED." 10 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 10 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 11 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 12-13-16 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 13 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 14 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." 15 Order dated 3-2-6-19, stating that, "considering that the private complainant is already dead, this case records to suggest that the usubject court's dismissal of the instant case was made through the Motion of the accused was arraigned on 3 June 2014. 16 -225-V Pp. vs. Lester G. 12-13-16 Order dated 3-2-6-19, stating that, "considering that the private complainant is altered the private count's dismissal of the instant case was made through the motion of the case records are devoid of any information that proof of death of the accused was submitted in evidence before					Manifestation dated 10-5-17, stating the death of the accused, with prayer for the dismissal of the	5 October 2017, setting the instant case for hearing
Demiren 19, resetting the initial trial on 9-12-19. 112					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	
Benlot 19, stating that "considering that the private complainant is already dead, this case should be as it is hereby ordered DISMISSED." DISMISSED." 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 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 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.	3	13-098-G	· ·	9-23-13	Order dated 5-9- 19, resetting the initial trial on 9-	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
I I I I I I I I I I I I I I I I I I I	4	16-225-V		12-13-16	19, stating that, "considering that the private complainant is already dead, this case should be as it is hereby ordered	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

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					was considered in arriving at the
		i			decision to
					dismiss the instant
					case.
5	14-114-G	Pp. vs. Marla	6-26-14	Motion to	The resolution on
		Ompoc Hailand		Suppress Evidence was	the said Motion was delayed,
				filed on 10-28-14,	considering that
				and the	the same should
				Opposition to the	have been decided
				Motion to	on or before 15
				Suppress Evidence was	February 2015.
				submitted on 11-	
				17-14.	
				Order dated 3-31-	
				15, denying the said Motion.	
6	14-001-G	Pp. vs. Edgar	11-26-14	Motion for Bail	A Motion for Bail
		Icalina		was filed on 6-24-	was already filed
				14.	as early as 24 June
				Order dated 5-30-	2014, and apparently, the
				19, resetting the	same was not
				instant case due to	acted upon by the
				the intended filing	subject court and
				of a Motion for	remains unresolved as of
				Bail.	the date of the
					judicial audit.
7	12-017-C	Pp. vs. Eleuterio	1-31-12	Application for	The instant case
		Maglasang, Jr.		Bail was filed on	involves the crime
				3-6-12.	of Murder, hence, non-bailable.
				Order dated 12-	
		1		17-14, submitting	However, there is
				the said	no record of any
				Application for Bail for	resolution on the said Application
				resolution.	for Bail after it
					was submitted for
				Order dated 3-11-	resolution on 17
				15, granting the Motion for	December 2014. Instead, the
				Reduction of Bail	subject court
				filed on 3-10-15.	issued an Order
				Formal Office C	granting the
				Formal Offer of Exhibits by the	Motion to Reduce Bail even if there
				accused was filed	was no resolution
				on 11-14-18	yet on the
				(reverse trial).	Application for Bail.
8-	FC-08-05-V and	Pp. vs. Celso	4-15-08	Formal Offer of	There was
9	FC-08-06-V	Supremo		Exhibits of the	inordinate delay in
				prosecution was filed on 11-26-17.	the submission of the Comment by
				ineu on 11-20-17.	the defense on the

				Order dated 11-	Exhibits of the
				28-17, directing	prosecution,
				the defense to file	spanning close to
				its Comment	two (2) years from
				thereto within five	the time it was
				(5) days.	first directed to
					file the same on 28
				Order dated 8-6-	November 2017.
				19, directing anew	The subject court
				the defense to file	should have motu
1			İ	its Comment	proprio ordered
				within ten (10)	for the waiver of
				days, and setting	the said Comment
				the presentation of	owing to the
				defense evidence	delay, and
				on 12-3-19.	outrightly
		,			resolved the
					pending incident.
					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.
10	16-117-V	Pp. vs. Millard C.	6-27-16	Motion to Release	There was
		Aplicador	0 27 10	the Items Subject	inordinate delay
		p		of the Case was	of almost two (2)
	·			filed on 3-30-16,	years in the
				and the	resolution of the
				corresponding	said Motion.
				Comment thereon	5414 1125115111
				was submitted on	
				8-1-16.	
				0 1 10.	
				Order dated 3-6-	
				18, resolving the	
				said Motion.	
11	18-24-L	Pp. vs. Wilfredo	9-3-18	Order dated 3-26-	There is nothing in
		Absin		19, dismissing the	the case records
				instant case due to	which shows that
				the manifestation	the public
				of the complainant	prosecutor was
				that she and her	directed to
				accused-husband	Comment on the
				have already	said Manifestation
				patched things up.	prior to the motu
					proprio dismissal
					of the instant case
					by the subject
				_	court.
12	18-006-V	Pp. vs. Teodoro	1-25-18	Order dated 5-7-	There is nothing in
		Andraque		19, conducting the	the case records to
				arraignment of the	show that accused
				accused in Crim.	Teodoro
				Case No. 18-005-	Andraque was
				V.	arraigned. It was
					only accused
	1	I			Sixto Andraque

					who was
					arraigned in Crim.
					Case No. 18-005-
					V.
13-	FC-04-10-G and	Pp. vs. Rady	3-25-04	Court of Appeals	It can be gleaned
14	FC-04-042-G	Alcala		Decision dated 7-	from the flow of
				11-11, remanding	the proceedings
				the instant cases to	that there was
				the subject court	inordinate delay
				for the reception	by the subject
		•		of the prosecution's	court to comply with the Court of
				evidence.	Appeals'
				evidence.	directive, and set
				The said Court of	the instant cases
				Appeals decision	for hearing after it
				was received by	received the
				the subject court	appellate court's
				on 3-1-12.	decision on 1
					March 2012;
				Order dated 9-13-	taking more than
				18, resetting the	six (6) years
				hearing on the said	before it issued the
				cases on 3-14-19,	Order dated 13
				after the same	September 2018,
		,		were remanded to	setting the hearing
				the subject court.	on 14 March
				Order dated 3-14-	2019.
				19, setting the	
				instant cases for	
				continuation of	
				the initial trial on	
				8-15-19.	
15	12-023-G	Pp. vs. Cerelo	2-22-12	Prosecution's	It can be gleaned
		Ferolino Tejares		Formal Offer of	
				Exhibits was	the proceedings
				received on 6-30-	that there was no
				17.	compliance by the defense on the
				Order dated 11-	subject court's
				16-17, directing	Order to file its
				the defense to file	Comment on the
				its Comment on	prosecution's
				the said Formal	Formal Offer of
				Offer of Exhibits	Exhibits.
				within five (5)	
				days. However,	Consequently, on
				no Comment was	1 August 2018,
				submitted.	the subject court admitted the
				Ondon datad 0.1	admitted the Prosecution's
				Order dated 8-1-18, admitting the	Formal Offer of
				said Formal Offer	Exhibits, without
				of Exhibits.	the Comment of
					the defense.
				Order dated 11-	
		4		15-18, directing	However, the
				the defense to	subject court still
				again file its	continued to
				Comment on the	reiterate its
				said Formal Offer	directive for the

			·	of Exhibits within five (5) days. 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."	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.
16	11-008-C	Pp. vs. Juvy Renejani, et al.	2-2-11	Prosecution's Formal Offer of Exhibits was filed on 10-26-16. Order dated 11- 10-16, admitting the said Formal Offer of Exhibits despite the failure of the defense to file its Comment thereon. Order dated 11- 29-17, directing the defense to file its Comment on the said Formal Offer of Exhibits.	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. However, the subject court still continued to reiterate its directive for the defense to file ts
				Citor of Lamons.	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.
17	16-087-C	Pp. vs. Narciso Omboy, et al.	5-11-16	Motion to Dismiss with an Affidavit of Desistance filed on 8-5-16. Order dated 9-20-17, denying the said Motion on the basis of the Manifestation of the prosecutor that	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.

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				he can probably	
				secure the	
				conviction of the	
			1.0.00	accused.	
18	00-024-G	Pp. vs. Ranulfa	4-3-00	Order dated 7-26-	The reason
		Alpas		06, archiving the	adduced in
				instant case for the	archiving the
				reason that the	instant case, as
				accused had	stated in the Order
				jumped bail.	dated 26 July
				Order dated 4-26-	2006, is not
			<u> </u>	11, setting the Pre-	among those allowed under
			*	Trial Conference	OCA Circular No.
				on 3-31-11, and	1
				the Pre-Trial on 6-	August 2004. ⁷
				19-11.	August 2004.
				17-11.	The case of an
				Notice of Hearing	accused who
				dated 1-15-16.	jumped bail may
				30.00 1 10 10.	only be archived if
				·	she/he is not yet
					arraigned and can
					no longer be
					arrested by the
					bondsman. This,
					however, is not
			<u>:</u>	·	the situation in the
					instant case since
					prior to its
					archiving, the
	·		:		accused was
					already arraigned
					on 3 April 2000.
					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, "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."
					unjustijiavie.
					Moreover, the
					instant case has
					become dormant
1					for about five (5)
	<u> </u>		L	1	101 4004t 11VC (3)

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
19	FC-17-48-G	Pp. vs. Ailita	10-30-17	Order dated 10-	the Notice of Hearing dated 15 January 2016. The case records
19	FC-1/-48-G	Pp. vs. Ailita Herebit	10-30-17	the handling prosecutor to reinvestigate the propriety of releasing the accused when the offense charged is considered to be non-bailable.	do not show that the subject court afforded the defense the
				Motion to Expunge the Record of Arraignment (for reinvestigation purposes) filed on 11-5-18.	
				Order dated 12-12-18, granting the said Motion, and directing the public prosecutor to conduct the reinvestigation.	
				Motion to Admit Amended Information filed on 2-14-19.	
				19, granting the said Motion.	
20	17-070-C	Pp. vs. Romulo Tan	7-1-17	Motion to Allow the Accused to Plea Bargain was filed on 8-13-18. Order dated 11-	As of the date of the judicial audit, the resolution on the instant Motion is already delayed for a year because
				14-18, stating that, "considering that there is a standing motion for plea	the subject court deferred its ruling on the same until

and bargaining considering further that the conflict between theSupreme 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."

the said conflict is finally resolved.

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.

Notwithstanding, bears 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 pleabargaining drugs cases.

Specifically, OCA
Circular No. 802019
unequivocally
enunciates that
judges are bound
to exercise their
judicial discretion
in resolving
objections to the
plea bargaining in

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)].

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).

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).

					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)
			4		1
					resolved the pending incident outright.
21-22	09-002-L and 09-003-L	Pp. vs. Dave Clark Rife	1-27-09	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 pleabargain. Order dated 11-13-18, resetting	With regard to the Order dated 13 November 2018, reference is made to OCA Circular No. 80-2019 ¹¹ dated 30 May 2019, mandating judges to exercise their judicial discretion in resolving objections to the plea bargaining in drugs cases.
				the hearing on the instant cases on 3-	However, if the said objection is

12-19, pending the resolution by the Supreme Court on the conflict between the SC Circular and DOJ Memorandum.

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.

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 onevidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government." (underscoring provided)

Hence, it is incumbent upon the subject court to accordingly act on the pending Motion to Plea Bargain.

However, there is nothing in the case records which shows that accused filed any Motion to Plea Bargain.

