



Republic of the Philippines
Supreme Court
Manila

RECEIVED
APR 04 2023
BY: [Signature]
TIME: [Signature]

EN BANC

**OFFICE OF THE COURT
ADMINISTRATOR,**

**A.M. No. MTJ-21-001
[FORMERLY A.M. No. 20-12-
45-MTCC]**

Complainant,

Present:

-versus-

GESMUNDO, CJ.,
Chairperson,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

**JUDGE RUFINO S. FERRARIS,
JR., BRANCH 7, MUNICIPAL
TRIAL COURT IN CITIES,
DAVAO CITY AND VIVIAN N.
ODRUÑA, CLERK OF COURT III,
SAME COURT,**

Respondents.

Promulgated:

December 6, 2022

X-----
[Signature]
-----X

RESOLUTION

LOPEZ, M., J.:

The public's faith and confidence in the judicial system depend, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts.¹ The nature of work of those connected with an office charged with the dispensation of justice, from the presiding

¹ Gallego v. Acting Judge Doronilla, 389 Phil. 67. 681-682 (2000).

[Handwritten mark]

judge to the lowest clerk, requires them to serve with the highest degree of efficiency and responsibility to maintain public confidence in the judiciary.²

ANTECEDENTS

Owing to the compulsory retirement of Judge Rufino S. Ferraris, Jr. (Judge Ferraris, Jr.), the Office of the Court Administrator (OCA) conducted a judicial audit of Branch 7, Municipal Trial Court in Cities (MTCC, Br. 7), Davao City, from August 25, 2020 to September 7, 2020.³ The OCA discovered delays in the rendition of judgment, resolution of pending incidents and motions, appropriate actions in the implementation of writs of execution, release of orders requiring the submission of counter-affidavits in criminal cases, and submission of returns and periodic reports in the implementation of writs of execution. It also identified the MTCC Br. 7's incorrect practices relating to case records management, reportorial requirements, implementation of the writs of execution, and incomplete details in the court-issued orders, such as the absence of the original signature of the presiding judge in some court documents and details of hearing dates in some of the pre-trial orders. Given these audit findings, the OCA required Judge Ferraris, Jr. as Presiding Judge and Ms. Vivian N. Odruña (Ms. Odruña) as Clerk of Court and former sheriff of the same court to submit their comments.

In October 2020, Judge Ferraris, Jr. and Ms. Odruña submitted their comments and supporting documents substantiating their actions on the audit findings.⁴ In November 2020, the OCA submitted its Memorandum finding that Judge Ferraris, Jr. and Ms. Odruña committed irregularities in the performance of their duties. The OCA recommended that Judge Ferraris, Jr. should be held liable, namely:

II. ADMINISTRATIVE LIABILITIES OF JUDGE RUFINO S. FERRARIS, JR.

Judge Ferraris is liable for undue delay in rendering decision or order for failure to:

1. decide one (1) civil case (Civil Case No. 23,156, *Table 1, Annex "A"*) within the thirty (30)-day period prescribed under the Rule on Summary Procedure;
2. immediately take appropriate action and/or resolve pending incidents in nine (9) cases – two (2) were not resolved for unmeritorious grounds (Civil Case Nos. 21,451-G-09 and 10,673-G-2001, *Table 2, Annex "A"*), one (1) was allegedly acted upon but without copies of the orders to support his claim (Civil Case No. 13778-G-2003 *Table 2, Annex "A"*), and six (6) acted upon after eight (8) months (Criminal Case Nos. 19-04013 to 19-

² *Atty. Reyes-Domingo v. Morales*, 396 Phil. 150, 162 (2000).

³ See Memorandum dated November 13, 2020, *Rollo* p. 377.

⁴ *Id.*

04018, *Table 3, Annex "A"*), also without supporting documents as proof of compliance;

3. take appropriate action on four (4) civil cases for a considerable length of time (Civil Case No. 10,538-G-01 – no supporting document was submitted to dispute the findings, 16,713-G-04, 16,911-G-04, 16,911-G-04 [sic], and 21,207-G-08- no supporting document was submitted to dispute the findings, *Table 4, Annex "A"*); and

4. act on hundreds of criminal cases that were belatedly acted upon, unacted upon, or otherwise subsequently acted upon but merely repeated the process of mailing the order to submit counter-affidavit instead of disposing of the court's business according to the status of the case x x x.

He is also liable for violation of relevant Supreme Court circulars on the preparation and accomplishment of Monthly Report of Cases and Semestral Docket Inventory Report, and Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition Discovery Measures x x x. This was never refuted.⁵ (*Italics in the original*)

The report disclosed that Judge Ferraris, Jr. failed to decide in one (1) civil case (Civil Case No. 23156) within the 30-day reglementary period. The case was covered by the Rules on Summary Procedure and was resolved ten (10) days late. However, Judge Ferraris, Jr. did not offer any explanation for the delay.⁶

Judge Ferraris, Jr. also failed to resolve motions in three (3) civil cases, which have been pending for years and belatedly acted on the motion to plea bargain in six (6) criminal cases. The motions in Civil Case Nos. 21,451-G-09, 10,673-G-2001, and 13,778-G-2003 were filed in 2017, 2005, and 2004, but Judge Ferraris, Jr. did not submit proof of his actions. In Criminal Case Nos. 19-04013 to 19-04018, Judge Ferraris, Jr. took eight (8) months before directing the Department of Environment and Natural Resources-City Environment and Natural Resources Office (DENR-CENRO) to comment on the motion to plea bargain. He did not explain the reason for the delay in his action.⁷

Judge Ferraris, Jr. also failed to take the appropriate actions in four (4) civil cases for a considerable time. In Civil Case No. 10538-G-01, the sheriff filed a Return of Service as early as January 16, 2003, and informed the MTCC, Br. 7, that he needed a special demolition order to implement the writ of execution. While Judge Ferraris, Jr. and Ms. Odruña claimed that a writ of demolition was issued in December 2004, they did not submit a copy of the writ. Instead, they offered a letter dated October 1, 2020, where Ms. Odruña

⁵ *Id.* at 386–387.

