



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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**OFFICE OF THE COURT
ADMINISTRATOR v. JUDGE
VICTOR TEVES, SR., former
Presiding Judge and TITO
VALENCIA, Process Server,
Regional Trial Court (RTC)-
Branch 54, Lapu-Lapu City,
Cebu**

**A.M. No. RTJ-21-2606 (formerly
A.M. No. 20-12-164-RTC)**

Members:

**PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
DELOS SANTOS,
GAERLAN, and
ROSARIO,
LOPEZ, J., JJ.**

Promulgated:

February 9, 2021

*June 9, 2021
Hi. de Apo. Gaudes*

X-----X

RESOLUTION

LAZARO-JAVIER, J.:

J

ANTECEDENTS

This administrative matter stemmed from two (2) judicial audits conducted in the Regional Trial Court (RTC), Lapu-Lapu City, Cebu-Branch 54, presided by Judge Victor Teves, Sr. (Judge Teves).

The first judicial audit was conducted on February 22, 2016 to March 3, 2016. On October 2, 2019, Judge Teves filed his application for optional retirement effective January 2, 2020. Thus, another judicial audit was conducted on November 18-19, 2019.¹

First Judicial Audit

During the first judicial audit, several procedural lapses were noted which were referred to Judge Teves for appropriate action. After submitting his actions on these procedural lapses, the Office of the Court Administrator (OCA) issued Memorandum dated July 4, 2016 where he was directed to:

- 1) take appropriate action on the remaining cases covered by the first judicial audit requiring his immediate action and to furnish the OCA with copies of the resolutions within ten (10) days from their issuance, particularly on:
 - a. five (5) criminal and five (5) civil cases that have been dormant for a considerable length of time
 - b. nineteen (19) criminal and four (4) civil cases with pending motions or incidents;
- 2) explain in writing why he incurred delay in resolving motions/incidents in three (3) criminal cases and nineteen (19) civil cases, and in deciding five (5) criminal cases and twenty-two (22) civil cases;
- 3) explain in writing why forty-four (44) cases involving annulment of marriages/declaration of nullity of marriage were heard and decided even without the necessary attachments/documents required by law;
- 4) forward proof of arraignment of accused Dominador Hera in Crim. Case No. 016669 and accused Alvarado (bonded) in Crim. Case No. 018749 whose cases are already at the trial stage; and

¹ Rollo, p. 1.


- 5) investigate and act on the unconfirmed reports that the court maintains a "sinking fund" from donations given by parties whose marriages were solemnized by the court.

By letter dated September 13, 2016, he manifested that most of the cases subject of the first judicial audit were already acted upon except for eleven (11) petitions for bail which were still being heard. On his delayed decisions and resolutions, he cited the following circumstances which allegedly caused the delay:

- 1) increase in the number of cases raffled to his branch;
- 2) the full-time designation of his clerk of court, Atty. Denis L. Pacas (Atty. Pacas), as Assistant Regional Court Administrator for Human Resource Development Department in the Regional Court Administrator Office;
- 3) failure of Atty. Herminigilda Maratas to perform her functions as Legal Researcher;
- 4) resignation/retirement of clerk civil-in-charge, Ms. Marianita Ayala.

He apologized for the delay and begged the Court's indulgence and consideration. On the alleged sinking fund, he claimed to have already issued a memorandum to enjoin all court personnel from receiving any form of donation from litigants, including those whose marriages he solemnized.

Under Memorandum dated October 25, 2016, the OCA again directed him to:

- 1) take appropriate action on the remaining cases still not acted upon;
 - 2) explain in writing why cases involving annulment of marriage/declaration of nullity of marriage were heard and decided even without the requisite attachments/documents;
 - 3) immediately cease from smoking within the premises of the Hall of Justice, Lapu-Lapu City, Cebu;
 - 4) refrain from issuing orders stating that cases will be dismissed for failure of the accused and the private complainant to appear during the next scheduled arraignment and from archiving cases when the accused, who was already arraigned, failed to appear during subsequent hearings.
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Regarding the procedural irregularities involving annulment/nullity of marriage, he submitted his explanation and pointed to the documents which the audit report may have erroneously indicated were not found in the case records.