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

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					Clad 41 - · · · · · · · · · · · · · · · · · ·
					filed, the said Order was issued
					prior to the ruling
					of the same.
23	14-141-G	Pp. vs. Roy	8-7-14	Prosecution's	There was
23	14-141-0	Sereno	0 / 11	Formal Offer of	inordinate delay
		Bereno		Exhibits for the	of almost one (1)
		·		Petition for Bail	year in the
				was filed on 6-25-	issuance of the
				15.	ruling on the
					prosecution's
				Order dated 4-28-	Formal Offer of
				16, admitting the	Exhibits.
				said Formal Offer	
				of Exhibits, and	Likewise, there
				submitting for	was also
				resolution the	inordinate delay
				Petition for Bail	of close to a year
				(defense waived	in resolving the
				the presentation of	Petition for Bail
				its evidence).	which was
					submitted for
				Motion for	resolution on 28
				Reconsideration	April 2016, but
				on the Order dated	was only decided
				4-28-16 was	on 20 March
				received on 6-3-	2017.
				16, regarding the	
			•	proper marking of exhibits on the	
				formal offer.	
				ioillai offer.	
				Order dated 6-10-	
				16, granting the	
,				said Motion for	
	,			Reconsideration.	
				1	
	ı			Order dated	
				3-20-17, denying	
				the Motion for	
				Bail.	
24	19-123-C	Pp. vs. Jannelo	6-19-19	Motion to Release	There was
		Bulandres		Impounded	inordinate delay
				Motorcycle to its	of three (3) years
			:	Registered Owner	in resolving the
				was filed on 7-26-	said Motion.
				16.	
				Order dated 7-29-	
				19, granting the	
				said Motion.	
25-	04-051-G and	Pp. vs. Vicente	6-24-04	Motion for	Upon perusal of
26	04-052-G	Vergara Vicente	32.01	Reduction of Bail	the case records, it
				(from	reveals that the
				P200,000.00 to	public prosecutor
				P100,000.00) was	on record was
				filed on 9-24-04.	public prosecutor
					Ethyl B. Eleccion
				Order dated 12-2-	who was the one
				04, denying the	furnished a copy
				said Motion.	of the Motion for
					Reduction of Bail

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 3-22-05, granting the said Motion for Reconsideration.

Opposition to the Motion for Reconsideration was filed by public prosecutor Election on 4-8-05.

Motion for Further Reduction of Bail (from P100,000.00 to P60,000.00) was filed on 8-11-05.

Order dated 10-11-05, granting the said Motion. 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 for Motion Reduction of Bail, the said public prosecutor was not required by the subject court to submit her Comment/ Opposition thereon.

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.

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.

27	16-174-C	Pp. vs. Michael	9-2-16	The Minutes of	Evidently, the
21	10 17-7-0	Villarante	2 10	the Hearing dated	subject court
				15 August 2018	merely relied on
				states that,	the objection or
				"regarding the	opposition of the
				plea bargain, the	public prosecutor
				State is opposed to	in denying the said
				it. Said incident	Motion for
				is denied."	Reconsideration, without even
				Order dated 10-3-	without even considering the
				18, denying the	grounds and
				Motion for	arguments
				Reconsideration	propounded
				to the order	therein.
				denying the	
				Motion to Plea	It should be
				Bargain filed on 8-	emphasized that OCA Circular No.
				24-18.	80-2019 ¹²
					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
					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)
28	09-033-C	Pp. vs. Vannie	6-30-00	Date of the initial	There were
<u></u>		Baluran		trial on 3-30-11.	apparent

					inordinate delays
				Order dated 3-20-	in the hearings of
				19, resetting the	the instant case,
				trial on 9-18-19.	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	3-27-18	Motion to Plea	As of the date of
		Montemayor		Bargain was filed	the judicial audit,
				on 11-7-18.	the said Motion
					remains
				Order dated 11-6-	unresolved and
				18, stating that,	the instant case is
				"considering that	considered as
				there is a standing	dormant, there
				motion for plea	being no further
				bargaining and	setting therein or
				considering	action done by the
				further that the	subject court on
				1 *	account of the
				conflict of the	
				Supreme Court	conflict between
				Circular and DOJ	the Supreme
				Circular with	Court Circular and
				respect to Sec. 5 is	the DOJ
				still subjudice,	Memorandum as
				action in this case	regards the plea
				is held in	bargaining in
				abeyance."	drugs cases.
					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. 90-2018 ¹³
					dated 4 May 2018;
					OCA Circular No.
					80-2019 ¹⁴ dated
					30 May 2019, and
					OCA Circular No.
					104-2019 ¹⁵ dated
					5 July 2019, in
					resolving issues
					regarding plea-
					bargaining in
					drugs cases.
			L	J	21.002 00000.

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¹⁴

Ibid. Ibid. Ibid. 15

Moreover, enunciated in OCA Circular No. 80-2019, judges bound are to their exercise judicial discretion resolving in objections to the plea-bargaining in drugs cases.

However, if the said objection is made effectively weaken the drug campaign of the government, then the same should be overruled considering that judges "constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges must decide cases based onevidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government." (underscoring provided)

Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.

It should also be noted that the Order dated 6
November 2018, holding the proceedings in the instant case in abeyance due to the filing of the

30- 18-021-L to 3-19-18 Order dated 11-6- 32 18-023-L 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 Circular and DOJ Circular on the plea bargaining guidelines. As of the date of the Supreme Court of the Supreme Court of the Supreme Court of the Supreme Court of the plea bargaining guidelines. It bears emphasizing that judges are bound to observe the following. OCA Circular No. OO-02-0218' dated 4 May 2018; OCA Circular No. OO-02-0218' dated 4 May 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201916' dated 3 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201916' dated 3 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201919, judges are sound to coch circular No. 104-201916' dated 3 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201916' dated 3 July 2019, judges are sound to coch circular No. 104-201916' dated 3 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201916' dated 3 July 2019, judges are sound to coch circular No. 104-201916' dated 3 July 2019, judges are sound to coch circular No. 104-201916' dated 3 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 104-201916' dated 3 July 2019, judges are sound to coch circular No. 2019, judges 2019, judge		 			
18, holding in abeyance the proceedings in the instant case is deemed as dormant, there being no further settling or action done by the Supreme Court of the conflict between the SC Circular and DOJ Circular on the plea bargaining guidelines. It bears emphasizing the regards the pleabargaining in drugs cases. It bears emphasizing the regards the pleabargaining in drugs cases. It bears emphasizing that judges are bound to observe the following OCA Circular No. 80-2018 ¹⁶ dated 4 May 2018; OCA Circular No. 80-2019 ¹⁹ dated 3 July 2019, and OCA Circular No. 104-2019 ¹⁸ dated 5 July 2019, in resolving issues regarding pleabargaining in drugs cases. As enunciated in OCA Circular No. 80-2019, judges					issued a day earlier than the filing of the said Motion to Plea Bargain, which was only submitted a day after, or on 7 November 2018.
	i .	 Larry	3-19-18	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	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 pleabargaining in drugs cases. 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. 90-2018 ¹⁶ dated 4 May 2018; OCA Circular No. 80-2019 ¹⁷ dated 30 May 2019, and OCA Circular No. 80-2019 ¹⁸ dated 5 July 2019, in resolving issues regarding pleabargaining in drugs cases.

16 17

Ibid.

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Ibid. Ibid.

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

with respect to Sec. 5 is still subjudice, the action on this case is held in abeyance." the DOJ
Memorandum as
regards the pleabargaining in
drugs cases.

bears emphasizing that judges are bound to observe the following OCA Circulars relative to the Adoption of Plea Bargaining Framework Cases: Drugs 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 pleabargaining drugs cases.

As enunciated in OCA Circular No. 80-2019, judges are mandated to exercise their judicial discretion in resolving objections to the pleabargaining in drugs cases.

However, if the said objection is made effectively weaken the drug campaign of the government, then the same should be overruled considering that judges "constitutionally bound to settle actual controversies involving rights which are legally

⁹ Ibid.

²⁰ Ibid.

Ibid.

					7 777 7
					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) Hence, the said Order is misplaced, and the
					subject court should have resolved the pending incident outright.
34- 35	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.	As of the date of the judicial audit, the said Motion remains
				Order dated 11-6- 18, holding in abeyance the resolution on the said Motion due to	unresolved and the instant case is considered as dormant, there being no further
				the conflict between the guidelines under the SC Circular and the DOJ Circular with respect to Sec. 5, R.A. 9165.	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 pleabargaining in drugs cases.
					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. 90-2018 ²² dated 4 May 2018; OCA Circular No. 80-

2019²³ dated 30 May 2019, and OCA Circular No.104-2019²⁴ dated 5 July 2019, in resolving issues regarding pleabargaining in drugs cases.

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.

However, if the said objection is made effectively weaken the drug campaign of the government, then the same should overruled be considering that judges are "constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable. Judges mustdecide cases based onevidence, law and jurisprudence, and they cannot just defer to the policy of another Branch of the government." (underscoring provided)

Hence, the said
Order is
misplaced, and the
subject court
should have
resolved the

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.	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
39-	19-089-C	Do ve Iumoniek	4-17-19	Worrent of Arrest	to issue a Commitment Order.
40	and 19-090-C	Pp. vs. Jumenick Maquiling	4-1/-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

					filing of the instant cases.
					In instances such as this, the subject court needs only to issue a Commitment Order.
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 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.
				·	In instances such as this, the subject court needs only to issue a Commitment Order.
		Ci	vil Cases		
No.	Case No.	Title	Date Filed	Court Action	Observation(s)/ Finding(s)
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.	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. 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.

	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
				-	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	10-14-11	Decision dated 7-	The decision was
73	10-11-04-0	Tabilon and	10 17-11	9-17, granting the	fairly swift, given
		Norelie		annulment of	that the instant
		Germunda		marriage.	case was
		vs. Jackeline			submitted for
		Enero and the			decision on 6 June
		LCR of			2017 and was
		Numancia, Aklan			decided on 6 July
		(for Annulment of			2017, or
		Marriage)			approximately
				!	only one (1)
					month thereafter.
					_
				, i	Moreover, no Pre-
					Trial was
					conducted
					considering that
				!	the instant case
					was immediately
					set for the presentation of
					presentation of evidence ex-parte,
					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
	70000				Marriages cases.
44	FC-95-9-G	Edith Saraña vs.	6-27-95	Decision dated 2-	There is no Order
		Reinaldo Saraña		11-16, declaring	on record stating
		(for Voiding of		the marriage void.	that the instant
		Marriage)			case is submitted
					for decision.
					However, the
					However, the Memorandum of
	<u></u>		L	l	141011101aiiuulii Ul

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

1bid.

plaintiff was submitted on 5 May 2011.

Hence, the instant case is deemed submitted for decision on 5 May 2011, based on Administrative Circular No. 28,27 which states that, "the case shall be considered submitted decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier."

Accordingly, the decision on 11 2016 February 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.

Moreover, no Pre-Trial was conducted considering that the instant case was immediately set for the presentation of evidence ex-parte, 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

Submission of Memoranda dated July 3, 1989.

⁸ Supra.

	1	T		1	X7 1 1 1 1
					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.	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. Hence, there was
					inordinate delay in rendering the said decision. 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.
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.	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.
					Regardless,

					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.	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. 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. Relative thereto, there is also no Order on record to show that the Formal Offer of Exhibits on 18 June 2007. 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. Obviously, no Pre-Trial was conducted since the instant case was immediately set for the presentation of evidence ex-parte, in contravention of Sec. 11 (1) of A.M. No. 02-11-10-SC, 30 which

				T	
					provides that Pre-
					Trial is mandatory
1					in Declaration of
		•			Absolute Nullity
					of Void Marriages and Annulment of
					Voidable
					Marriages cases.
48	FC-02-01-G	Yvette Martinez	3-1-02	Decision dated 6-	No Notice of
10	1002010	vs. Joseph Francis	. 5 1 02	15-06, granting	Appearance by the
		Martinez (for	·	the annulment of	Office of the
		Annulment of		marriage.	Solicitor General
		Marriage)			on record, absent
					which, it cannot
					be presumed that
					the public
					prosecutor is
					properly
			·		deputized to appear for the
					appear for the State in the
	·				proceedings
					thereon.
49	FC-02-06-V	Teodor Calderon	7-11-02	Decision dated 6-	No Order on
		Baradi vs.		30-08, granting	record submitting
		Cherelyn Batilo-		the annulment of	
		Baradi (for		marriage.	decision, but the
		Annulment of			last Memorandum
		Marriage)			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,
					"the case shall be
					considered
					submitted for
	•				decision upon the
					filing of the last
	·				memorandum or the expiration of
			,		the expiration of the period to do
					so, whichever is
					earlier."
					Accordingly, the
					decision on 30
					June 2008 was
					already delayed
					since it should
					have been rendered on or
					rendered on or before l August
					2007.
					2007.
	I	1	1	1	1

			1		ren c .1
					Therefore, there
					was inordinate delay in deciding
					the instant case.
50	FC-06-01-V	Trinidad Ejercito	1-10-06	Decision dated 6-	There is no Return
30	FC-00-01-V	Canomay vs.	1-10-00	23-08, granting	on the Summons
		Uldarico		the said	dated 7 February
		Canomay (for	,	annulment of	2006 on record.
		Annulment of		marriage.	
		Marriage)			Moreover, the
					instant case was
					submitted for decision on 22
					August 2007, and
					should have been
					decided on or
	,				before 20
-					November 2007.
					Hence, the
		-			decision rendered
					on 23 June 2008 was already
					delayed since it
					was rendered
					beyond the
					reglementary
					period to decide.
51	FC-06-04-G	Charlow Vargas	5-30-06	Decision dated 6-	There is no Order
	•	vs. Oscar Vargas		8-2015, granting	on record that the
		(for Annulment of Marriage)		the said annulment of	instant case was submitted for
		(Viairiage)		marriage.	decision.
					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.
					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.