⁶ *Id.* at 377.

⁷ *Id.* at 377–379.



was directing the sheriff to submit an explanation for his failure to submit a report on the writ's implementation. In Civil Case Nos. 16713-G-04 and 16911-G-04, the MTCC, Br. 7 issued separate orders dated January 17, 2006, directing the plaintiff to coordinate with the sheriff of MTCC of General Santos City. The MTCC, Br. 7, issued an order directing the plaintiff to submit a report on the writ of execution only on September 30, 2020, or after the judicial audit was conducted. In Civil Case No. 21207-G-08, the garnishee requested the Notice of Garnishment's recall in January 2010, but there is no proof that the MTCC, Br. 7, acted on this request. In sum, the OCA observed that the explanation of Judge Ferraris, Jr. that he promptly acted in these civil cases remained unsupported.⁸

The OCA report also disclosed that the MTCC, Br. 7, took no further action in four hundred sixty (460) criminal cases. Four hundred fifty-three (453) of these cases are covered by the Revised Rules on Summary Procedure and involve orders directing the accused to file their counter-affidavit. Allegedly, the orders were promptly mailed, but the OCA found that the records do not contain proof of mailing in one hundred fourteen (114) cases. Even on the assumption that the orders were mailed, the MTCC, Br. 7, did not follow up with the Philippine Postal Office on the status of the mail matter to check whether the orders were served. The OCA also found that the MTCC, Br. 7 incurred an alarming delay in releasing orders in 274 cases representing roughly fifty percent (50%) of the total pending cases as of July 2020. The period of delay ranged from one (1) month to one (1) year and eleven (11) months. In some cases⁹, the MTCC, Br. 7, released the orders only after the judicial audit.¹⁰

The OCA also observed that the MTCC, Br. 7, did not thoroughly check the pending cases' actual status and returns, contributing to the delay in these cases' dispositions. Noteworthy is Case No. 20-00393, where the Order dated January 28, 2020, was returned unserved on May 18, 2020, because the accused died. However, Judge Ferraris, Jr. and Ms. Odruña alleged in their comments that the order was mailed on May 18, 2020, or the same day it was returned.¹¹

The OCA also found that Judge Ferraris, Jr. did not comply with OCA Circular No. 11-2018¹² and Administrative Circular No. 76-2007¹³, which require the submission of monthly and semestral docket inventory reports, respectively. The circulars reminded the lower courts that nonsubmission of

⁸ *Id.* at 378-379.

⁹ Criminal Case Nos. 19-02385, 19-02429, and 19-02479. *Id.* at 415, 424.

¹⁰ *Id.* at 378-381.

¹¹ *Id.* at 381.

¹² DROPPING OF THE OLD FORMS IN THE SUBMISSION OF THE MONTHLY REPORTS OF CASES AND THE SUBMISSION OF THE NEW FORMS VIA ELECTRONIC MAIL (EMAIL) STARTING JANUARY 2018.

¹³ SUBJECT: SUBMISSION OF SEMESTRAL DOCKET INVENTORY REPORT, Administrative Circular No. 76-2007 (2007). Per OCA Circular No. 162-2020.

the reports and incorrect entries would be administratively sanctioned. The OCA observed that the reports contained incorrect entries, and some fields were consistently left blank. Judge Ferraris, Jr. also did not comply with A.M. No. 03-1-09-SC¹⁴ when he failed to include the trial dates for the prosecution and defense in some of his pre-trial orders.

The OCA recommended that Ms. Odruña should also be held administratively liable as Clerk of Court and former sheriff, namely:

III. ADMINISTRATIVE LIABILITIES OF MS. VIVIAN N. ODRUÑA, CLERK OF COURT AND FORMER SHERIFF OF BRANCH

7

X X X X

Liabilities in connection with the performance of her duties as the Clerk of Court of Branch 7

In her capacity as the Clerk of Court of Branch 7, Ms. Odruña is liable for **simple neglect of duty** for failure to supervise the court personnel in the performance of their respective duties relating to case records management such as the attachment of proof of mailing/proof of release of the order to submit counter-affidavit in cases covered by the Revised Rule on Summary Procedure, the attachment of the latest orders/court issuances in the case folder, pagination of the case records/*expediente*, and stitching of case records in accordance with the Revised Manual for Clerks of Court. Her omissions in the accomplishment of the monthly reports and the semestral docket inventory reports also show her lack of diligence in exercising her administrative functions.

X X X X

On the other hand, she is guilty of **gross negligence** for failure to ensure that the orders to submit counter-affidavit in cases covered by the Revised Rules on Summary Procedure were timely released/mailed to the accused concerned. The lapse of at least a month to one (1) year and eleven (11) months before the orders in two hundred seventy-four (274) cases covered by the Rule on Summary Procedure were mailed is unreasonable and erodes the faith and trust in the judiciary.

X X X X

Liability in connection with the performance of her duties as the former Sheriff of Branch 7

In her capacity as the then [*sic*] Sheriff of Branch 7, Ms. Odruña is guilty of **gross neglect and gross inefficiency** for her failure to either submit a return and/or periodic reports on the implementation of the writs,

¹⁴ Re: Proposed Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures.

or to fully implement the writs assigned to her, both in violation of Rule 39 of the Rules of Court.