In yet another Memorandum dated March 20, 2017, the OCA directed him to explain why he should not be administratively charged with gross dereliction of duty, gross inefficiency, and gross incompetence for failure to comply with the previous directives per Memorandum dated July 4, 2016, as reiterated in Memorandum dated October 25, 2016, *viz.*:

- 1) to take appropriate action on the remaining cases subject of the first judicial audit that required immediate action, especially those cases which have been dormant for a considerable length of time and those three (3) criminal and nineteen (19) civil cases with pending motions or incidents and to furnish the OCA copy of the resolutions within ten (10) days from their issuance;
- 2) to explain in writing why he incurred delay in resolving motions in three (3) criminal and nineteen (19) civil cases and in rendering judgment in five (5) criminal and twenty-two (22) civil cases already submitted for decision;
- 3) to explain in writing why forty-four (44) cases involving annulment of marriage/declaration of nullity of marriage were heard and decided even without the necessary documents and court Orders attached to the records; and
- 4) to immediately cease from smoking within the compound of the Hall of Justice, Lapu-Lapu City, among others.


By letter dated April 12, 2017, he echoed the explanation contained in his letter dated September 13, 2016. He added that the bail petitions were still being heard while the rest of the subject motions were already resolved.

As for the alleged missing documents of annulment and/or nullity cases, he explained that the Office of the Public Prosecutor would sometimes conduct investigations to determine collusion without the necessary court orders; the supposed missing documents were actually attached to the records; the petitioner in Civil Case No. 14-07158 personally



appeared before the Prosecutor during the scheduled collusion investigation and attended the pre-trial conference and subsequent proceedings; and in his capacity as the hearing judge, he relied on the regularity in the performance of official duties of the sheriff/process server in the service of summons. He admitted though his infractions, apologized for his lapses, and begged for compassion.

Meanwhile, separate Memoranda of even date were also issued to Atty. Pacas, branch Clerk of Court and Tito Valencia (Valencia), branch Process server, thus:

1. Atty. Pacas was directed to:
 - a. apprise the presiding judge from time-to-time of cases submitted for resolution/decision and those cases that require immediate action;
 - b. refrain from issuing orders of commitment which authority exclusive pertains to the bench;
 - c. direct the Sheriff and the Process Server to comply with the mandates in "*Ma. Imelda M. Manotoc v. Honorable Court of Appeals and Agapita Trajano, et al.*" The return should state the facts and circumstances surrounding the attempted personal service and the details on the date and time of the attempts on personal service, the inquiries made to locate the defendant and the acts done to serve the summons. It must also state that the person found in the alleged dwelling of the defendant is of legal age, his/her relationship with the defendant and whether that person understood the significance of the receipt of the summons and the mandate to deliver it to the defendant or at least notify the defendant of the receipt of summons;
 - d. remind the encoder of Pre-Trial Orders to type the names of the accused and their counsels after that of the presiding judge and insure that the orders are duly signed by all, and attach to the records the certificate of arraignment duly signed by the accused and counsel, where the accused entered a plea;
 - e. attach to the records of the Certificate of Arraignment in all criminal cases where the accused entered a plea, duly signed by the accused and his/her counsels; and
 - f. submit compliance within thirty (30) days from receipt.
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2. Mr. Valencia, Process Server, was directed to explain in writing within thirty (30) days why he immediately availed of substituted service of summons in Civil Case Nos. 08-03607, 08-03747, 09-04324, 11-05919 and 14-07168 which are cases involving annulment of marriage. Summons in Civil Case No. 11-05919 was even allegedly served in Paranaque City.

In his letter dated September 13, 2016, Atty. Pacas fully complied with the directives. Thus, by Memorandum dated October 25, 2016, the OCA considered the matters covered by the first judicial audit pertaining to Atty. Pacas closed and terminated.

On the other hand, Valencia submitted his explanation through letter dated September 6, 2016. He asserted that his failure to comply with the rules on substituted service of summons was due to his “voluminous work” as a process server, on top of his additional tasks as the designated temporary clerk-in-charge of civil cases. Admitting his lapses though, he asked for leniency and promised to strictly comply with the rules on service of summons.

In another Memorandum dated September 19, 2016, Valencia was directed to show proof of: (1) the manner of serving summons in Civil Case No. 11-05919 in view of the incomplete address of the respondent in Paranaque City; (2) the mode of travel from Lapu-Lapu City to Paranaque City; and (3) the identity of one Maribel Amamangpang upon whom the service was made. Records showed that Civil Case No. 11-05919 was later dismissed for failure to prosecute.

In his letter dated November 23, 2016, Valencia averred that: (1) petitioner gave him the plane ticket to Manila; and (2) he used respondent’s address as stated in the petition as his guide in serving the summons.