	,	1			
					Accordingly, the decision on 8 June 2015 was already delayed since it was rendered beyond the reglementary period to decide.
					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.
52	FC-17-04-C	Nelly Estrada vs. Joemon Estrada (for Declaration of Absolute Nullity of Marriage)	9-18-17	The Return on Summons dated 10-10-17 provides that, "respondent is now in Manila with no address given for almost two (2) years now." Ex-Parte Motion to Serve Summons either by substituted service or by publication was filed on 4-16-18. Order dated 5-30-18, 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	The Order dated 30 May 2018 of the subject court, 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 ³³ which provides 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

³²

Ibid.

Supra.

				<u>Province</u> <u>of</u>	once a week for
		·		<u>Negros</u> <u>Oriental</u>	two consecutive
·				and its component	weeks <u>in a</u>
				<u>cities</u> once a week	<u>newspaper</u> <u>of</u>
				for 3 consecutive weeks."	general circulation in the
		. : . ·		(underscoring	Philippines and in
				provided)	such places as the
				provided)	court may order."
				Publication in the	(underscoring
				Dumaguete Star	provided)
				Informer on 22	
				and 29 July, and	The need to
				on 5 August 2018.	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
			21116	, c1 t	two (2) years.
53	FC-16-03-C	Jay Dayondon vs.	3-14-16	Answer was filed	The instant case has not been acted
		Charrie Dayondon		on 7-12-16.	upon since
		(for Annulment of		Order dated 12-6-	December 2017
		Marriage)		17, stating that,	after the issuance
				"when this case	of the Order dated
				was called for	6 December 2017.
				Pre-Trial,	
				petitioner and	However, the
				counsel appeared.	rationale of the
				There was no	11 0 1
		i .			said Order runs
				appearance on the	counter with Sec.
1				appearance on the part of the	counter with Sec. 13(b) of A.M. No.
				appearance on the part of the respondent and	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴
				appearance on the part of the respondent and counsel.	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that,
				appearance on the part of the respondent and counsel. Considering the	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent
				appearance on the part of the respondent and counsel. Considering the attendant	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his
				appearance on the part of the respondent and counsel. Considering the attendant circumstances,	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his answer but fails to
				appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his answer but fails to appear, the court
				appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given ten days to file his	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his answer but fails to appear, the court shall proceed with
				appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his answer but fails to appear, the court shall proceed with
				appearance on the part of the respondent and counsel. Considering the attendant circumstances, petitioner is given ten days to file his legal opinion. In	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ which states that, "if the respondent has filed his answer but fails to appear, the court shall proceed with the pre-trial and
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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 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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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
				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	counter with Sec. 13(b) of A.M. No. 02-11-10-SC ³⁴ 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-

					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."
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, "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 yenue."
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, "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."	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) of A.M. No. 02-11-10-SC, 36 which provides that Pre-Trial is mandatory in Declaration of

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).

Ibid.

					Absolute Nullity of Void Marriages and Annulment of Voidable
					Moreover, it has been observed that the address of the petitioner, as indicated in the petition, is incomplete as tonly 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.
					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.
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

	T		r	r	
					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	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
58	FC-06-06-C	Junrose Silvano vs. Celso Silvano (for Declaration of Nullity of Marriage)	8-10-06	Order dated 9-3-13, issued by then APJ Bahonsua, directing the parties to submit their respective Memoranda. Respondent's Memorandum was filed on 3-30-14, but there is no Memorandum from the petitioner on record. Decision dated 11-18-2015, granting the nullity of marriage.	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. Consequently, he was expected thereafter to reassume 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 reassumed as the presiding judge of

					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	The address of the petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental.	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. Moreover, the address indicated in the Verification is different from the one stated in the body of the said Petition.
				The Sheriff's Return on the Summons dated 9-17-18 (no date of receipt) states that, "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 aboveentitled case upon respondent AM C. Arigo with given address at Tandayag, Amlan, Negros Oriental.	Amended Judicial Affidavit of petitioner, Janet Sabanal Arigo, which was filed on 21 March 2019, it is only indicated that she is "a resident of Amlan, Negros Oriental." 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.
	·			house was closed and no person was inside the house. As per information by the neighbor, no one occupies the house." (underscoring supplied) It further discloses that, "on 14th day of September 2018, the	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.

undersigned went back at the given address. A certain <u>Honeylyn</u> Sabanal, 24 years of age were (sic) there, who claimed to be <u>Petitioner's</u> [Sister-in-law]. per As information, respondent is not leaving (sic) in <u>that</u> <u>house</u> anymore. Hence, substituted service is resorted to her whosigned and acknowledged the receipts thereof." (underscoring provided)

453,³⁷ that was filed earlier on 21 November 2013.

the Petition, the stated address of both parties is Tandayag, Amlan, Negros Oriental, and the same address was also reflected petitioner's Judicial Affidavit that was filed on 4 May 2017 for the aforementioned case.

On 30 July 2018, the petitioner filed Notice a Withdraw Petition, but, as of the date of the judicial audit, the remains same unacted upon by Br. 43, RTC, City, Tanjay 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.

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

Supra.

Titled "Janet D. Sabanal-Arigo vs. AM C. Arigo," for Declaration of Nullity of Marriage.

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

Ibid. Ibid.

				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 29 July, 5 August and on 12 August 2018 in the	
				2018 in the Dumaguete Star Informer.	respondent had already been residing in Manila for the last three (3) years.
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, 41 which provides that Pre-Trial is mandatory in Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages cases.
63	FC-17-05-G	Eduardo Cordova vs. Marites Cordova (for the declaration of	9-25-17	Motion to Set Pre- Trial was filed on 12-14-17.	Inspite of the said Motions, which are still pending and unresolved as
		nullity of marriage)		Motion to Set Pre- Trial was filed on 11-22-18.	of the date of the judicial audit, the subject court proceeded to set the case for trial

Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage) 64 FC-14-02-V Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage) 65 FC-14-02-V Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage) 66 FC-14-02-V Guillermo Laguda vs. Karen Balo-an (for Declaration of Nullity of Marriage) 67 Damaguete 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 that two (2) other cases were established therein that the petitioner is a resident of City, and that was a control of Dumaguete City, and the transcript of Dumaguete City and that two (2) other cases were expensed therein that the petitioner is a resident of City and the court of Dumaguete 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, 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 and in streep thing the dashed of the transcript of the Subpoena sent to the run on afforded due process masmuch as she was deprived of the opportunity to cross-examine the witness presented						
vs. Karen Balo-an (for Declaration of Nullity of Marriage) 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 jurisdiction on the ground that petitioner is a resident of Camanjac, Dumaguete City. Dumaguete City and carlos City; and carl					19, stating that, "upon Motion of the petitioner, set this case for trial proper to September 17, 2019 at 8:00 o'clock in the	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.
Older dated Withest presented	64	FC-14-02-V	vs. Karen Balo-an (for Declaration of Nullity of	12-19-14	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.	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

				11-12-15, denying the said Motion to Dismiss after hearing was conducted thereon. Motion for Reconsideration on the Order dated 11-12-15 was filed on 5-5-16. Order dated 11-3-17, denying the said Motion for Reconsideration. 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. Order dated 9-13-18, holding the proceedings in the instant case in abeyance, there being a petition for Certiorari.	during the said hearing.
No.	Case No.	Special Title	Proceedin Date	ngs Court Action	Observation(s)/
65	18-03-G	In the Matter of	Filed 6-11-18	Decision dated	Finding(s) The instant case
		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.		10-9-18, granting the instant Petition.	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

		Local Civil Registrar, Bacolod City			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 Varification.
					in the Verification therein.
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 its Formal Offer of Exhibits within 10 days after the Comment of the State; thereafter, the instant case is submitted for decision. State's Comment provides, among others, that the case study should be submitted first before the subject court decides on the instant case. Case study was filed on 7-13-18.	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.
				Decision dated 7-16-18, granting the adoption.	
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	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.
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	Nothing in the case records would show that the mandatory requirement of publication was complied with as
				the said Petition.	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.
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

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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

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	Court of Appeals dated 25 June 2008 in C.A. G.R.	" [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."		

Order dated 2-27-06, granting the Petition for Bail.

Court of Appeals Resolution dated 6-25-08 on C.A. G.R. SP No. 01919, received by the subject court 7-10-08, on directing the latter to order the arrest and detention of the accused, and to cancel his bail.

Court of Appeals
Resolution dated 8-26-08, denying the Motion for Reconsideration.

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.

Manifestation dated 10-5-17, stating the death of the accused, with prayer for the dismissal of the said cases.

Order dated 10-5-17, resetting the hearing on these cases to 4-12-18 at 8:30

Likewise, despite its receipt of the Supreme Resolution on G.R. No. 192919, denying the Petition for Review on the Court said 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.

То 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.

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should be as it is hereby or dered DISMISSED." 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. 5 14-114-G Pp. vs. Marla Ompoc Hailand 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 was delayed, considering that the same should to the Motion to the Motion have been decided caseloads,					•		•
is hereby ordered DISMISSED." 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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Motion to Suppress the said delay in the resolutions and decisions was filed on 10-28-14, and Opposition to the Motion was the same should to the Motion was been decided in the said dismissed." was dismissed."							-
ordered DISMISSED." 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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Motion to Suppress Evidence Was filed on 10-28-14, and Opposition to the Motion Was due to heavy caseloads, Concurred in the said decision. Moreover, the case records are devoid of any information that proof of death of the subject court, and that the same was considered in arriving at the decision to dismiss the instant case. " [T]he delay in the resolutions and decisions was due to heavy caseloads,							
DISMISSED." 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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Find the 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. The resolution on the said delay in the resolutions and decisions was filed on 10-28-14, and Opposition to the Motion was delayed, considering that the same should to heavy caseloads,					•)	
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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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Deposition to the Motion to Suppress the said Motion was resolutions and decisions was filed on 10-28-14, and Opposition to the Motion have been decided caseloads,			_			Moreover, the	
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. 5 14-114-G Pp. vs. 6-26-14 Motion to Suppress the said delay in the Suppress Evidence Motion was resolutions and decisions was filed on 10-28-14, and Opposition the same should to heavy to the Motion bave been decided caseloads,						1	
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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Hailand Pp. vs. 6-26-14 Motion to Suppress the said delay in the Pevidence Was filed on 10-28-14, and Considering that Opposition to the Motion have been decided caseloads,						1	
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. 5 14-114-G Pp. vs. Marla Ompoc Hailand Ompoc Hailand Motion to Suppress the said delay in the resolutions and decisions was filed on 10-28-14, and Opposition to the Motion was to heavy to the Motion have been decided caseloads,							
submitted in evidence before the subject court, and that the same was considered in arriving at the decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Hailand Motion to Suppress the said delay in the Suppress the said delay in the resolutions and decisions was filed on to the Motion was resolutions and decisions was due to heavy to the Motion have been decided caseloads,							
evidence before the subject court, and that the same was considered in arriving at the decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand							
the subject court, and that the same was considered in arriving at the decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Pp. vs. 6-26-14 Motion to Suppress Evidence Was filed on 10-28-14, and Opposition The resolution on the said delay in the resolutions and decisions and decisions to the same should to heavy to the Motion have been decided caseloads,							
and that the same was considered in arriving at the decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Hailand Motion to Suppress the said delay in the Evidence Motion was resolutions and decisions was filed on 10-28-14, and Copposition to the Motion have been decided caseloads,							
arriving at the decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Phailand Phailand Popposition to the Motion to the Motion to the Motion to the decision to the Motion have been decided caseloads,						and that the same	-
decision to dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Phailand Phailand Popposition to the Motion to Suppress the said delay in the Popposition to the Motion was due to heavy to the Motion have been decided caseloads,						1	
dismiss the instant case. 5 14-114-G Pp. vs. Marla Ompoc Hailand Phailand Opposition to the Motion to the same should to heavy caseloads,						1	
5 14-114-G Pp. vs. Marla Ompoc Hailand Pailand Opposition to the same should to the Motion to the Motion to the same should to the Motion have been decided caseloads,						1	
Pp. vs. Marla Ompoc Hailand Pp. vs. Motion to Suppress Evidence Was filed on 10-28-14, and Opposition to the Motion the resolution on the said Motion was delay in the resolutions and decisions was due to heavy to the Motion have been decided Caseloads,							
Marla Ompoc Hailand Suppress Evidence Was filed on 10-28-14, and Opposition to the Motion Was due to heavy to the Motion have been decided delay in the motion was resolutions and decisions was due to heavy to the Motion have been decided caseloads,	5	14-114-G	Pp. vs.	6-26-14	Motion to		" [T]he
Ompoc Hailand Evidence was filed on 10-28-14, and considering that was due to heavy to the Motion have been decided caseloads,					l		delay in the
10-28-14, and considering that was due Opposition the same should to heavy to the Motion have been decided caseloads,					Evidence	1	ı
Opposition the same should to heavy to the Motion have been decided caseloads,			Hailand				· ·
to the Motion have been decided caseloads,						_	
						1	i -
to Cuppegg on or hafore 15 and the eage						on or before 15	and the case
to Suppress on or before 15 and the case Evidence was February 2015. records were						1	i
submitted on not chronolo-					1	1 cordary 2013.	l