It must be noted that the sixty[-]three (63) writs assigned to Ms. Odruña were issued from 2006 to 2017 when she was still the Sheriff of Branch 7. The returns in majority of these writs were submitted only in October 2020. Worse, forty-one (41) of these were returned unserved/unimplemented, with the reason therefor not even stated in most of the returns.¹⁵

The OCA also observed the following incorrect practices¹⁶ of the MTCC, Br. 7, with regard to case records management and reportorial requirements, to *wit*:

No.	REQUIREMENT	REMARKS	COMPLIANCE
CASE RECORDS MANAGEMENT			
1	Stamp of receipt by the Branch on the face of the Complaint/Information	None; court merely stamps "ENCODED" in lieu of the branch's stamp of receipt with the corresponding date, time and signature of the person who received the case record	Rectified
2	Index of events per case folder pursuant to Chapter VI, Part D (General functions and Duties of Clerks of Court and Other Court Personnel), Item 2.2.1.4 of the 2002 Revised Manual for Clerks of Court	Not observed	Now observed
3	Warrant of Arrest -proof of mailing/personal receipt of PNP attached to the records	None; in some cases examined, the warrant of arrest does not bear proof of release to the PNP for the latter's execution (ex. Criminal Case NO. 19-00199 against Buali)	Now observed
4	Certificate of Arraignment	In Criminal Case Nos. 15-00378 to 15-00380, the signatory indicated is the Presiding Judge, albeit unsigned; the Clerk of Court is the designated signatory under the Revised Manual for Clerks of Court; title of the document should be Certificate of Arraignment	Now observed
5	Timely release of orders	Not observed; Orders that were issued from 5-9-19 to	Now observed

¹⁵ *Id.* at 388–390.

¹⁶ *Id.* at 382–384.

		7-1-19 were all mailed in bulk only on 1-17-20 or 8 months from the date of their issuance	
6	Attachment of proof of mailing/proof of release of the order to submit counter-affidavit in cases covered by the Revise[d] Rule on Summary Procedure	None; in some cases, a note that the order was sent to the accused on a specific date is hand-written on the cover of the folder; the registry receipt showing the date the post office received the mail matter is not attached to the records, and, instead, attached to the list of orders transmitted in a given date	Now observed
7	Pleadings, orders, and other court processes chronologically arranged according to the date of receipt of the pleading and the date of the issuance of the orders, and other court processes	Not observed in some cases (ex. Criminal Case Nos. 15-00378 to 15-00380 were archived in 2016 but there are orders and other court processes issued in 2015 that were placed after the order to archive the case)	Now observed
8	Contents of the case record complete	Some are incomplete (ex. in the 1-29-18 Order in Criminal Case Nos. 15-00378 to 15-00380), the court directed the issuance of a warrant of arrest for failure of the accused to appear despite notice; the warrant of arrest is not in the records;	Now observed
9	Pagination of case records in accordance with the Revised Manual for Clerks of Court	Some have none; some have incomplete with portions of pages that are not legible	Now observed
10	Stitching of case records in accordance with the Revised Manual for Clerks of Court	Not observed; court uses paper fasteners; documents could be easily detached	Now observed
REPORTORIAL REQUIREMENTS			
11	Existing court issuances on the preparation and submission of Monthly Report of Cases	With incomplete entries; <i>Item No. VI- Cases Submitted for Decision</i> on page 3 of the Monthly Report (MR) is consistently left blank. The branch does not keep the list of incoming and outgoing cases per month, which is required to be attached to the monthly report of cases on file. Only the MR for the month of May 2020 has the supporting document sans	Now observed

		the date the case was received by the branch.	
12	Docket Inventory of Cases in the prescribed form	<ul style="list-style-type: none"> In some cases, date the order was issued is not indicated in the column "last trial court action taken and date thereof" which shall contain the date of last hearing/date of last order and the details of the court action (basically stage of the proceedings and next setting); As stated in the required certification, the judge and the clerk of court shall initial the last page of each of the records bear a separate sheet therefor Judge Ferraris did not conduct the actual physical inventory of each of the cases The Joint Certification mentioned only civil cases The disposed cases are not reported in the Semestral Docket Inventory Report contrary to the contents of their Joint Certification 	Will be observed next semestral period
OTHER OBSERVATIONS			
13	Original signature in the orders	Not observed in some cases; some orders that are attached to the records are not signed by Judge Ferraris and merely bear either his signature stamp or "original signed" stamp.	Now observed
14	Pre-trial Order states the hearing dates BOTH for the prosecution and the defense	Some have no trial dates for the prosecution and the defense.	Now observed
15	Implementation of the writ of execution	There are numerous decisions that have not yet been implemented	"(court) has now endorsed to the sheriff for his implementation the decisions issued covered with the Writ of Execution" ¹⁷

¹⁷ *Id.*



Based on these findings, the OCA recommended that Judge Ferraris, Jr. and Ms. Odruña should be penalized as follows:

2. Judge Ferraris be found GUILTY of undue delay in rendering decision or order and violation of Supreme Court circulars and FINED in the amount equivalent to his salary for three (3) months to be deducted from his retirement benefits;

3. Ms. Odruña be found GUILTY of two (2) counts of gross negligence and one (1) count of simple negligence and be FINED in the amount equivalent to her one (1)-year's salary after taking into consideration her fifteen (15) years in the service;¹⁸

In recommending these penalties, the OCA explained:

Judge Ferraris is guilty of two (2) counts of less serious charges. The maximum penalty of suspension from office without salary and other benefits for three (3) months shall thus be imposed regardless of any mitigating circumstance. Considering, however, that Judge Ferraris had already retired from the service, a fine equivalent to his salary for three (3) months is in order.¹⁹

x x x x

Ms. Odruña is guilty of two (2) counts of gross negligence and one (1) count of simple negligence. Gross negligence, the most serious charge, is punishable by dismissal from the service. Her fifteen (15) years in the service, however, may be considered to mitigate her liability. A fine in the amount equivalent to her one (1)-year's salary may, therefore, be considered by the Court.²⁰

RULING

The Court agrees with the OCA's findings but modifies the recommended penalties, following the amendments in Rule 140 after Rules of Court (Rule 140).