As he failed to submit proof of his travel to Manila, the OCA directed Valencia to: (1) secure a certification from the airline company which he allegedly boarded on February 18, 2011 from Mactan to Manila and *vice versa*; (2) prove the identity and address of a certain Maribel Amamangpang upon whom he served summons; (3) explain in writing why he personally went to Paranaque City to serve the summons instead of endorsing the same to the Office of the Clerk of Court, RTC-Paranaque City; and (4) show his authorization to personally serve the summons in Paranaque City. He did not comply with these directives.²

² *Id.* at 42.

Second Judicial Audit

At the time of the second judicial audit on November 18-19, 2019, the court had a total caseload of 714 active cases, consisting of 536 criminal and 178 civil cases.³

On December 17, 2019, Atty. Pacas submitted copies of orders or decisions in the cases subject of the judicial audit and reported the actions taken on the following cases:⁴

STATUS/STAGES OF PROCEEDINGS	CRIMINAL	CIVIL	TOTAL
No Further Action/Setting	2	5	7
With Pending Motions/Incidents	40	11	51
Submitted for Decision	4	7	11

The OCA reported that Judge Teves had satisfactorily acted on these cases. Although there were several pleadings and papers which were not properly attached to the case folders, the OCA recognized that such lapse cannot be attributed to Judge Teves but to the branch clerk of court and the clerk-in-charge who are the custodians of the court records and are duty bound to ensure that all the papers pertaining to every case are attached or stitched into the appropriate case folders and ought to be complete before they are presented to the presiding judge for hearing.

RECOMMENDATION OF THE OCA

In its Memorandum⁵ dated October 12, 2020, the OCA submitted the following recommendation:

1. The two (2) judicial audit reports be **RE-DOCKETED** as a regular administrative complaint against retired Judge Victor Teves, Sr. and Mr. Tito Valencia, Process Server, both of Branch 54, Regional Trial Court of Lapu-Lapu City, Cebu;
2. Respondent Judge Victor Teves, Sr. be found **GUILTY** of gross inefficiency and gross incompetence for his failure to decide cases and resolve motions within the reglementary period, and be **METED** the penalty of a **FINE** equivalent to his basic salary for six (6) months to be deducted from his retirement benefits; and

³ *Id.* at 23.

⁴ *Id.* at 23-36.

⁵ Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind Aldecoa-Delorino.

3. Mr. Tito Valencia, Process Server, be found **GUILTY** of simple neglect of duty and ordered to pay a **FINE** of Twenty Thousand Pesos (P20,000.00) with **STERN WARNING** that a repetition of the same or similar act shall warrant a more severe penalty.

As a result of the first judicial audit, the OCA found Judge Teves to be grossly negligent and inefficient in failing to resolve motions and/or pending incidents in three (3) criminal cases and nineteen (19) civil cases and to decide five (5) criminal cases and twenty-two (22) civil cases within the prescribed periods under the law and the rules.⁶ His delay ranged from less than one (1) month up to thirteen (13) years and three (3) months.⁷ It reported that nothing in the records showed that he requested from the Court, through the OCA, additional time to decide the cases and to resolve pending incidents/motions. He did not even explain why he should not be administratively sanctioned despite several memoranda issued by the OCA; he instead justified his delay to have been caused by lack of personnel and high case load. The OCA stated that the sheer number of cases and pending incidents that were decided/resolved beyond the reglementary period eloquently pointed to Judge Teves' gross neglect, which ran counter to his avowed duty to dispose of the business of the court in an efficient and expeditious manner.⁸

Notably, in recommending the penalty to be imposed on Judge Teves, the OCA reported that Judge Teves has other pending administrative complaints per verification with the Docket and Clearance Division, Legal Office, OCA, viz.:

1. A.M. No. 17-4773-RTC for grave abuse of authority
2. OCA-IPI No. 20-5032-RTC for gross incompetence, gross negligence, gross ignorance of the law and evident partiality
3. A.M. No. 03-3-76-MCTC *Re: Report on the Judicial Audit Conducted in the 12th MCTC, Moalboal-Badian-Alcantara-Alegria Cebu* where he was directed to pay a fine of ₱21,000.00 per Resolution dated February 8, 2005 which he only paid on December 19, 2019. Accordingly, the OCA in its Report dated March 9, 2020 recommended that he be found guilty of violating a reasonable Supreme Court directive for his disregard of the order to pay the fine and to impose the fine of ₱75,000.00 to be deducted from his retirement benefits.

⁶ *Id.* at 38.

⁷ *Id.* at 10-21.

⁸ *Id.* at 38-39.