				11-17-14.		gically and
				Order dated	,	orderly arranged by my
				3-31-15,		staff after the
				denying the said	'	strong quake in
				Motion.		2012, as a
				Monon.		result
						some cases
						were left
						unattended."
6	14-001-G	Pp. vs.	11-26-14	Motion for	Based on the case	" [T]he delay
0	14-001-0	Edgar	11-20-14	Bail was filed	records, a Motion	in the
		Icalina		on 6-24-14.	for Bail was	resolutions and
		Tourina		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	already filed as	decisions was
				Order dated	early as	due
				5-30-19,	24 June 2014, and	to heavy
				resetting the	apparently, the	caseloads,
				instant case	same was not	and the case
				due to the	acted upon by the	records
				intended filing	subject court;	were not
				of a Motion	hence	chronologi-
				for Bail.	it remains	cally and
					unresolved as	orderly
					of the date of	arranged by my
					judicial audit.	staff after the
						strong quake in
						2012, as a
1						result some
						cases were left
	10.017.0		1 01 10	1	701	unattended."
7	12-017-C	Pp. vs.	1-31-12	Application for Bail was	The instant case involves the	" A resolution dated
		Eleuterio Magla-		filed on	crime of Murder,	February 16,
		sang, Jr.		3-6-12.	hence, non-	2015 on the
		sang, sr.		3-0-12.	bailable.	Application for
				Order dated	cumuote.	Bail is now
				12-17-14,	However, there is	attached to
				submitting	no record of any	the records
				Scomitting	resolution on the	of the case. My
				the said	said Application	staff failed to
				Application	for Bail after it	properly stitch
				for Bail for	was submitted for	the case folders.
				resolution.	resolution on	The pleadings,
					17 December	orders and
				Order dated	2014. Instead, the	resolutions
				3-11-15,	subject	in the case
				granting the	court issued an	folders are
				Motion for	Order granting the	loosely inserted
				Reduction of	Motion to Reduce	and as a result
				Bail was filed	Bail	the said
				on 3-10-15.	even if there	resolution was
				Formal Offer	was no resolution	detached from the record
				Formal Offer	yet on the Application for	during audit."
				of Exhibits by the accused	Bail.	auring auan.
				was filed	Duii.	
				on 11-14-18		
				(reverse trial).		
8-9	FC-08-05-V	Pp. vs.	4-15-08	Formal Offer	There was	"[T]he
0-7	and	Celso	7-13-00	of Exhibits	inordinate	delay in the
		Supremo		OI LAHIORS	morumate	resolutions
L	1	Supremo	L		<u></u>	, csoimions

			1			
	FC-08-06-V			of the	delay in the	and decisions
				prosecution	submission of the	was due
				was filed on 11-26-17.	Comment by the defense on the	to heavy caseloads,
				11-20-17.	Formal Offer of	and the
				Order dated	Exhibits of the	case records
				11-28-17,	prosecution,	were not
				directing the	spanning close to	chronologi-
				defense to file	two (2) years	cally and
				its Comment	from the time	orderly
				thereto within 5	it was first	arranged by
				days.	directed to file the	my staff after
					same on 28	the strong
				Order dated	November 2017.	quake in 2012,
				8-6-19,		as
				directing	The subject court	a result
				anew the	should have motu	some cases
				defense to file	proprio ordered	were left
				its Comment	for the waiver	unattended."
				within 10	of the said	
				days, and	Comment owing to	
				setting the presentation of	the said delay, and outrightly resolved	
				defense	the pending	
				evidence on	incident.	
				12-3-19.		
					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	
10	16-117-V	Pp. vs.	6-27-16	Motion to	There was	"[T]he
10	10 117 ,	Millard C.	02/10	Release the	inordinate delay	delay in the
		Aplicador		Items Subject of	of almost two (2)	resolutions
				the Case was	years in the	and decisions
				filed	resolution of the	was due
				on 3-30-16,	said Motion.	to heavy
				and the		caseloads,
				corresponding		and the case
				Comment thereon was		records were not
				submitted on	·	chronologi-
				8-1-16.		cally and
				3 1 10.		orderly
				Order dated		arranged by
				3-6-18,		my staff after
				resolving the		the strong
				said Motion.		quake in 2012,
						as
						a result
						some cases
						were left
	10.01.		0.2.10	0.1.1.1	771	unattended."
11	18-24-L	Pp. vs.	9-3-18	Order dated	There is nothing	" [T]he
		Wilfredo		3-26-19, dismissing the	in the case records which	undersigned is of the humble
		Absin		instant case	shows that	belief that there
				due	SHOWS WILL	is no need to
			1	Lane .		is no need to

12	18-006-V	Pp. vs. Teodoro Andraque	1-25-18	to the manifestation of the complainant that she and her accused-husband have already patched things up. Order dated 5-7-19, conducting the arraignment of the accused	the public prosecutor was made to Comment on the said Manifestation prior to the motu proprio dismissal of the instant case by the subject court. There is nothing in the case records to show that accused Teodoro	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." " [B]oth accused were duly arraigned, however, my
				with Criminal Case No. 18-005-V.	Andraque was arraigned. It was only accused Sixto Andraque who was arraigned for Criminal Case No. 18-005-V.	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."
1	FC-04-10-G and FC-042-G	Pp. vs. Rady Alcala	3-25-04	Court of Appeals Decision dated 7-11-11, remanding the instant cases to the subject court for the reception of the prosecution's evidence. The said Court of Appeals decision was received by the subject court on 3-1-12. Order dated 9-13-18, resetting the	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.	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."

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

16	11-008-C	Pp. vs. Juvy Renejani, et al.	2-2-11	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." Prosecution's Formal Offer of Exhibits was filed on 10-26-16.	Based on the Order dated 10 November 2016, the defense has not filed its Comment on	repetitive act of the court was due to the negligence of my staff who
				Order dated 11-10-16, admitting the said Formal Offer of Exhibits despite the failure of the defense to file its Comment thereon. Order dated 11-29-17, directing the defense to file its Comment on the said	the Formal Offer of Exhibits of the prosecution. Notwithstanding, the said Formal Offer of Exhibits was admitted. 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,	
17	16-087-C	Pn vs	5-11-16	Formal Offer of Exhibits. Motion to	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. There was	"[Tīha
	10-08/-	Pp. vs. Narciso Omboy, et al.	3-11-16	Dismiss with an Affidavit of Desistance was filed on 8-5-16. Order dated 9-20-17, denying the said Motion on the basis of the Manifestation of the prosecutor that	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.	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the

		1		he can		strong quake in
				probably		2012 as a result
				secure the		some cases
1				conviction of		were left
				the accused.		unattended."
18	00-024-G	Pp. vs.	4-3-00	Order dated	The reason	" [T]he
16	00-024-0	Ranulfa	1-5-00	7-26-06,	adduced in	court wanted
		Alpas		archiving the	archiving the	
		Tipus		instant case for	instant case,	to afford
				the reason that	as stated in the	accused full
				the accused	Order dated	opportunity to
				had jumped	26 July 2006,	be heard thus
				bail.	is not among	the subject
					those allowed	court opted to
				Order dated	under OCA	archive the
				4-26-11,	Circular No.	case pending
				setting the Pre-	89-2004 dated 12	arrest of the
				Trial	August 2004. ⁴³	accused
				Conference	Tiles	instead of
				on 3-31-11, and the Pre-	The case of an accused who	having trial in
				Trial on	jumped bail	absentia."
				6-19-11.	may only be	ausenia.
				0-19-11.	archived if	
			•	Notice of	she/he is not yet	
				Hearing dated	arraigned and can	
				1-15-16.	no longer be	
				1 10 10.	arrested by the	
					bondsman.	
					This, however, is	
İ					not the situation in	
					the instant case	
					since prior	
					to its archiving,	
					the accused was	
					already arraigned	
					on 3 April 2000.	
					The subject	
					The subject court should	
					have conducted	
					a trial in absentia	
					which is allowed	
					under Sec. 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	,

Reiteration of the Guidelines in the Archiving of Cases.

						and his failure to	
1						appear is	
						unjustifiable."	
						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	
ı		-				Conference on 31	
						March 2011 and	
						the	
						Pre-Trial on 19	
						June 2011, to the	
-						issuance of the	
1						Notice of Hearing	
1						dated	
						15 January 2016.	
t	19	FC-17-48-G	Pn vs	10-30-17	Order dated	The case records	" [I]t can be
	1,7		Ailita		10-18-18,	do not show that	seen from the
ŀ			Herebit		directing	the subject court	
					the handling	afforded the	record
1					prosecutor to	defense the	of the ease that
					reinvestigate the		of the case that
		ĺ			propriety of	to file its	defense) was
					releasing the	corresponding	сору
					accused when	Comment/s	furnished,
					the	relative to the said	however,
					offense	motions.	despite
					charged is	motions.	исьрис
					considered		being copy
					to be		
l					non-bailable.		furnished the
					non-vanavie.		defense filed
					Motion to		no comment.
					Expunge the		Thus, to
					Record on		expedite the
					Arraignment		proceedings,
					(for reinves-		the court
					tigation		resolved the
					purposes)		
					filed on		motions within
-					11-5-18.		the prescribed
					-1010	•	period."
					Order dated		
					12-12-18,		·
					granting the		
					said Motion,		
					and directing		
					the public		
					prosecutor to		
					conduct the		
					reinvestiga-tion.		
					101111001150-11011.		
					Motion		
ı					MIONOII		

				to Admit		
				Amended		
				Information		
				filed on		
				2-14-19.		
				•		
				Order dated		
				2-27-19,		
				granting the		
				said Motion.		
20	17-070-C	Pp. vs.	7-1-17	Motion to	As of the date	" [T]he
		Romulo		Allow the	of the judicial	motion to
		Tan		Accused to	audit, the	allow the
		1		Plea Bargain	resolution	
				was filed on	on the instant	accused to
				8-13-18.	Motion is already	Plea Bargain
				0-15-10.	delayed for a year	was not acted
				Order dated	because the	upon by the
		-		11-14-18,	subject court	court due to
				stating that,	deferred its ruling	
				"considering	on the same until	the vehement
				that there is	the said conflict is	opposition of
						the public
				a standing	finally resolved.	prosecutors.
				motion	TT	The
				for plea	However, the said	
				bargaining	Order is devoid of	undersigned is
				and	any information	of the humble
				considering	regarding how the	belief that
				further that the	said conflict will	consent of the
				conflict	be resolved and	public
				between the	by whom,	prosecutor is
				Supreme	or if there is a	an essential
				Court Circular	pending case	
			İ	and	on the matter	requisite
				Department of	before the	, ,
				Justice	Supreme Court	in plea
				Circular with	for resolution.	bargaining.
				respect to Sec.		There would
				5 is	Notwithstanding, it	be no plea
				still to be	bears to emphasize	bargaining
				resolved, reset	that judges are	
				this case to	bound to observe	agreement if
				March 20,	the following OCA	the public
				2019 at	Circulars relative	prosecutor
				8:30 in the	to the Adoption	does not agree
				morning."	of Plea	with the
					Bargaining	proposed
					Framework in	proposea plea."
					Drugs Cases:	ріви.
					OCA Circular No.	
					90-2018 ⁴⁴ dated 4	
					May 2018; OCA	
					Circular No.	
					80-2019 ⁴⁵ dated	
					30 May 2019, and	
					OCA OCA	
					Circular No.	
	L		I	I	On Caraci 110.	