Rule 140 of the Rules of Court governs administrative disciplinary cases against judges. Several amendments were later introduced. In A.M. No. 18-01-05-SC²¹, the Court amended Rule 140 to include the entire Judiciary personnel. In A.M. No. 21-03-17-SC²², the Court increased the imposable

¹⁸ *Id.* at 391-392.

¹⁹ *Id.* at 388.

²⁰ *Id.* at 391-392.

²¹ See Resolutions dated October 2, 2018 and July 7, 2020, per *En Banc* Resolution, dated December 15, 2020.

²² AMENDMENTS TO THE FINES PROVIDED IN RULE 140 OF THE REVISED RULES OF COURT, A.M. No. 21-03-17-SC, March 16, 2021. This administrative matter took effect on May 31, 2021 after publication in

finances taking into account the depreciation of the value of the Philippine Peso. In A.M. No. 21-08-09-SC²³, the Court further amended Rule 140 by classifying certain offenses as serious, less serious, and light charges, increasing the period of suspension, and categorically providing for the retroactive application of the amendments. A.M. No. 21-08-09-SC sought to introduce an updated disciplinary framework for the entire Judiciary and harmonize existing jurisprudence on classifying offenses and imposing penalties.²⁴

Before its amendment, Section 9,²⁵ Rule 140 of the Rules of Court²⁶, classifies undue delay in rendering a decision or order and violating the relevant circulars as less serious charges. Section 11²⁷, on the other hand, prescribes the penalty of suspension from office without salary and other benefits for not less than one (1) month but not more than three (3) months or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

In A.M. No. 21-08-09-SC, the offense of “undue delay in rendering a decision or order” was removed. Instead, it can be considered either as gross or simple neglect of duty in the performance or non-performance of official functions classified as serious and less serious charges²⁸, respectively:

Section 14. *Serious Charges*. — Serious charges include:

x x x x

(d) Gross neglect of duty in the performance or non-performance of official functions;

Section 15. *Less Serious Charges*. — Less serious charges include:

two newspapers of general circulation.

²³ FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT, February 22, 2022.

²⁴ WHEREAS, x x x to institutionalize a complete, streamlined, and updated administrative disciplinary framework for the entire Judiciary that is wholly independent from the Civil Service rules, harmonizes existing jurisprudence, and is uniformly applicable to all cases, regardless of when the infractions are committed;

x x x x

²⁵ Section 9. *Less Serious Charges*. — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x

4. Violation of Supreme Court rules, directives, and circulars;

²⁶ RE: PROPOSED AMENDMENT TO RULE 140 OF THE RULES OF COURT RE DISCIPLINE OF JUSTICES AND JUDGES, September 11, 2001.

²⁷ SECTION 11. *Sanctions*. — x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

²⁸ See explanatory note in A.M. No. 21-08-09-SC that “undue delay in rendering a decision or order” is a form of negligence which may be considered as gross or simple neglect of duty depending on the circumstances of the case.

x x x x

(b) Simple neglect of duty in the performance or non-performance of official functions:

The new rule also categorically provides that multiple penalties must be imposed for multiple offenses:

Section 21. Penalty for Multiple Offenses. – If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. x x x

In *Boston Finance and Investment Corporation v. Gonzales*,²⁹ the Court explained that “the multiplicity of penalties to be imposed on judges and justices is consistent with the higher level of decorum expected from them.”³⁰

Judge Ferraris, Jr.’s liability

Applying the new rules, Judge Ferraris, Jr. is guilty of two (2) counts of gross neglect of duty in the performance of official functions, one (1) count of simple neglect of duty, and one (1) count of violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure or protocol. As observed by Associate Justice Alfredo Benjamin Caguioa, it is imperative to examine Judge Ferraris, Jr.’s acts and omissions and determine whether he should be held guilty for multiple offenses following the higher level of decorum expected from the judges.

Gross neglect is such neglect which, from the gravity of the case or frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.³¹ It also refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property.³² Simple neglect of duty means the “failure of an employee or official to give proper attention to a task expected of him or her, signifying a ‘disregard of a duty resulting from carelessness or indifference.’”³³

²⁹ 841 Phil. 701 (2018).

³⁰ *Rollo*, p. 722.

³¹ *Clemente v. Bautista*, 710 Phil. 10, 15–17 (2013).

³² *Re: Complaint of Aero Engr. Darwin A. Reci Against Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Thelma C. Sakiz Relative to Criminal Case No. 05-236956*, 805 Phil. 290, 292 (2017).

³³ *Id.*

Consistent with the rule on multiple offenses, the Court would examine Judge Ferraris, Jr.'s acts and omissions based on the court processes involved and the corresponding delay, namely: (1) resolution of a case; (2) resolution of pending incidents or motions; and (3) other matters that need court action.

