



Republic of the Philippines
Supreme Court
Manila

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SECOND DIVISION

OFFICE OF THE COURT
ADMINISTRATOR,

Complainant,

-versus-

JESUS L. GRAGEDA,

Respondent.

A.M. No. RTJ-10-2235

(Formerly A.M. No. 10-3-94-RTC)

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
MENDOZA,* and
PERLAS-BERNABE, JJ.

Promulgated:

MAR 11 2013

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RESOLUTION

PERLAS-BERNABE, J.:

The Facts

In view of the compulsory retirement of Judge Jesus L. Grageda on November 25, 2009, the Office of the Court Administrator (OCA) conducted a judicial audit at the Regional Trial Court, Branch 4, Panabo City presided by Judge Grageda on November 17 to 26, 2009. The audit team of the OCA then submitted its report¹ on March 24, 2010. Acting thereon, the First Division issued a Resolution² dated April 28, 2010 resolving, among others, to:

- (A) **DIRECT** Judge Grageda to **EXPLAIN** within sixty (60) days from notice why he should not be cited for:

* Designated Acting Member per Raffle dated March 11, 2013.

¹ Rollo, pp. 1-53.

² Id. at 119-132.

- (1) gross inefficiency and undue delay in rendering a decision or order for his:
 - (1.1) failure to decide sixteen (16) civil cases and one (1) criminal case within the prescribed period;
 - (1.2) failure to resolve pending motions/incidents in eighteen (18) civil and ten (10) criminal cases, within the prescribed period;
 - (1.3) delay in deciding seven (7) civil cases;
 - (1.4) delay in resolving motions/incidents in fourteen (14) civil cases; and
 - (1.5) failure to act on the nineteen (19) civil and thirty-four (34) criminal cases despite the lapse of considerable length of time;
 - (2) gross ignorance of procedural law and unreasonable delay in the issuance of an order for the execution of the judgment in four (4) civil cases;
 - (3) gross misconduct and unreasonable delay in resolving motions for reconsideration of decisions/final orders in nineteen (19) civil and five (5) criminal cases within the prescribed period thereby effectively freezing the judgments for two (2) to seven (7) years and depriving the parties of the final disposition of their cases; and
 - (4) dishonesty for declaring in his Certificate of Service for January to November 2009 that he has decided all cases and resolved all incidents within three (3) months from the date of submission for decision/resolution even when there were several cases/incidents which remained undecided/unresolved beyond the reglementary period;
- (B) **DIRECT** Judge Grageda to **EXPLAIN** within sixty (60) days from notice why he should not be held administratively liable for rendering decisions/orders beyond his last working day, which was on November 24, 2009, the day prior to his 70th birthday;
- (C) **DIRECT** Ms. Belen V. Basa, Court Interpreter III and then Officer-in-Charge, RTC, Br. 4, Panabo City to **EXPLAIN** within fifteen (15) days from notice why she should not be cited for usurpation of authority for issuing Commitment Order dated January 16, 2008 in Crim. Case No. 01-2008 entitled "*People v. A. Ammad*";
- (D) **DIRECT** Mr. Boyd James B. Bacaltos, Legal Researcher II and then Officer-in-Charge, RTC, Br. 4, Panabo City to **EXPLAIN** within fifteen (15) days from notice why he should not be cited for usurpation of authority for issuing the Commitment Order in Criminal Case No. 99-53 entitled "*People v. J. Boston*";
- (E) **DIRECT** Ms. Arlene C. Sison, Clerk in-Charge of civil cases, RTC, Br. 4, Panabo City to comply with her duty to regularly update and maintain the docket book for civil cases and **SUBMIT** certification from the Acting Presiding Judge and/or Clerk of Court of such compliance;
- (F) **DIRECT** Ms. Marianne G. Baylon, Clerk in-Charge of criminal cases, RTC, Br. 4, Panabo City to comply with her duty to regularly update and maintain the docket book for criminal cases

and submit certification from the Acting Presiding Judge and/or the Clerk of Court of such compliance; and

- (G) **ORDER** the Fiscal Management Office, Office of the Court Administrator to retain from the retirement benefits of Judge Grageda the sum of ₱200,000.00, to answer for any administrative liability that may be imposed upon him in connection with the instant administrative matter.