Sup

⁴⁴ 45

Supra. Supra.

104-2019⁴⁶ dated 5 July 2019, in resolving issues regarding pleabargaining in drugs cases. 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. 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, and they cannot just defer to the policy of another Branch of the government." (underscoring provided) Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright.

			1.00.00	0.1.1.1	XX.71.1 T	(L [m])
21-	09-002-L	Pp. vs.	1-27-09	Order dated	With regard	" [T]he
22	and	Dave		4-18-18,	to the Order dated	motion to
	09-003-L	Clark		directing	13 November	allow the
		Rife		the defense	2018, reference is	accused to
				counsel	made to OCA	Plea Bargain
				to comply with	Circular No.	_
				all the	80-2019 ⁴⁷ dated	was not acted
				requirements	30 May 2019,	upon by the
				for plea	mandating	court due to
				bargaining so	judges to exercise	the vehement
				that the court	their judicial	opposition of
				can act on his	discretion in	the public
				manifestation	resolving	-
				that the accused	objections to	prosecutors.
				intends to plea-	the plea	The
				bargain.	bargaining in	undersigned is
					drugs cases.	of the humble
				Order dated		belief that
				11-13-18,	However, if the	consent of the
				resetting the	said objection	_
				hearing on the	is made to	public
				instant cases on	effectively weaken	prosecutor is
				3-12-19,	the drug campaign	an essential
				pending the	of the government,	requisite
				resolution by	then the same	•
				the Supreme	should be	in plea
				Court on	overruled since	bargaining.
				the conflict	judges are	There would
				between the SC	"constitutionally	
				Circular and	bound to	be no plea
				DOJ	settle actual	bargaining
				Memorandum.	controversies	agreement if
				1,1011101uiiuuiii	involving	the public
				Order dated	rights which	prosecutor
				1-14-19,	are legally	does not agree
	-			directing the	demandable	O
				accused to	and enforceable.	with the
				report to	Judges must	proposed
				the Negros	decide cases	plea."
				Oriental	based on	
				Provincial	evidence,	
				Crime	law and	
					jurisprudence,	
				Laboratory in		
				Dumaguete City	and they cannot just defer to	
				for drug		
				dependency examination.	the policy of	
				examination.	another Branch of the government."	
					(underscoring provided)	
					provided)	
					Hongo it is	
					Hence, it is incumbent	
						•
					upon the subject	
					court to act	
					accordingly on	
					the pending	
					Motion to Plea	
					Bargain.	

23	14-141-G	Pp. vs. Roy Sereno	8-7-14	Prosecution's Formal Offer of Exhibits for the Petition for Bail was filed on 6-25-15. 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). Motion for Reconsidera- tion on the Order dated 4-28-16 was received on 6-3-16, regarding the proper marking of exhibits on the	However, there is nothing in the case records which shows that accused filed any Motion to Plea Bargain. 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. There was inordinate delay of almost one (1) year in the issuance of the ruling on the prosecution's Formal Offer of Exhibits. 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.	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the strong quake in 2012, as a result some cases were left unattended."
				on 6-3-16, regarding the proper marking of		

			1	1			1
					Reconsidera- tion.		
					11011.		
					Order dated		
					3-20-17,		
					denying the		
					Motion for		
					Bail.		
	24	19-123-C	Pp. vs.	6-19-19	Motion to	There was	"[T]he
			Jannelo		Release	inordinate	delay in the
			Bulandres		Impounded	delay of three (3)	resolutions
					Motorcycle to	years in resolving the said Motion.	and decisions was due
					its Registered Owner was	the said Motion.	to heavy
Ì					filed on		caseloads,
					7-26-16.		and the
					, 20 10.		case records
					Order dated		were not
					7-29-19,		chronologi-
					granting the		cally and
					said Motion.		orderly
							arranged by my
							staff after the
		:					strong quake in 2012,
							as a result
							some cases
ŀ							were left
							unattended."
	25-	04-051-G	Pp. vs.	6-24-04	Motion for	Upon perusal of	" [T]he
	26	and	Vicente		Reduction	the case records,	grant of
		04-052 - G	Vergara		of Bail (from	it reveals that	the reduction
					P 200,000.00 to	the public	of bail bond
					P 100,000.00)	prosecutor	was due to the
					was filed on 9-24-04.	on record was public	constitutional
					J-2-1-0-1.	prosecutor Ethyl	rights (sic) of
					Order dated	B. Eleccion who	the accused
					12-2-04, denying	was the one	against
					the said Motion.	furnished a copy	excessive bail.
						of the Motion for	The 'no
					A copy of	Reduction of Bail	objection' of
					the said Order	that she received	the public
					was personally received on	on 2 December 2004. She was	prosecutor indicates
					12-10-04 by	also	assent."
					Atty. Jasper	the public	absent.
					Adrian P.	prosecutor during	
					Cadelina,	the arraignment of	
					counsel of record	í ·	
					of the accused.	well as during the	
						conduct of the	
					Accused's	Pre-Trial and the	
					Motion for	initial trial.	
					Reconsideration on the Order	However in	
					dated	However, in resolving the said	
					12-2-04 was filed	•	
					on	for Reduction	
					3-21-05.	of Bail, the	
						said public	
					Order dated	prosecutor was	
-							

				3-22-05,	not required by	
				granting the	the subject court	
				said Motion for	to submit her	
1				Reconsideration.	Comment/	
				Reconsideration.	Opposition	
				O	• •	
				Opposition to the	thereon.	
				Motion for		
				Reconsideration	Interestingly,	
				was filed by	in the hearing	
				public prosecutor	on the said Motion	
				Eleccion on	for Reconsideration	
				4-8-05.	on 22 March 2005,	
				1 0 05.	public prosecutor	
				Motion for	Eleccion was	
				Further	not present. In her	
1				Reduction of	stead was public	
				Bail (from	prosecutor	
				P100,000.00 to	Macarieto I.	
				P60,000.00) was	Trayvilla, in a	
				filed on	"special	
				8-11-05.	appearance", who	
				- 11 00.	interposed	
				Order dated		
					no objection	
				10-11-05,	on the said Motion	
				granting the	for	
				said Motion.	Reconsideration.	
					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	
					•	
27	16 174 0	Dm	0.2.16	The Minne	was filed.	(([707]
27	16-174-C	Pp. vs.	9-2-16	The Minutes	Evidently, the	" [T]he
		Michael		of the Hearing	subject court	motion to
		Villarante		dated 15	merely relied	allow the
				August 2018	on the objection	accused to
				states that,	or opposition	Plea Bargain
				"regarding the	of the public	was not acted
				plea bargain,	prosecutor in	upon by the
				the State is	denying the	court due to
				opposed to it.	said Motion for	the vehement
				Said incident	Reconsideration,	
				1.		opposition
				is denied."	without even	of the public
					considering the	prosecutors.
				Order dated	grounds and	The
				10-3-18,	arguments	undersigned is
				denying the	propounded	of the humble
				Motion for	therein.	belief that
				Reconsidera-		consent of the
1	l	L	L	TCCCIISIGCI a-		consein of the

				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, and they cannot just defer to the policy of another	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."
	-				and they cannot just defer to the	
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.	provided) 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.	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the strong quake in 2012 as a result

	<u></u>		1			some cases
						were left
	10.001.77	_	2.27.10	No. of the Pol	A . C.11 1.4	unattended."
29	18-031-V	Pp. vs.	3-27-18	Motion to Plea	As of the date	" [T]he
		Jolito		Bargain was	of the judicial	motion to
		Monte-		filed on 11-7-	audit, the said	allow the
		mayor		18.	Motion remains unresolved and	accused to
				Order dated	the instant case is	Plea Bargain
				11-6-18,	considered as	was not acted
				stating that,	dormant, there	upon by the
				"considering	being no further	court due to
				that there	setting therein	the vehement
				is a standing	or action done by	opposition
				motion	the subject court	opposition
				for plea	on account of the	of the public
				bargaining	conflict between	prosecutors.
				and conside-	the Supreme	The
				ring further	Court Circular	undersigned is
				that the	and	of the humble
				conflict of	the DOJ	belief that
				the Supreme	Memorandum	consent of the
				Court Circular	as regards the	public
				and DOJ	plea-bargaining in	prosecutor is
				Circular with	drugs cases.	an essential
				respect to Sec. 5	It bears	requisite
				subjudice,	emphasizing that	in plea
				action in this	judges	bargaining.
				case is held in	are bound to	There would
				abeyance."	observe the	be no plea bargaining
	-				following OCA	agreement if
					Circulars relative	the public
				·	to the Adoption of	prosecutor
					Plea Bargaining	does not agree
					Framework in	with the
					Drugs Cases:	proposed
					OCA Circular No.	plea."
					90-2018 ⁴⁹ dated 4	
					May 2018; OCA	
					Circular No.	
					80-2019 ⁵⁰ dated	
					30 May 2019, and OCA Circular No.	
				·	104-2019 ⁵¹ dated	
					5 July 2019, in	
					resolving issues	
					regarding plea-	
					bargaining in	
					drugs cases.	
					Moreover, as	
					enunciated in OCA	
					Circular No. 80-	
					2019, judges are	
L		1			bound to exercise	

⁴⁹

Supra. Supra. Supra. 50

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, and they cannot just defer to the policy of another Branch of the government." (underscoring provided) Hence, the said Order is misplaced, and the subject court should have resolved the pending incident outright. It should also be noted that the Order dated 6 November 2018, 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

1

			,			
					filing of the said	
					Motion to Plea	
					Bargain which	
					was only	
	· ·				submitted a day	
					after, or on 7	
					November 2018.	
30-	18-021-L	Pp. vs.	3-19-18	Order dated	As of the date	" [T]he
32	to	Larry		11-6-18,	of the judicial	motion to
	18-023-L	Sampero		holding in	audit, the instant	allow the
				abeyance the	case is deemed as	accused to
				proceedings	dormant, there	Plea Bargain
				in the instant	being no further	was not acted
				cases pending	setting	upon by the
				the resolution	or action done by	court due to
			-	by the	the subject court	the vehement
				Supreme	thereon	opposition of
				Court of	on account of the	the public
				the conflict	conflict between	prosecutors.
				between the SC	the Supreme	The
	1			Circular and	Court Circular	undersigned is
				DOJ Circular	and	of the humble
				on	the DOJ	belief that
				the plea	Memorandum	consent of the
				bargaining	as regards the	public
				guidelines.	plea-bargaining in	prosecutor is
	•			gardennes	drugs cases.	an essential
						requisite
					It bears	in plea
					emphasizing that	bargaining.
	İ				judges are bound to	There would
					observe the	be no plea
					following OCA	bargaining
					Circulars relative	agreement
					to the Adoption of	if the public
					Plea	prosecutor
					Bargaining	does not agree
					Framework in	with the
					Drugs Cases:	proposed
					OCA Circular No.	plea."
					90-2018 ⁵² dated 4	^
		[May 2018; OCA	
					Circular No.	
					80-2019 ⁵³ dated	
					30 May 2019, and	
					OCA Circular No.	
					104-2019 ⁵⁴ dated 5	
					July 2019, in	
					resolving issues	
					regarding plea-	
					bargaining in drugs	
					cases.	
					As enunciated	
					in OCA Circular	
					No. 80-2019,	
					judges are	
	<u> </u>				mandated to	

⁵²

⁵³

Ibid. Ibid. Supra.

					exercise their	
					judicial discretion	
					in resolving	
					objections to the	
					plea bargaining in	
					drugs cases.	
					arago casos.	
					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,	
					and they cannot	
			-		just defer to the	
					policy of another	
					Branch of the	
		ļ			government."	
1		ļ			(underscoring	
					provided)	
					YT 41	
					Hence, the	
					said Order is	
					misplaced, and	
					the subject court	
					should have	
					resolved the	
					pending incident	
					outright.	
33	18-050-V	Pp. vs.	6-8-18	Motion	As of the date	" [T]he
		Anthony		for Plea	of the judicial	motion to
		Wendell		Bargaining	audit, the said	allow the
		Tarugo		was filed	Motion remains	accused to
				on 11-7-18.	unresolved and	Plea Bargain
					the instant case is	was not acted
				Order dated	considered as	upon by the
				11-6-18,	dormant, there	court due to
				stating that,	being no further	the vehement
					setting therein	opposition of
				"considering that there is	or action done by	the public
				1	-	prosecutors.
				a standing	the subject court	The
				motion	thereon on	
				for plea	account of the	undersigned is

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."

conflict between the Supreme Court Circular and the DOJ Memorandum as regards the plea-bargaining in drugs cases.