Notably, the litigants deserve their constitutional right to a speedy trial and a speedy disposition of their cases.³⁴ The corollary to this right is the duty mandated by Rule 3.05 of the Code of Judicial Conduct for judges to "dispose of the court's business promptly and decide cases within the required periods." Rule 3.07 and Rule 3.08 require a judge to "maintain professional competence in court management" and "supervise the court personnel to ensure the prompt and efficient dispatch of business." The New Code of Judicial Conduct reiterates the judges' obligations to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness."³⁵

Delay undermines the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected. It also reinforces the litigants' impression that the wheels of justice grind ever so slowly.³⁶ Thus, a judge is administratively liable if he commits unreasonable delay in the disposition of cases.³⁷

In incurring delay in resolving a civil case covered by the Rules on Summary Procedure, Judge Ferraris, Jr. committed simple neglect of duty. It took him an additional ten (10) days to decide the case, but he did not explain the delay.³⁸ This unexplained delay demonstrates indifference to observing the prescribed period to resolve cases.

In incurring delay in resolving motions and failure to take appropriate actions on pending incidents, Judge Ferraris, Jr. committed gross neglect of duty. The length of delay and frequency qualify the neglect of duty as gross. In six (6) criminal cases³⁹, Judge Ferraris, Jr. took eight (8) months to require the DENR-CENRO to file its comment on the motion to plea bargain. He also failed to take timely action in four (4) civil cases⁴⁰ pending for years. While Judge Ferraris, Jr. claimed that he took proper actions on the pending

³⁴ See *Re: Judicial Audit Conducted in the RTC. Branch 20, Cagayan de Oro City, Misamis Oriental*, 730 Phil. 23, 41 (2014).

³⁵ A.M. No. 03-05-01-SC, NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY, April 27, 2004, Canon 6, Sec. 5.

³⁶ *Sy Bang v. Mendez*, 350 Phil. 524, 531 (1988).

³⁷ *Dysico v. Dacumos*, 330 Phil. 834, 841 (1996).

³⁸ REVISED RULE ON SUMMARY PROCEDURE. RESOLUTION OF THE EN BANC (1991), Sec. 10, provides:

Sec. 10. *Rendition of Judgment.* – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment. x x x.

³⁹ Criminal Case Nos. 19-04013 to 19-04018, *rollo*, p. 394.

⁴⁰ Civil Case No. 10,538-G-01, Civil Case Nos. 16,713-G-04 and 16,911-G-04, and Civil Case No. 21,207-G-08, *id.* at 394-395.

incidents, no proof was submitted to substantiate the court's action.⁴¹ In three (3) civil cases,⁴² Judge Ferraris, Jr. did not submit proof that he resolved a pending motion in Civil Case No. 13,778-G-2003 and claimed that he did not act on two motions (Civil Case No. 21,451-G-09 and Civil Case No. 10,673-G-2001) for being erroneous. The Court cannot accept the explanation without proof. Also, Judge Ferraris, Jr. should still resolve or act on the motions even if he deemed them as erroneous.

In failing to act in over four hundred (400) criminal cases after directing the submission of counter-affidavits, Judge Ferraris, Jr. is again guilty of gross neglect of duty. These cases' sheer number and nature are sufficient to consider the neglect serious. The revised rules on summary procedure cover the majority of these criminal cases. The delay is contrary to the purpose of adopting rules on summary procedure to achieve expeditious and inexpensive determination of cases⁴³. Judge Ferraris, Jr. did not proffer an adequate explanation. The OCA observed:

The team initially found four hundred fifty-three (453) criminal cases covered by the Revised Rules on Summary Procedure with no further action on the order to submit counter-affidavit x x x and seven (7) other criminal cases with no further setting/no further action x x x.

The records do not bear the proof of mailing of the orders to submit counter-affidavit in one hundred fourteen (114) cases x x x giving the impression that the Orders were not released at all.

Judge Ferraris and Ms. Odrufia belied the apparent failure to release the orders. They claim that the orders to submit counter-affidavit were actually mailed. They, however, failed to submit copies of the registry receipts/proof of mailing in each of the subject cases to support their explanation.

Anchored on the allegation that the orders were actually released/mailed to the accused on the dates, which, to reiterate were not verifiable from the case records nor proofs thereof submitted to this Office as part of their compliance, they countered that the court cannot further act on a number of cases because the registry receipts and/or registry return cards have not yet been submitted by the Philippine Postal Office, and the six (6)-month period from the time each of the orders was released has not lapsed x x x.

Even so, it is significant to note that there were hundreds of criminal cases covered by the Revised Rules on Summary Procedure with no further action after the court issued the order to submit counter-affidavit because it

⁴¹ Memorandum dated November 13, 2020, *id.* at 378-379.

⁴² Civil Case No. 21,451-G-09, Civil Case No. 10,673-G-2001, and Civil Case No. 13,778-G-2003, *id.* at 393-394.

⁴³ Revised Rule on Summary Procedure, Resolution of the Court *En Banc* (1991). Pursuant to Section 36 of the Judiciary Reorganization Act of 1980 (B.P. Blg. 129) and to achieve an expeditious and inexpensive determination of the cases referred to herein, the Court Resolved to promulgate the following Revised Rule on Summary Procedure.

did not follow-up with the Philippine Postal Office the latter's failure to immediately hand over/send (1) the proof of mailing by registered mail, and/or (2) the return of service that would indicate the date when the accused received the mail matter, if duly served, or the return envelope/mail matter itself in case the same was unserved.