In compliance with the said Resolution, Ms. Belen V. Basa³ and Mr. Boyd James B. Bacaltos⁴ separately explained that they signed the subject Commitment Orders based on their office practice, without any malice nor intent to usurp the functions of the Branch Clerk of Court. On June 22, 2010, Ms. Arlene C. Sison submitted a Certification⁵ from Acting Presiding Judge Virginia Hofileña-Europa of the same court, showing compliance with her mandated duty of updating the docket book for civil cases. A similar Certification⁶ was also submitted by Marianne G. Baylon to show her compliance with the above directive to update the docket book for criminal cases.

In his letter-explanation,⁷ Judge Grageda denied the charges of gross inefficiency, ignorance of the law and misconduct, alleging that he had efficiently discharged his duties during his fourteen (14) years of service as Presiding Judge of RTC, Br. 4, Panabo City. While he admitted that there were delays in the resolution of cases in his *sala*, he put the blame on his heavy case load; lack of support personnel; inadequate facilities; and lack of time to act expeditiously on the various case-related incidents.⁸ Nonetheless, he pleaded for mercy and indulgence from the Court and manifested his willingness to take full responsibility for his infractions. Judge Grageda also enumerated purported inaccuracies⁹ in eleven (11) of the cases referred to in the OCA Audit Report, which he alleged to have been either already decided/disposed of or not yet due for decision/resolution as of the date of his retirement on November 25, 2009. Moreover, he denied¹⁰ committing any act of dishonesty in the submission of his Certificate of Service for the period January to November 2009, claiming to have relied on the assurance of his staff that there were no unresolved or pending matters in his court.

On the matter of his administrative liability for rendering decisions/resolutions beyond November 24, 2009 or his last day in office prior to his 70th birthday, Judge Grageda averred that his last working day should be on his retirement day or on November 25, 2009, hence, his actions

³ Id. at 140.

⁴ Id. at 134.

⁵ Id. at 145-146.

⁶ Id. at 153.

⁷ Id. at 191-201.

⁸ Id. at 192-195.

⁹ Id. at 197-198.

¹⁰ Id. at 198.

were justified.¹¹ Finally, he begged for fairness, equity and mercy from the Court and requested that his fourteen (14) years of service be considered as a mitigating circumstance in the resolution of this case.¹²

On November 24, 2010, the instant case was referred to the OCA for evaluation, report and recommendation.¹³ On October 8, 2012, the OCA submitted its report¹⁴ recommending the following for the Court's consideration:

1. the respective compliances of Mr. Boyd James B. Bacaltos, OIC/Acting Clerk of Court; Ms. Belen Basa, Court Interpreter III; Ms. Arlene Sison, Clerk III; and Ms. Marianne G. Baylon, Clerk III, all of the Regional Trial Court, Branch 4, Panabo City, be **ACCEPTED** as full compliance with the directive of this Court in its Resolution dated 28 April 2010 in the instant administrative matter but with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely; and
2. respondent Judge Jesus L. Grageda (ret.) be found **GUILTY** of Gross Ignorance of the Law for rendering orders/resolution on his retirement day and Gross Inefficiency for undue delay in rendering decisions or orders and be **FINED** in the amount of Two Hundred Thousand Pesos (₱200,000.00) to be taken from the ₱200,000.00 withheld from his retirement benefits.¹⁵

The OCA recommendations are well-taken but not with respect to the administrative liability of Judge Grageda.

Jurisprudence is replete with rulings that in order for the Court to acquire jurisdiction over an administrative proceeding, the complaint must be filed during the incumbency of the respondent public official or employee.¹⁶ This is because the filing of an administrative case is predicated on the holding of a position or office in the government service.¹⁷ However, once jurisdiction has attached, the same is not lost by the mere fact that the public official or employee was no longer in office during the pendency of the case. In fine, cessation from office by reason of resignation, death or retirement is not a ground to dismiss the case filed against the said officer or employee at the time that he was still in the public service or render it moot and academic.¹⁸

¹¹ Id. at 198-199.

¹² Id. at 201.