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 pleabargaining in drugs

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.

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

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."

⁵⁵ Ibid. 56

Ibid.

Ibid.

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

Bargaining

Judges must decide cases based on evidence, law and

jurisprudence, <u>and</u> they cannot just defer to the policy of another Branch

of the

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 pleabargaining in drugs cases. 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. 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.

B Ibid.

59 *Ibid.*

0 Ibid.

						
					government." (underscoring provided)	
					provided)	
					Hence, the	
					said Order is	
					misplaced, and the subject court	
					should have	
					resolved the	
					pending incident outright.	
36-	19-110-V	Pp. vs.	3-3-19	Warrant of	It should be noted	" [I]t is the
37	and	Tonny		Arrest dated	that the subject	practice of
	19-111 - V	Laguido		6-4-19.	court still issued an Order directing	my Clerk of Court to
				Commitment	the issuance of	attach a
				Order dated	a Warrant of	Warrant of
				6-4-19.	Arrest, which	Arrest in
					in this case	every criminal
					was issued on 4 June 2019,	case records although the
					notwithstanding	accused was
					the fact that the	already
					accused was	arrested."
					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.	
38	19-115-V	Pp. vs.	6-13-19	Warrant of	It should be noted	" [I]t is the
		Richie		Arrest dated 6-3-19.	that the subject court still issued	practice of my Clerk
		Dale Ramirez		0-3-19.	an Order directing	of Court to
		Ramnoz		Commitment	the issuance	attach a
				Order dated	of a Warrant of	Warrant of
				6-13-19.	Arrest, which	Arrest in
				Order dated	in this case was issued on	every criminal case records
				6-14-19,	3 June 2019,	although the
				directing the	notwithstanding	accused was
				release of the	the fact that	already
				accused after	the accused	arrested."
				he posted bail.	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	

	10	EC 02 02 C	TT1	2 01 00	Destrict 1 of	Th.	N ₋ C
4	12	FC-02-03-G		3-21-02	Decision dated	There was an	No Comment
			Escutin		9-1-07,	Answer filed on	from Judge
			vs.		declaring	6 June 2002, but	Trinidad on the
			Ric		the marriage	the respondent did	subject audit
			Richard		void.	not appear during	findings.
			Liclican			the trial,	
						notwithstanding	
			(for			the fact that he	
			Voiding of			only resides in	
			Marriage)		٠	Dumaguete City.	
			ivitari tage)			Damagacte City.	
						Moreover, there is	
						no copy of	
						the Notice of	
						Appearance of the	
ļ						Office of	
						the Solicitor	
						General on	
						record, which	
						is tantamount	
						to the absence	
						of authority	
						of the public	
				:		prosecutor to	
						1 -	
		,				represent the State	
						in the instant case.	
						Einelly no	
						Finally, no	
						Pre-Trial was	
						conducted therein,	
					•	in contravention	
						of Sec. 11 (1)	
						of A.M. No.	
1						02-11-10-SC, ⁶¹	
1						which provides	
						that Pre-Trial	
						is mandatory	
						in Declaration	
						of Absolute	
						Nullity of Void	
						Marriages and	
						Annulment	
1						of Voidable	
<u></u>		DO 11 0: 0	G 3.7.	10 14 11	T 11 1 1	Marriages cases.	N ₂ C
4	-3	FC-11-04-G	-	10-14-11	Decision dated	The decision	No Comment
		1	Tabilon and		7-9-17,	was fairly swift,	from Judge
		!	Norelie		granting the	given that the	Trinidad on the
			Germunda		annulment	instant case was	subject audit
		f I	vs.		of marriage.	submitted for	findings.
			Jackeline		-	decision on 6 June	
			Enero			2017 and was	
		1	and the LCR			decided on	
		l .	of			6 July 2017, or	
		1	Numancia,			approximately only	
		1	Aklan			one (1) month	
		!	AKIAII (for			thereafter.	
		l .	`			uicicarici.	
		i i	Annulment			Margaryan ma	
1	1		of Marriage)			Moreover, no	
			0 /			n. m. 1	
						Pre-Trial was conducted since the	

		,				
					instant case was	
1					immediately	-
					set for the	
				1	presentation	
					of evidence	
					ex-parte, in	
					contravention	
				•	of Sec. 11 (1)	
					of A.M. No.	
					02-11-10-SC, ⁶²	,
					which provides	
					that Pre-Trial	
			Α	L. 124	is mandatory	
					in Declaration	
					of Absolute Nullity	
					of Void Marriages	
					and Annulment	
					of Voidable	
					Marriages cases.	
44	FC-95-9-G	Edith	6-27-95	Decision	There is no Order	No Comment
	L 0-75-7-0	Saraña vs.	U-4/-7J	dated 2-11-16,	on record stating	from Judge
		Reinaldo		declaring the	that the instant	Trinidad on the
		Saraña				1
		(for		marriage void.	case is submitted	subject audit
		1 '			1	findings.
		Voiding of Marriage)			for decision.	
		(Mairiage)			However, the Memorandum	
				,	i i	
					of plaintiff	
					was submitted on	
					5 May 2011.	
					TT +1	
					Hence, the instant	
					case	
					is deemed	
					submitted for	
				-	decision on	
					5 May 2011, based on	
					Administrative	
					Circular No. 28,63	
					which states that,	
					"the case shall be	
					considered	
				•	1	
					submitted for	
					decision upon the	
		ļ			filing of the last	
					memorandum	
					or the expiration	
					of the period to do	
		[so, whichever is	
					earlier."	
					eurner.	
					Accordingly,	
					the decision	į
	:				on 11 February 2016 was already	
					delayed given that	
	L				the decision	

⁶²

Ibid.

⁶³

					1 1 . 1 1	
					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.	
					Moreover, no	
					Pre-Trial was	
					conducted since the	
					instant case was	
					immediately	
				-	set for the	
1 ,					presentation	
					of evidence	
					ex-parte, 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.	NI O
45	FC-10-02-G		10-1-10	Decision	The instant case	No Comment
		Jennifer		dated 6-29-17,	was submitted for	from Judge
		Lim-		declaring the	decision on	Trinidad on the
		Sarabia		marriage void.	14 March 2016,	subject audit
		vs.			but it was only	findings.
		Lloyd			decided on 29	
		Dexter			June 2017, or	
		Sarabia			approximately	
		(for Nullity			one (1) year and	
		of			three (3) months	
		Marriage)			thereafter.	
					Hence, there was	
					inordinate delay	
					in rendering the	
					said decision.	
					Moreover, no	
					Pre-Trial was	
					conducted since the	
					instant case was	
					immediately	
					set for the	
					presentation	
					of evidence	

					ex-parte, in	
					contravention	
					of Sec. 11 (1)	
1					of A.M. No.	
		ļ				
					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	3-15-02	Decision	The instant	No Comment
		vs.		dated 4-29-16,	case was	from Judge
		Celerina		nullifying the	submitted for	Trinidad on the
		Osorio Sy		marriage.	decision on	subject audit
		(for			18 September	findings.
		Declara-			2012, although in	IIIIGIII GO.
		i				
		tion of			the Order dated	
		Absolute			12 November	
		Nullity of	-		2012, the Office	,
		Marriage)			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.	
					5	
					Regardless,	
					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	
1=	DG 65 55 5		5.0.05	~	decision.	N. C
47	FC-06-03-G	Sarah De	5-2-06	Decision	The proceedings	No Comment
		Guia		dated 7-25-07,	in the instant case	from Judge
		vs.		declaring the	is	Trinidad on the
		Michael de		marriage void.	exceptionally fast	subject audit
		Guia			compared	findings.
					to the other cases,	
					1	
					given that from the	

(fc	or		time it was filed on	
De	eclara-		4 May 2006, the	
, , ,	on of		instant case was	
1 1			decided only after	
4 1 I	osolute			
1 1	ullity of		one (1) year and	
M	arriage)		two (2) months.	
			Moreover, there is	
			no Order on	
· ·			1	
			record to show	
			that the instant	
			case was	
			submitted for	
			decision. It	
			was decided	
			1	
			on 25 July 2007, a	
		'	month after the	
			petitioner filed her	
			Formal Offer of	
			Exhibits on	
			18 June 2007.	
			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.	
			70. 11	
			Finally, no	
			Pre-Trial was	
			conducted since the	
			instant case was	
			immediately	
			set for the	
			presentation	
			of evidence	
			ex-parte, 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	
			l I	
		5	Marriages cases.	N. C
	vette 3-1-02	Decision	No Notice of	No Comment
M	artinez	dated 6-15-06,	Appearance by	from Judge
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		granting the	the Office of	Trinidad on the
Vs		granting the		
Vs		granting the annulment of marriage.	the Office of the Solicitor General on record,	Trinidad on the subject audit findings.

,						
		Joseph			absent which, it	
		Francis			cannot be	
		Martinez			presumed	
		(for			that the public	
		Annul-			prosecutor	
		ment of			is properly	
		Marriage)			deputized to appear	
					for the State in the	
					proceedings	
					therein.	
49	FC-02-06-V	Teodor	7-11-02	Decision	No Order	No Comment
		Calderon		dated 6-30-08,	on record	from Judge
		Baradi		granting the	submitting the	Trinidad on the
		vs.		annulment of	instant case for	subject audit
		Cherelyn		marriage.	decision, but	findings.
		Batilo-			the last	
		Baradi			Memorandum was	
		(for Annul-			filed by petitioner	
		ment of			on	
		Marriage)			3 May 2007.	
					Hence, the	
					instant case	
					was deemed	
					submitted for	
					decision on	
				1	3 May 2007,	
					following	
					Administrative	
					Circular No. 28 ⁶⁷	
					which states that,	
					"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."	
					cui iici.	
					Accordingly,	
					the decision	
					on 30 June 2008	
			,		was already	
					delayed since	
					it should have	
					been rendered on	
					or before	
					1 August 2007.	
				!	Therefore, there	
					was inordinate	
					delay in deciding	
					the instant case.	
50	FC-06-01-V	Trinidad	1-10-06	Decision	There is no	No Comment
		Ejercito		dated 6-23-08,	Return on the	from Judge
		Canomay		granting the said	Summons dated	Trinidad on the
		-		annulment	7 February 2006	subject audit
				of marriage.	on record.	findings.
			···	·		· · · · · · · · · · · · · · · · · · ·