As for Valencia, the OCA found him guilty of simple neglect of duty when he failed to strictly observe the rules on the service of summons.

RULING

The Court **RESOLVES** to **ADOPT** and **APPROVE** the findings of facts, conclusions of law and recommendation of the Office of the Court Administrator (OCA).

I. Judge Victor Teves, Sr.

Delay in the disposition of cases not only deprives litigants of their right to speedy disposition of their cases, but also tarnishes the image of the judiciary. Failure to decide cases on time constitutes inefficiency that merits administrative sanction.⁹

Section 15(1), Article VIII of the Constitution mandates the lower courts to resolve cases within three (3) months. Section 5, Canon 6 of the New Code of Judicial Conduct likewise provides:

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

In *Office of the Court Administrator v. Guiling*,¹⁰ the Court instructs that it is indispensable that judges should act within the prescribed period to prevent delay in the speedy disposition of cases, thus:

Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is mandatory. The speedy disposition of cases in our courts is a primary aim of the Judiciary, so that the ends of justice may not be compromised and the Judiciary will be true to its commitment to provide litigants their constitutional right to speedy trial and speedy disposition of their cases.

The Court agrees with the OCA's finding that Judge Teves is guilty of gross inefficiency and gross incompetence for delaying to resolve pending incidents/motions and to decide cases not only by a number of days but years where the longest was thirteen (13) years and three (3) months. Worse, he failed to request from the Court any additional

⁹ Re: Report on the Judicial Audit Conducted in the RTC, Branch 134, Makati City, A.M. No. P-06-2172 (Resolution), 539 Phil. 77 (2006).

¹⁰ A.M. No. RTJ-19-2549, June 18, 2019.

time to act on his pending cases, much less, explain his inability to meet his deadlines. In the event that judges cannot comply with the deadlines prescribed by law, they should apply for extensions of time to avoid administrative sanctions.

Indeed, the Court allows a certain degree of latitude to judges and grants them reasonable extensions of time to resolve cases upon proper application and on meritorious grounds.¹¹ Here, it was only after the conduct of the first judicial audit did Judge Teves justify his delayed decisions and resolutions, citing lack of personnel and high case load, among others. Judge Teves failed to even explain why the cases and pending incidents before his court dragged for so long a time and why he should not be administratively sanctioned.

While the OCA found the reasons proffered by Judge Teves may have truly justified his delayed resolutions and decisions, it concluded that the sheer number of cases, *i.e.*, five (5) criminal and twenty-two (22) civil cases, and pending incidents in three (3) criminal cases and nineteen (19) civil cases which were unacted upon for a considerable length of time had only shown his gross neglect to perform his avowed duty to efficiently and expeditiously dispose of the business of the court.

Sections 9 and 14 of Rule 140 of the Rules of Court classify undue delay in rendering decisions and orders as less serious charges and penalize it with either suspension without pay for a period of not less than one (1) month, but not more than three (3) months, or a fine of more than ₱10,000.00, but not more than ₱20,000.00. The fine varies in each case, depending chiefly on the number of cases or matters undecided or unresolved, respectively, within the reglementary period as well as and the presence of aggravating or mitigating circumstances. In some cases, fines more than the maximum amount are even imposed.¹²

In *Office of the Court Administrator v. Guiling*,¹³ the Court imposed a fine of ₱50,000.00 when the judge incurred undue delay in rendering judgment in twenty-three (23) criminal cases and forty (40) civil cases and undue delay in resolving seventeen (17) motions or incidents in criminal cases and sixty-three (63) civil cases.

In the view of the prolonged period of delay and the number of cases that were undecided and of motions and incidents that were unresolved; and the fact that Judge Teves never even bothered to seek extension within which to act on these pending matters, the Court adopts the recommended fine equivalent to his basic salary for six (6) months to be deducted from his retirement benefits.

¹¹ *Salud v. Alumbres*, 452 Phil. 506, 514 (2003).

¹² *Office of the Court Administrator v. Casalan*, 785 Phil. 350, 356 (2016).

¹³ *Supra* note 10.

Concededly, the honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.¹⁴ Judge Teves failed to measure up with these exacting standards.

II. Tito Valencia, Process Server

The essential function of a process server is to serve court processes such as subpoenas, summonses, court orders and notices of hearing.¹⁵ The process server's duty is significant for the defendants to know of the action brought against them and for the court to acquire jurisdiction over the defendant.¹⁶ Thus, service of summons, and other writs and court processes should be properly and expeditiously served. As found by the OCA, Valencia has been remiss in his duty to strictly observe the rules on service of summons, particularly when he improperly resorted to substituted service of summons.