Moreover, some orders issued more than a year ago proved to have been unacted upon as they were released only after the judicial audit was conducted. x x x

Worse, x x x it is clear that Branch 7 delayed the release/mailing of the said orders for at least a month to a maximum of one (1) year and eleven (11) months in two hundred seventy-four (274) cases covered by the Rule on Summary Procedure x x x.

x x x x

In addition, the court does not thoroughly check the actual status of the cases and the returns it received leading to the issuance of orders that do not correspond to the status of the case.

x x x x

In sum, the court failed to immediately take appropriate action on hundreds of criminal cases. Moreover, it would likewise appear that the court did not thoroughly check the status of the pending cases and the returns it received. Consequently, the action taken thereon did not correspond to the status thereof. Thus, either the proceedings of the case is further delayed, or the case, which could have already been disposed of, remains pending.⁴⁴

Judge Ferraris, Jr. is also administratively liable for violating the OCA Circular No. 11-2018, which requires the preparation and submission of monthly reports of cases. Here, the monthly report of cases had incomplete entries. The column representing the cases submitted for decision is consistently left blank. The required list of incoming and outgoing cases per month was also not attached. He also did not comply with Administrative Circular No. 76-2007, which requires submitting a semestral docket inventory report. The report omitted some entries in the column referring to the "last court action taken and date thereof" and the cases disposed of. Judge Ferraris, Jr. also failed to initial the last page of each of the records examined and did not conduct the actual physical inventory of each case. The joint certification is also defective because it only mentions civil cases. Judge Ferraris, Jr. did not deny these audit findings.⁴⁵ He also failed to comply with A.M. No. 03-1-09-SC⁴⁶, when he did not include the trial dates for the prosecution and defense in the pre-trial order. He did not deny his noncompliance to these

⁴⁴ Memorandum dated November 13, 2020, *rollo*, pp. 379-381.

⁴⁵ Memorandum dated November 13, 2020, *id.* at 383-384, 387.

⁴⁶ A.M. NO. 03-1-09, July 13, 2004. RE: PROPOSED RULE ON GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF DEPOSITION- DISCOVERY MEASURES

circulars and rules. Under Section 15 (e),⁴⁷ a “violation of Supreme Court rules, directives and circulars that establish an internal policy, rule or procedure, or protocol” is considered a less serious charge.⁴⁸

Under Section 17 of A.M. No. 21-08-09-SC, the appropriate sanctions for serious and less serious charges are as follows:

Section 17. Sanctions. —

- (1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
 - (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme 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;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00
- (2) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:
 - (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or
 - (b) A fine of more than ₱35,000.00 but not exceeding ₱100,000.00.

In imposing the penalty, Section 19 of A.M. No. 21-08-09-SC provides that the Court may appreciate the mitigating circumstances of “humanitarian considerations” and “other analogous circumstances.” Here, the Court considers Judge Ferraris, Jr.’s advanced age after reaching compulsory retirement and the adverse economic effects of the Corona Virus Pandemic⁴⁹ as mitigating circumstances and valid considerations in imposing the penalties. Section 20 of A.M. No. 21-08-09-SC also provides that if there is a mitigating circumstance and no aggravating circumstance, the Court “may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed” under the rule.

⁴⁷ A. M. No. 21-08-08-SC.

⁴⁸ *Id.*

⁴⁹ See Re: Reports on the Eraffle Procedure in the Regional Trial Court, Manila, A.M. No. 18-07-142-RTC, promulgated on February 15, 2022.

Considering that Judge Ferraris, Jr. has already retired, suspension from service can no longer be imposed. The minimum penalty of a fine of ₱100,001.00 for each count of serious charge (gross neglect of duty) and a fine of ₱35,001.00 for each count of less serious charges (simple neglect of duty and violation of Supreme Court rules, directives and circulars that establish an internal policy, rule and procedure, or protocol) or a total of ₱270,004.00 may be imposed. Applying the mitigating circumstances, the Court deems it proper to impose the minimum imposable penalty or ₱135,002.00 or half of the prescribed penalty.

Ms. Odruña's liability

Clerks of court are essential and ranking officers of the judicial system who perform delicate administrative functions vital to the prompt and proper administration of justice.⁵⁰ Their office is the nucleus of activities, both adjudicative and administrative, performing, among others, the tasks of keeping records and seal, issuing processes, entering judgments and orders, and giving, upon request, certified copies of the records.⁵¹ The clerks of court are required to be persons of competence, honesty, and probity because they are responsible for safeguarding and preserving respect to the integrity of the court and its proceedings,⁵² maintaining loyalty to the court and the judge as superior officer, as well as the authenticity and correctness of court records, and upholding the confidence of the public in the administration of justice.⁵³ Gross negligence or gross neglect of duty refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences, in so far as other persons may be affected.⁵⁴

The Court agrees with the OCA that Ms. Odruña committed gross negligence when she failed to timely release two hundred seventy-four (274) orders in criminal cases covered by the revised rules on summary procedure, which directed the accused to file a counter-affidavit. Here, the lapse of one month to one year and eleven months before releasing the orders in two hundred seventy-four (274) criminal cases is unreasonable. These cases cannot proceed because jurisdiction over the accused's person was not acquired. The sheer number of criminal cases and the unreasonable delay demonstrate Ms. Odruña's indifference to her duties and responsibilities as clerk of court. Ms. Odruña's conduct shows her lack of respect for the litigants' right to speedy disposition of cases and contributes to the court dockets' unnecessary clogging and delay in the cases' disposition.

⁵⁰ *Reyes-Domingo v. Branch Clerk of Court*, *supra* note 2 at 161.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Civil Service Commission v. Rabang*, 572 Phil. 316, 322-323 (2008).