	·	·			· · · · · · · · · · · · · · · · · · ·	
		vs. Uldarico Canomay (for Annul- ment of Marriage)			Moreover, the instant case was submitted for decision on 22 August 2007 and should have been decided on or before 20 November 2007. Hence, the decision rendered on 23 June 2008 was already delayed as it was rendered beyond the reglementary period to decide.	
51	FC-06-04-G		5-30-06	Decision dated 6-8-15,	There is no Order on record that the	No Comment from Judge
		Vargas vs.		granting	instant case was	Trinidad on the
		Oscar		the said	submitted for decision.	subject audit
		Vargas (for Annul-		annulment of marriage.	decision.	findings.
		ment of			However,	
		Marriage)			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.	
					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.	
					Accordingly,	
					the decision on 8 June 2015	
					was already	
					delayed as it was rendered beyond	
				l	rendered beyond	

					the reglementary	
					period to decide.	
					Possess and and and and and and and and and and	
					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	
					i	
					is mandatory	
1					in Declaration	
		į			of Absolute	
					Nullity of Void	
				,	Marriages and	
					Annulment	
					of Voidable	
	FO 17 01 C	NT 11	0.10.17	TI D	Marriages cases.	((<u> </u>
52	FC-17-04-C	Nelly	9-18-17	The Return	The Order dated	" [W]ith all
		Estrada		on Summons	30 May 2018	due respect the
		vs.		dated 10-10-17	of the subject	Rule provides
		Joemon		states that, "the	court, directing the	that when the
		Estrada		respondent is	petitioner	whereabouts
		(for		now in Manila	to publish the	of respondent
		Declara-		with no address	Summons and	is unknown as
		tion of		given for almost	the Order in	in this case,
		Absolute				· · · · · · · · · · · · · · · · · · ·
		1		two (2) years	a newspaper	service may be
		Nullity of		now."	of general	effected upon
		Marriage)			<u>circulation</u>	him by
				Ex Parte Motion	in Negros Oriental	publication in
				to Serve	and	a newspaper
				Summons either	its component	of general
				by substituted	cities, runs counter	<i>y</i> Q
				service or by	to the specific	such place as
				1	- !	_
				publication was	provision under	the court may
				filed on	Sec. 6 (1) of A.M.	order."
				4-16-18.	No.	
					02-11-10-SC ⁶⁹	
				Order dated	which provides	
				5-30-18, stating	that, "Where	
	1			that, "the	the respondent	
				Sheriff is herely	cannot be located	
		-		directed to	at his given	
				serve the	address or his	
				1		
				Summons thru	whereabouts are	
				substituted	unknown and	
				service, should	cannot be	
				the same be	ascertained by	
				futile, <u>let the</u>	diligent inquiry,	
				Summons and	service of summons	
				petition and the	may,	
				Order be	by leave of court,	
				published in	be effected	
				a newspaper	upon him by	
					publication once a	
					week for two	

Supra. Ibid.

				of general circulation in the Province of Negros Oriental and its component cities once a week for 3 consecutive weeks." (underscoring provided) Publication in the Dumaguete Star Informer on 22 and 29 July, and on 5 August 2018.	consecutive weeks in a newspaper of general circulation in the Philippines and in such places as the court may order." (underscoring provided) 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.	" [TIL: aca-
53	FC-16-03-C	Jay Dayondon vs. Charrie Dayondon (for Annulment of Marriage)	3-14-16	Answer was filed on 7-12-16. 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."	The instant case has not been acted upon since December 2017 after the issuance of the Order dated 6 December 2017. However, the rationale of the said Order runs counter with Sec. 13(b) of A.M. No. 02-11-10-SC ⁷⁰ 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	" [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."

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

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.

Moreover, it has been observed that the address of the petitioner, as indicated in the said 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.

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 Barangay	
					Certification.	" rmal
56	FC-15-05-G	Alvin	8-26-15	Decision	The instant case	" [T]hese
		Mendoza		dated 4-19-18,	was decided faster	cases were
		Tomesa		granting the	than the other cases	decided faster
		vs.		nullity of	given that the	than other cases
		Jenilyn	¥.	marriage.	Formal Offer of	because my
		Masa			Exhibits of the	staff
		Paguio-			petitioner was only filed on	failed to
		Tomesa			5 March 2018, and	chronologi-
		(f			l r l	cally and
		(for Declara-			over a month	orderly arrange the case folders.
		tion of			thereafter, the instant case was	The
		Nullity of			decided.	ne undersigned
		Marriage)			decided.	(Judge) decides
		ivialitage)				the case as to
						how it was
						being arranged
						by the Clerk
						of Court."
57	FC-12-01-G	Ronard M.	4-25-12	Summons	From the time the	"[T]he
		Susas		dated 4-25-12	Return on the	delay in the
		vs.		was duly	Summons was	resolutions
		Robie A.		served per	filed on 9 May	and decisions
		Susas		Return that	2012, there was	was due
		(for		was filed on	an inordinate	to heavy
		Declara-		5-9-12.	delay of more	caseloads, and
		tion of			than six (6) years	the
		Absolute		The Notice of	before	case records
		Nullity of		Appearance of	the subject	were not
		Marriage)		the Office of	court acted on the	chronologi-
				the Solicitor	instant case, and	cally and
				General was	issued the Order	orderly
				filed on	dated	arranged by
				6-6-12.	6 September	my staff after
				Order	2018. The latter Order is also	the strong quake in 2012
				dated 9-6-18,	the last issued by	as
				directing	the subject court,	as a result
				the public	and no further	some cases
				prosecutor to	action has been	were left
				conduct an	done since then.	unattended."
				investigation	3410	
				whether or not		
				collusion		
				exists between		
				the parties.		
58	FC-06-06-C	Junrose	8-10-06	Order dated	Based on A.O. No.	"[T]he
		Silvano		9-3-13, issued	95-2013 dated 6	delay in the
		vs.		by then APJ	May 2013, the	resolutions
		Celso		Bahonsua,	designation of	and decisions
		Silvano		directing the	Judge Mario O.	was due
		(for		parties to	Trinidad as	to heavy
		Declara-		submit their	assisting judge	caseloads, and
	-	tion of		respective	of Br. 61, RTC,	the
				Memoranda.	Bogo City, Cebu,	

				r		
		Nullity of			pursuant to A.O.	case records
		Marriage)		Respondent's	No. 137-2012	were not
				Memorandum	dated 17 July 2012,	
				was filed on	was	cally and
				3-30-14, but	revoked on	orderly
				there is no	even date.	arranged by
				Memorandum		my staff after
				from the	Consequently, he	the strong
				petitioner	was expected	quake in 2012
				on record.	thereafter to	as
					re-assume as	a result
				Decision dated	the presiding	some cases
				11-18-15,	judge of the	were left
				granting the	subject court.	unattended.''
				nullity of	Evidently,	
				marriage.	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.	
59	FC-18-06-V	Janet	8-16-18	The address	It can be noted	No Comment
		Sabanal-		الما	4 4 11 6	
				of the	that the address of	from Judge
1					petitioner in the	from Judge Trinidad on the
		Arigo vs.		of the petitioner, as indicated		
		Arigo vs.		petitioner, as indicated	petitioner in the	Trinidad on the
		Arigo vs. AM Arigo	·	petitioner, as indicated in the petition,	petitioner in the said Petition is not complete	Trinidad on the subject audit
		Arigo vs.		petitioner, as indicated	petitioner in the said Petition is	Trinidad on the subject audit
		Arigo vs. AM Arigo (for		petitioner, as indicated in the petition, is Poblacion,	petitioner in the said Petition is not complete there being no	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declara-	·	petitioner, as indicated in the petition, is Poblacion, Vallehermoso,	petitioner in the said Petition is not complete there being no indication of the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros	petitioner in the said Petition is not complete there being no indication of the house number and	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover,	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition.	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan,	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental.	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental. The Sheriff's	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental. The Sheriff's Return on the	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which was filed on 21 March 2019, it is indicated that	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental. The Sheriff's Return on the Summons dated	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which was filed on 21 March 2019, it	Trinidad on the subject audit
		Arigo vs. AM Arigo (for Declaration of Nullity of		petitioner, as indicated in the petition, is Poblacion, Vallehermoso, Negros Oriental. In the Verification with Certification of Non-Forum Shopping therein, the stated address of petitioner is Tandayag Sur, Amlan, Negros Oriental. The Sheriff's Return on the Summons dated 9-17-18 (no	petitioner in the said Petition is not complete there being no indication of the house number and street name. Moreover, the address indicated in the Verification is different from the one stated in the body of the Petition. However, in the Amended Judicial Affidavit of petitioner Janet Sabanal Arigo, which was filed on 21 March 2019, it is indicated that	Trinidad on the subject audit

			30 th day of	of Amlan, Negros	
			August, the	Oriental."	
			undersigned		
	•		tried to serve	The Municipality	
			a copy of	of Amlan,	
			Summons with	Negros Oriental, is	
			Respondent and	outside the	
			annexes	jurisdiction	
			attached thereto	of the City	
			issued by	of Guihulngan,	
			the Regional	Negros Oriental,	
			Trial Court	since it is within	
			Branch 64,	the territorial	
			Guihulngan	jurisdiction of	
			City on the	Tanjay City,	
			above-entitled	Negros Oriental.	
				Negros Oriental.	
			case upon	A farmth an	
			respondent AM	A further	
			C. Arigo with	verification	
			given address at	revealed that	
			Tandayag,	the same parties	
			Amlan, Negros	have a pending	
	İ		Oriental.	Petition for the	
		,	However,	same cause of	
			the house was	action before	
			closed and	Br. 43, RTC,	
			no person was	Tanjay City,	
			inside the	Negros Oriental	
			house. <u>As per</u>	(currently	
			information by	stationed in	
			the neighbor, no	Dumaguete City),	
			<u>one</u>	denominated as	
			occupies the	Spec. Proc. No.	
			house."	453, ⁷³ that was	
			(underscoring	filed earlier on 21	
	-		supplied)	November 2013.	
			,		
			It further	In the said	
			discloses that,	Petition, the	
			"on 14th day of	stated address	
			September	of both parties	
			2018, the	is Tandayag,	
			undersigned	Amlan, Negros	
			went back	Oriental, and	
			at the given	the same address	
			address. A	was also	
			certain	reflected in	
-		W.	Honeylyn C.	the petitioner's	
			Sabanal, 24	Judicial Affidavit	
			years of age	that was filed	
			were (sic) there,	on 4 May 2017 for	
			who claimed to	the afore-	
			be Petitioner's	mentioned case.	
			[Sister-in-law].	month of the control	
			[Diblo! III-lun].	On 30 July 2018,	
			As per	the petitioner filed	
			information,	a Notice to	
				Withdraw	
			<u>respondent</u>		
-	1			Petition, but	

				is not leaving	the same remains	
				(sic) in that	unacted upon to	
		j		house	date	
				anymore.	by Br. 43, RTC,	
				<u> </u>	Tanjay City,	
				Непсе,	Negros Oriental.	
				·	regios Offental.	
				substituted	NC1-11-	
				service is	Meanwhile,	
				resorted to	the Sheriff's	;
				her who signed	Return on the	
				and	Summons	
				acknowledged	dated 17	
				the receipts	September 2018	
				thereof."	categorically states	
			-	(underscoring	that the respondent	
				provided)	no longer resides in	
				provided	the said address,	
					yet substituted	
					service was still	
	·				resorted to, and	
					that the Summons	
					was declared to	
					have been duly	
					served.	
					Finally, no	
					Pre-Trial was	
					conducted	
				,	therein, in	
1					contravention	
					1 1	
					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.	
60	FC-17-02-C	Flonisa	2-14-17	Order dated	No Pre-Trial was	No Comment
00	1-02-0		∠-14-1/	6-27-19,	conducted therein,	from Judge
		Aragon			in contravention	Trinidad on the
		Mindac		resetting the	i i	subject audit
		VS.		initial trial	of Sec. 11 (1)	
		Mark		on 10-3-19.	of A.M. No.	findings.
		Besin			02-11-10-SC, ⁷⁵	
		Amarante			which provides	
					that Pre-Trial	
		(for			is mandatory	
		Declara-			in Declaration	
		tion of		a .	of Absolute	
		Nullity of			Nullity of Void	
		Marriage)			Marriages and	
		wiai i age j		,	Annulment	
					of Voidable	
					Marriages cases.	

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Ibid. Ibid.