Valencia admitted that he failed to comply with the prescribed guidelines in *Manotoc v. Court of Appeals*¹⁷ when he resorted to substituted service of summons due to his voluminous work as process server and additional task as the designated temporary clerk-in-charge of civil cases. For his lapses, he asked for leniency and avowed to strictly comply with the rules on service of summons.

The OCA also found Valencia to have violated Administrative Circular No. 12 when he served summons outside of the territorial jurisdiction of the court without first notifying and seeking the assistance of the sheriff of the place where the service shall be made in Civil Case No. 11-05919. When OCA directed him to explain why he made the service of summons outside of the territorial jurisdiction of the court and whether he was authorized by the judge to make the personal service, he failed to submit an explanation.

Verily, the Court finds Valencia guilty of simple neglect of duty for his failure to abide by the rules on service of summons when he immediately resorted to substituted service of summons, and for serving summons beyond the territorial jurisdiction of the court. Since as stated by

¹⁴ Supra note 12.

¹⁵ 2002 Revised Manual for Clerks of Court.

¹⁶ *Musni v. Morales*, 373 Phil. 703, 709 (1999).

¹⁷ 530 Phil. 454, 476-477 (2006).

the OCA, there has been no administrative charge filed against him ever since he joined the judiciary on March 12, 1986 as a court aide, We **ADOPT** the recommendation to fine him in the amount of Twenty Thousand Pesos (₱20,000.00) with **STERN WARNING** that a repetition of the same or similar act shall warrant a more severe penalty.

ACCORDINGLY, the Court rules, as follows:

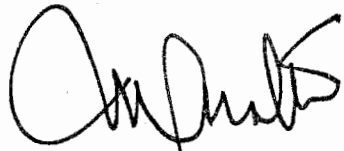
1. The two (2) judicial audit reports are **RE-DOCKETED** as a regular administrative complaint against Judge Victor Teves, Sr., now retired and Tito Valencia, Process Server, both of Branch 54, Regional Trial Court of Lapu-Lapu City, Cebu;
2. Respondent Judge Victor Teves, Sr., now retired, is found **GUILTY** of gross inefficiency and gross incompetence for his failure to decide cases and resolve motions within the reglementary period, and **METED** a **FINE** equivalent to his basic salary for six (6) months to be deducted from his retirement benefits; and
3. Tito Valencia, Process Server, is found **GUILTY** of simple neglect of duty and imposed a **FINE** of Twenty Thousand Pesos (₱20,000.00) with **STERN WARNING** that a repetition of the same or similar act shall warrant a more severe penalty.

SO ORDERED.

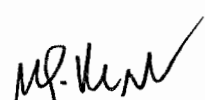


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:

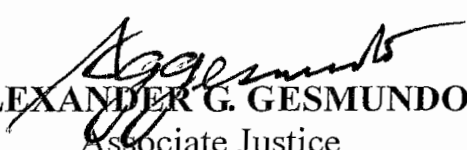


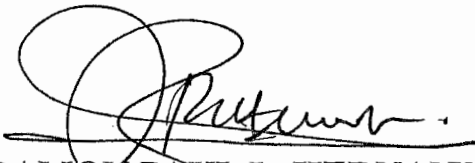
DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

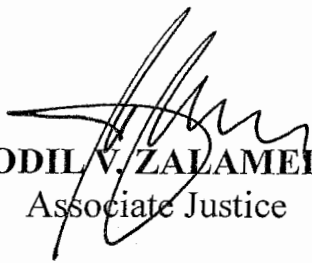

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

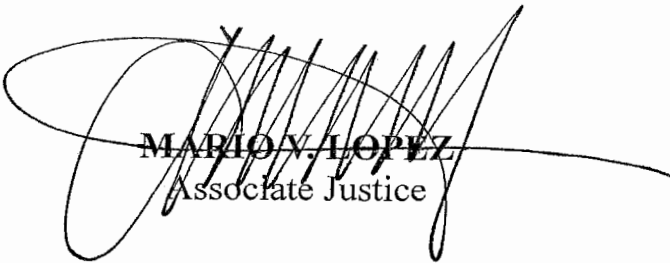

ALEXANDER G. GESMUNDO
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

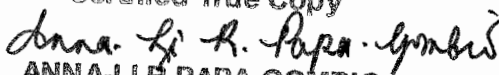

RODIL V. ZALAMEDA
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EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JHOSEP V. LOPEZ
Associate Justice

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