Ms. Odruña is likewise liable for simple neglect of duty. As the clerk of court, Ms. Odruña exercises general supervision over all personnel in her court.⁵⁵ As aptly observed by the OCA, Ms. Odruña failed to ensure that the court personnel under her supervision performed their duties relating to case records management. She also failed to ensure that the monthly and semestral docket reports contained accurate and complete entries. It must be stressed that the physical inventory of cases is instrumental to the expeditious dispensation of justice.⁵⁶ Although the responsibility rests with the presiding judge, it is shared with the court staff.⁵⁷

In her capacity as sheriff, Ms. Odruña also demonstrated gross neglect of duty. Sec. 14, Rule 39 of the Rules of Court requires the sheriff to report to the court within thirty (30) days if the writ cannot be fully satisfied and state the reason. The sheriff is also duty-bound to make periodic reports every thirty (30) days until the judgment is satisfied in full, thus:

SECTION 14. *Return of writ of execution.* — The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. **If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor.** Such writ shall continue in effect during the period within which the judgment may be enforced by motion. **The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires.** The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties. (11a) (Emphasis supplied)

A sheriff's failure to implement a writ of execution has been characterized as gross neglect of duty.⁵⁸ The OCA found that sixty-three (63) writs were assigned to Ms. Odruña from 2006 to 2017. However, the returns in the majority of these writs were only submitted in October 2020. Forty-one (41) of these writs remained unimplemented or unserved, and some of the writs did not state why these writs were not implemented.

In explaining why the writs were not fully implemented, Ms. Odruña claimed that in some cases, the defendant requested an extension of time to satisfy his obligation and that the plaintiff agreed to it.⁵⁹ Still, in some cases, the plaintiff requested to hold the writs' implementation to give time to the defendant to pay their obligations.⁶⁰ These excuses are unacceptable. In the absence of a restraining order, the officers charged with the enforcement or execution of judgments must act with considerable dispatch to not unduly

⁵⁵ See *Office of the Court Administrator v. Bernardino*, 490 Phil. 500, 521 (2005).

⁵⁶ See *Gordon v. Judge Lilagan*, 414 Phil. 221, 230 (2001).

⁵⁷ *Id.*; *Juan v. Arias*, 164 Phil. 396, 401 (1976).

⁵⁸ See *Santos v. Leño*, 781 Phil. 342, 360 (2016); citing *Anico v. Pilipiña*, 670 Phil. 460, 470 (2011).

⁵⁹ *Rollo*, p. 1.

⁶⁰ *Id.*

delay the administration of justice.⁶¹ Consequently, Ms. Odruña cannot unilaterally exercise discretion to suspend the writ's implementation.

The Court cannot accept Ms. Odruña's justification of pure oversight in failing to submit the periodic reports. The periodic reports inform the courts of the proceedings undertaken to implement the writ and provide the court insights on the efficiency of court processes after the promulgation of judgment.⁶² Ms. Odruña's substantial delay in submitting the required periodic reports in the writs assigned to her and her failure to implement forty-one (41) writs constitutes gross neglect of duty. It shows her lack of diligence expected of her position as a former sheriff.

Given the retroactive effect of A.M. No. 21-08-09-SC, Rule 140 is the applicable rule to Ms. Odruña.⁶³ The separate infractions committed by Ms. Odruña will not be treated as aggravating circumstances but separate offenses and will be met with separate penalties.⁶⁴ Gross neglect of duty in the performance or nonperformance of official functions is a serious charge, while simple neglect of duty is classified as a less serious charge.

As discussed above, Sections 19 and 20 of A.M. No. 21-08-09-SC provide that mitigating circumstances may be considered in imposing the penalties. Here, the Court considers the apologetic stance of Ms. Odruña for her actions and inactions⁶⁵, the OCA's recommendation to consider Ms. Odruña's fifteen 15 years of service⁶⁶, and the adverse economic effects of the Corona Virus Pandemic⁶⁷ as mitigating circumstances in imposing the penalties. Similar to the imposed penalties to Judge Ferraris, Jr., the Court imposes the minimum imposable penalty on Ms. Odruña. A fine of ₱100,001.00 for each count of gross neglect of duty and ₱35,001.00 for simple neglect of duty may be imposed. Given the mitigating circumstances, a fine of ₱117,502.00 is imposed on Ms. Odruña, corresponding to half of the minimum imposable penalties.

The Court reiterates that the administration of justice is a sacred task and requires the persons involved to live to the strictest standard of honesty,

⁶¹ *Portes v. Tepace*, 334 Phil. 839, 846-847 (1997).

⁶² *Anico v. Pilipiña*, *supra* at 469.

⁶³ Section 24. Retroactive Effect. — All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, x x x.

x x x.

⁶⁴ *Supra* note 29 at 716-717.

⁶⁵ *Rollo*, p. 1.

⁶⁶ Memorandum dated November 13, 2020, p. 15; A.M. No. 21-08-09-SC, *rollo*, p. 391.

Section 19. Modifying Circumstances. --- x x x

(1) Mitigating circumstances:

x x x

(b) Length of service or at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty.

⁶⁷ See Re: Reports on the Erafle Procedure in the Regional Trial Court, Manila, *supra* note 44.

integrity, and uprightness.⁶⁸ Unfortunately, Judge Ferraris, Jr. and Ms. Odruña failed to meet these standards. Nonetheless, the Court, in *Judge Argonosa-Maniego v. Salinas*,⁶⁹ held that:

The court has also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by labor ought not to be visited with a consequence so severe. It is not only for the law's concern for the workingman; there is, in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on wage earners. (Citations omitted)

In sum, the following penalties are imposed on Judge Ferraris, Jr. and Ms. Odruña computed as follows:

Judge Rufino S. Ferraris, Jr.		
Acts and omissions	Offense	Penalty
Failure to act in over four hundred criminal cases after directing the submission of counter-affidavits	Gross neglect of duty in the performance or non-performance of official functions (serious charge)	₱100,001.00 ⁷⁰
Incurring delay in resolving motions and failing to take appropriate actions on pending incidents	Gross neglect of duty in the performance or non-performance of official functions (serious charge)	₱100,001.00
Incurring delay in resolving a civil case covered by the rules on summary procedure	Simple neglect of duty in the performance or non-performance of official functions (less serious charge)	₱35,001.00 ⁷¹
Failure to comply with OCA Circular No. 11-2018, Administrative Circular No. 76-2007, and A.M. No. 03-1-09-SC	Violation of Supreme Court rules, directives, and circulars that establish an internal policy, rule of procedure, or protocol (less serious charge)	₱35,001.00
Sub-total		₱270,004.00
After appreciating the mitigating circumstances ⁷² (Section 20 of A.M. No. 21-08-09-SC)		(₱270,004.00 / 2) or ₱135,002.00

Ms. Vivian N. Odruña

⁶⁸ *Supra* note 2 at 162.

⁶⁹ 608 Phil. 334, 349 (2009).

⁷⁰ A.M. No. 21-08-09-SC, Section 17. Sanctions. –

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

x x x

(c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00

⁷¹ A.M. No. 21-08-09-SC, Section 17. Sanctions. – x x x

(2) If the respondent is found guilty of a less serious charge, and of the following sanctions shall be imposed:

x x x

(b) A fine more than ₱35,000.00 but not exceeding ₱100,000.00

⁷² Section 20. *Manner of Imposition.* – x x x

If one or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

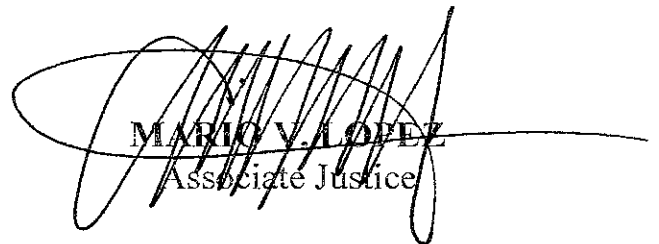
x x x (Emphasis supplied)

Acts and omissions	Offense	Penalty
Failure to either submit a return and/or periodic reports on the implementation of the writs, or to fully implement the writs assigned to her as former sheriff	Gross neglect of duty in the performance or non-performance of official functions (serious charge)	₱100,001.00
Failure to timely release orders in 274 criminal cases	Gross neglect of duty in the performance or non-performance of official functions (serious charge)	₱100,001.00
Failure to supervise the court personnel in the performance of their respective duties relating to case records management	Simple neglect of duty in the performance of official functions (less serious charge)	₱35,001.00
Sub-total		₱235,003.00
After appreciating the mitigating circumstances (Section 20 of A.M. No. 21-08-09-SC)		(₱235,003.00 / 2) or ₱117,502.00

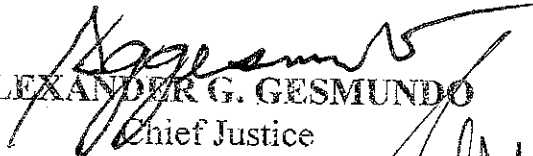
FOR THESE REASONS, the Court finds former Judge Rufino S. Ferraris, Jr. **GUILTY** of two (2) counts of the serious charge of gross neglect of duty in the performance or nonperformance of official functions; one (1) count of the less serious charge of simple neglect of duty; and one (1) count of the less serious charge of violation of Supreme Court rules, directives, and circulars, that establish an internal policy, rule of procedure, or protocol. The Court imposes upon him the penalty of fines amounting to ₱100,001.00 for each count of gross neglect of duty; ₱35,001.00 for simple neglect of duty; and ₱35,001.00 for failure to comply with relevant rules and circulars, establishing an internal policy or a total of ₱270,004.00. After considering the mitigating circumstances, the penalty of fine is reduced to ₱135,002.00.


The Court also finds Ms. Vivian N. Odruña **GUILTY** of two (2) counts of the serious charge of gross neglect of duty; and one (1) count of the less serious charge of simple neglect of duty. The Court imposes upon her the penalty of fines amounting to ₱100,000.00 for each count of gross neglect of duty; and ₱35,001.00 for simple neglect of duty or a total amount of ₱235,003.00. After considering the mitigating circumstances, the penalty of fine is reduced to ₱117,502.00 with a **STERN WARNING** that repetition of the same or similar act shall be dealt with more severely.

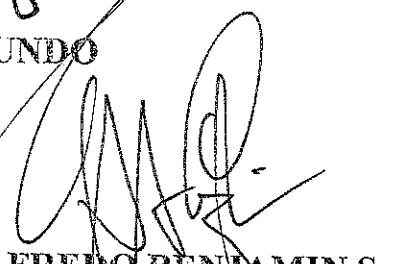
SO ORDERED.

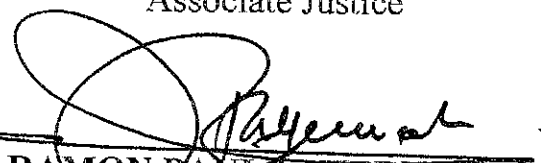

MARIO V. LOPEZ
 Associate Justice

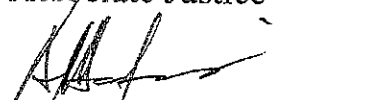
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice

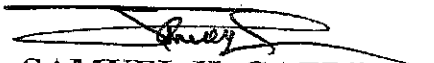

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

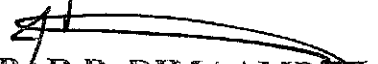

HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGIT
Associate Justice