61	FC-18-02-C	Robengie	3-13-18	Return on	The Order dated	" [T]hese
		D. Rogano		Summons	4 June 2018,	cases were
		vs.		was submitted	directing the	decided faster
		Jeany Per		on 4-25-18,	petitioner to	than other
		Rogano		stating that it	publish the	cases because
				was unserved	Summons and the	my staff failed
				because	Order in	to chronolo-
				respondent no	a newspaper	gically and
				longer resides at		orderly
	:			their ancestral	circulation in	arrange
				home for almost		the case
				three (3) years,	and its	folders. The
				and she is	component cities,	undersigned
				now in Manila	runs counter	(Judge)
				working as	to the specific	decides the
				a lady guard.	provision under	case as to how
				Her aunt	Sec. 6 (1)	it
				Nenita Dela	of A.M. No.	was being
				Cuesta, does	02-11-10-SC, ⁷⁶	arranged by
1				not know	which provides	the Clerk of
				her present	that, "where the	Court."
				address.	respondent cannot	
				3.6.4	be located at his	
				Motion	given address or	
				for Leave	his whereabouts	
				to Serve	are unknown and	
				Summons with	cannot be	
				copy of Petition	ascertained by	
				by way of	diligent inquiry, service of summons	
				publication	may, by leave of	
				in accordance	court, be effected	
	18		,	with Section	upon him by	
				14, Rule 14,	publication once a	ė
				New Rules of	week for two	
				Court dated 5-	consecutive weeks	
				11-18 (no date	in a newspaper	
				of receipt).	of general	
				. ,	circulation in	
		,		Order dated	the Philippines and	
				6-4-18,	<u>in such places as</u>	
				directing the	<u>the</u> <u>court may</u>	*
				petitioner	<u>order</u> ."	
				to publish a	(underscoring	
				copy of the	provided)	
				Petition and	Tris and the	
				the Order in	The need to	
				a newspaper of	comply with the	
				general circulation in	above-quoted provision is	
				the Province	mandatory,	
				of Negros	and with more	
				Oriental	reason in the	
				and its	instant case given	
				component	that the	
				cities once	respondent is	
				a week for	already based in	
				three (3)	Manila for the last	
				consecutive	three (3) years.	
				weeks.	\ / \	
		·	·			·

	· · · · · · · · · · · · · · · · · · ·					***************************************
62	FC-18-01-G	Francis Eusebio vs. Roxane L. Eusebio (for declaring the marriage void)	3-8-18	The same were published on 29 July, 5 August and on 12 August 2018 in the Dumaguete Star Informer. 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.	" [T]hese cases were decided faster than other cases because my staff failed to chronolo- gically and orderly arrange the case folders. The undersigned (Judge) decides the case as to how it was being arranged by the Clerk of Court."
63	FC-17-05-G	Eduardo Cordova vs. Marites Cordova (for the declara- tion 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, "upon Motion of the petitioner,	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.

				set this case for	of A.M. No.	
				trial proper to	02-11-10-SC, ⁷⁸	
			·	* *	- 1	
				September 17,	which provides	
	•			2019 at 8:00	that Pre-Trial	
				o'clock in the	is mandatory	
				morning."	in Declaration	
					of Absolute	
					Nullity of Void	
					Marriages and	
					Annulment	
					of Voidable	
					Marriages cases.	
64	FC-14-02-V	Guillermo	12-19-14	Motion to	It should be noted	" [T]he case
04	FC-14-02-V		12-19-14	I		
		Laguda		Dismiss	that the holding in	was being held
		vs.		was filed on	abeyance of the	in abeyance
		Karen		3-6-15 due	proceedings in the	pending
		Balo-an	-	to improper	instant case is	resolution
				venue on the		of the
		(for		· · · · · · · · · · · · · · · · · · ·	improper	0
		Declara-		ground that the	considering that	application for
		tion of		petitioner is a	the Court of	TRO before
		Nullity of		resident	Appeals has not	the Court of
		Marriage)		of Dumaguete	issued a TRO	Appeals."
		111111111111111111111111111111111111111		City, and that	to suspend the	Tr
				1	-	
				two (2) other	proceedings.	
				cases were		
				previously filed	Moreover, in	
				based	the hearing on	
				on the same	12 November	
				cause of		
	:				2015, wherein the	
				action in	Motion to	
				Br. 58, RTC,	Dismiss was	
				San Carlos City,	denied, the	
				Negros	reception of	
				Occidental,	petitioner's	
				,	4	
				on 7-24-13, that		
				was eventually	proceeded despite	
				dismissed	the absence of the	
				for improper	movant who	
				venue,	was not properly	
				having been	notified based on	
				established	the transcript of	
				therein that	stenographic	
				the petitioner is	notes, disclosing	
				a resident	that there was no	
				of Dumaguete	return on the	
				City and not	Subpoena sent to	
				of San Carlos	her. In effect, the	
				City, and in Br.	latter was not	
				63, RTC,	afforded	
				Bayawan City,	due process	
					-	
				on 9-11-14	inasmuch as she	
				which was also	was deprived of the	
				dismissed	opportunity	
				for lack of	to cross-examine	
				jurisdiction	the witness	
	1				presented during	
		1				
				on the ground		
				that petitioner is a resident		

		of Camanjac, Dumaguete City.	
	·	Order dated 11-12-15, denying the said Motion to Dismiss after hearing was conducted thereon.	
		Motion for Reconsidera- tion on the Order dated 11-12-15 was filed on 5-5-16.	
		Order dated 11-3-17, denying the said Motion for Reconsideration.	
		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.	
		Order dated 9-13-18, holding the	

				proceedings in the instant		
	į			case in		
				abeyance,		
				there being		
				a petition for Certiorari.		
				. X 2 2 2		
			Specia	l Proceedings		
No.	Case No.	Title	Date	Court Action	Observation(s)/	Comment/s of Judge
			Filed		Finding(s)	Trinidad
65	18-03-G	In the	6-11-18	Decision	The instant case	" [T]hese
		Matter of		dated 10-9-18,	was filed on	cases were
	-	Change		granting the	18 June 2018, and	decided faster
		of Name		instant	it was decided on	than other
		from Jamila		Petition.	9 October 2018, or	cases because
		Brillanes			approximately after	my staff failed
		to Jamila			only four	to chronologi-
		Mubarak Munasir Ali			(4) months.	cally and orderly
		Billanes Al-			Likewise, in the	arrange the
		Ghayathin			said Petition, the	case folders.
		in the			address of the	The
		Certificate			petitioner is	undersigned
		of Live			incomplete since it	(Judge)
		Birth			was merely	decides the
					mentioned that she	case as to how
		Elisa O.			is a "resident of	it
		Billanes,			Guihulngan City,	was being
		petitioner			Negros Oriental,	arranged by
		vs. Local Civil			for more than 3 years."	the Clerk of Court."
		Registrar,				
		Bacolod			There is also	
		City			no address	
					indicated in the	
					Verification	
					therein.	
66	FC-18-03-G	1	4-2-18	Order dated	It is readily	" [T]hese
		Matter of		6-4-18,	apparent that	cases were
		Adoption		directing the	the instant case	decided faster
		of Minor		party to submit	was decided	than other
		Queenzy		Formal Offer of Exhibits within	exceptionally fast	cases because
		Zyra Que		10 days after	as compared to other cases with	my staff failed
		Anthony		the Comment of	similar cause of	to chronologi- cally and
		Thimoth		the State;	action,	orderly
		Clarke,		thereafter, the	considering that	arrange the
		consented		instant case was	the same was	case folders.
		by spouse		submitted for	decided after only	The
		Jethel		decision.	three (3) days	undersigned
		Aliling		ŕ	from the filing of	(Judge)
		Que		State's	the	decides the
		Clarke,		Comment	case study as	case as to how
		petitioner		provides,	prayed for in	it
				among others,	the Comment	was being
				that the case	of the State.	

study should be

		I		1		1 1
67-68	and	Correction of Entry on the Date of Birth in the	3-30-15	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. Order dated 2-16-17, submitting the instant cases for decision.	There was inordinate delay in deciding the instant case, given that over one (1)	arranged by the Clerk of Court." "[T]he delay in the resolutions and decisions was due
		Marriage Record of Danilo Aguilar Bebelone		Decision dated 2-21-18, granting the said Petition.	year had elapsed from the time the same was submitted for decision until the time that it was decided.	to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."
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.	"[T]he delay in the resolutions and decisions was due to heavy caseloads, and the case records were not chronologi- cally and orderly arranged by my staff after the strong quake in 2012 as a result some cases were left unattended."
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	"[T]he delay in the resolutions and decisions

9

<u> </u>		Christine		decision.	submitted for	was due to
		Martinez		decision.	decision until the	heavy
		I i		Decision	time that it was	
		Vergara				caseloads, and
				dated 7-15-19,	decided.	the
		Sps. Rojan		granting the		case records
		and		said Petition.		were not
		Rosalie				chronologi-
		Postrano-				cally and
		Vergara,				orderly
		petitioners		ŷ.		arranged by
						my staff after
						the strong
			_			quake in 2012
						as
						a result
						some cases
						were left
						unattended."
71	FC-17-01-V	Ronz Ivan	2-7-17	Order dated	The instant case	" [T]hese
		Pagar		7-17-19,	was decided	cases were
		Escribano		submitting the	exceptionally fast	decided faster
	· ·	vs.		instant case for	as compared to	than other
		Helen		decision.	other cases with	cases because
		Dickenson			similar cause of	my staff failed
				Decision	action,	to chronologi-
				dated 7-25-19,	considering that	cally and
				granting the	the decision was	orderly
				said petition.	rendered only six	arrange the
			:		(6) days after the	case folders.
					same was	The
					submitted for	undersigned
					decision.	(Judge)
						decides the
						case as to how
						it was being
						arranged by
						the Clerk of
					· .	Court."
L				1		Court.

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.

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

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

Rollo, pp. 1-171.

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 loquitor* principle in removing judicial officers and personnel from office. As can be gathered from the cases decided in this jurisdiction, *res ipsa loquitor* has been defined as the "the thing speaks for itself" and "the fact speaks for itself." It is even asserted that there is no more need for any further investigation."

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

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.

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.

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.

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

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.

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, eightyfour (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

Rollo, pp. 19-31.

Id. at 31-39.

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

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

[&]quot;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.

Rule 3.05 - A judge shall dispose of the court's business promptly and decide cases within the

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.

People of the Philippines v. Ranulfa Alpas.

Reiteration of the Guidelines in the Archiving of Cases.

xxx

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)

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.

Emphasis supplied.

⁰⁴ Robengie D. Rogano v. Jeany Per Rogano.

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]

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 cases ¹⁰⁸ 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.

Nathaniel Villahermosa v. Mary Ann Villahermosa.

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).

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

¹⁰ Supra

In Criminal Case Nos. 19-110-V and 19-111-V;¹¹¹ 19-115-V;¹¹²19-089-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.

People of the Philippines v. Tonny Laguido.

People of the Philippines v. Richie Dale Ramirez.

¹¹³ People of the Philippines v. Jumenick Maguiling.

People of the Philippines v. Joseph Rojo.

People of the Philippines v. Sgt. Honofre Cabrera.

In CA-G.R. SP No. 01919.

Denominated as G.R. No. 192919.

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

State Prosecutor Comilang, et al. v. Judge Belen, 689 Phil. 134, 146 (2012).
 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; forty-one (41) cases which were considered as dormant; 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 (\$\mathbb{P}\$50,000.00) 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.

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

Rollo, pp. 19-31.

Id. at 31-39.

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). 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 (\$\pm\$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 (\$\mathbb{P}\$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

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

¹²⁸ 712 Phil. 33 (2013).

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 reemployment 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 Trinidad's retirement benefits are instead impose, Judge 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

AS-BERNABE

Associate Justice

Associate Justice

MIN S. CAGUIOA

iate Justice

ALEXAND

Associate Justice

JOSE C. REYES, JR.
Associate Justice

RAMON PAUL L. HERNANDO

Associate Justice

ROSMARI B. CARANDA

Associate Justice

AMY C. LAZARO-JAVIER

Associate Justice

HENRIJEAN PAULB. INTING

Associate Justice

RODIL Y. ZALAMEDA

Associate Justice

MARION/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