¹³ Id. at 353.

¹⁴ Id. at 355-392.

¹⁵ Id. at 392.

¹⁶ *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte*, A.M. No. 10-2-41-RTC, February 27, 2013.

¹⁷ Minute Resolution in *OCA v. Villanueva*, A.M. No. P-01-1509, June 13, 2007; *Diamalon v. Quintillan*, 139 Phil. 654, 657 (1969).

¹⁸ *Largo v. Court of Appeals*, G.R. No. 177244, November 20, 2007, 537 SCRA 721, 728-729.

In the case of *Office of the Ombudsman v. Andutan, Jr.*, the Court ruled that while the Ombudsman is not precluded from conducting an investigation against the errant employee, it can no longer institute an administrative case against Andutan who had already resigned,¹⁹ more so since his resignation or severance of employment from the service was not availed of to prevent the continuation of the pending administrative case or to pre-empt the imminent filing of one.²⁰ The Court also dismissed an administrative case filed against a retired court stenographer for having been initiated over a month after her retirement from the service.²¹ Moreover, in *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte*,²² the Court absolved herein respondent, Judge Grageda, from any administrative liability since the complaint against him was filed after his retirement from the judiciary.

Applying the foregoing principles to the case at bar, the Court is constrained to similarly dismiss the complaint against Judge Grageda.

Records show that Judge Grageda compulsorily retired on November 25, 2009 while the judicial audit was conducted at RTC, Br. 4, Panabo City from November 17 to November 26, 2009. The OCA then submitted its report only on March 24, 2010, which was re-docketed as a regular administrative matter on April 28, 2010,²³ or months after Judge Grageda retired from the judiciary. Consequently, his retirement effectively barred the Court from pursuing the instant administrative proceeding that was instituted after his tenure in office,²⁴ and divested the Court, much less the OCA, of any jurisdiction to still subject him to the rules and regulations of the judiciary and/or to penalize him for the infractions committed while he was still in the service.²⁵ As held in the case of *OCA v. Judge Celso L. Mantua*:²⁶

This Court concedes that there are no promulgated rules on the conduct of judicial audit. However, the absence of such rules should not serve as license to recommend the imposition of penalties to retired judges who, during their incumbency, were never given a chance to explain the circumstances behind the results of the judicial audit.²⁷

¹⁹ G.R. No. 164679, July 27, 2011, 654 SCRA 539, 549-550.

²⁰ Id. at 551-552.

²¹ *OCA v. Villanueva*, supra note 17.

²² Supra note 16.

²³ *Rollo*, p. 119.

²⁴ *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte*, supra note 16.

²⁵ Id.

²⁶ A.M. No. RTJ-11-2291, February 8, 2012, 664 SCRA 253.

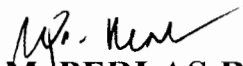
²⁷ Id. at 265.

With respect to the administrative liability of Mr. Boyd James B. Bacaltos, OIC/Acting Clerk of Court; Ms. Belen Basa, Court Interpreter III; Ms. Arlene Sison, Clerk III; and Ms. Marianne G. Baylon, Clerk III, all of the Regional Trial Court, Branch 4, Panabo City, however, the Court concurs with the recommendation of the OCA that their respective compliance with the directives contained in the Resolution dated April 28, 2010 be accepted with stern warning that a repetition of the same or similar offense shall be dealt with more severely.


WHEREFORE, premises considered, the complaint against retired Judge Jesus L. Grageda of the Regional Trial Court, Branch 4, Panabo City, is **DISMISSED**. The Fiscal Management Office of the Office of the Court Administrator is directed to immediately release the ₱200,000.00 withheld from his retirement benefits, unless its continued retention is warranted under any other lawful ground.

The respective explanations and/or compliance of Mr. Boyd James B. Bacaltos, OIC/Acting Clerk of Court; Ms. Belen Basa, Court Interpreter III; Ms. Arlene Sison, Clerk III; and Ms. Marianne G. Baylon, Clerk III, all of the Regional Trial Court, Branch 4, Panabo City, are hereby **ACCEPTED** as full compliance with the directives of the Court in the Resolution dated April 28, 2010 but with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice