

RE: REQUEST OF JUDGE SYLVIA G. JURAO FOR EXTENSION OF TIME TO DECIDE CRIMINAL CASE NO. 5812 AND 27 OTHERS PENDING BEFORE THE RTC- BRANCHES 10 AND 12, SAN JOSE, ANTIQUE.

A.M. No. 00-11-566-RTC. July 31, 2003

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In a letter, dated July 24, 2000, Judge Sylvia G. Jura, Presiding Judge of Branch 10 and Acting Presiding Judge of Branch 12 of the Regional Trial Court, San Jose, Antique, asked for an extension of time within which to decide 28 cases submitted for decision before Branch 10 and Branch 12, to wit:

Case No. Case Title

Branch 10

Criminal Cases

1. 5812 People v. Daniel
2. 4842 People v. Delgado, et al.
- 3.

98-10-6033

People v. Canlas, et al.

4. 99-2-6064 People v. Managuit

5. 5498 People v. Montañez

6. 5590 People v. Cordero

7. 5239 People v. Sayson, et al.

Civil Cases

8. 2680 Barcemo v. Ortiz[1]

9. 2875 Montemayor, et al. v. Salvani

10. 3107 Ermeje, et al. v. Florese

11. 3117 Salvani v. Salvani

- 12.

3095

Hofileña v. Obsiana, et al.[2]

Branch 12

Criminal Cases

13. 5657 People v. Raymundo

14. 5635 People v. Arzaga

15. 4472 People v. Jerome Tajanlangit

16.

4473

People v. Jerome Tajanlangit, et al.

17. 4480 People v. Emilio Tajanlangit

18. 5941 People v. Valente, et al.

Civil Cases

19. 2980 Rafinan[3] v. Sartorio

20. 3065 Pahilanga v. Flores, et al.[4]

21. 3074 Occeña v. Cabrillos, et al.

22. 3077 Almoros, Sr., et al. v. Lamprea, et al.

23. 3098 Cañal, et al. v. Marzoña, et al.

24. 3092 M.B. Lending Corp. v. Siarot,[5] et al.

25. 3084 Rural Bank of Hamtic v. Mirasol, et al.

26. 3093 Canja, et al. v. Ballenas, et al.

27. 2912 Española, et al. v. Mission[6]

28. 3115 Fontanilla, et al. v. Veñegas, et al.

Judge Jurao claims that she needs more time to study the cases, having filed her leave of absence from January to February 2000 to undergo a Loop Electro-Surgical Excision Procedure, and from June 19 to 30, 2000 to undergo a biopsy of her uterus and cervix. She contends that aside from having a caseload of more than 700 cases and presiding over two branches, she also presides over marathon hearings of a criminal case where she holds trial three to five days every last week of the month.

Without specifying the period of extension she was seeking, and without waiting for her request for extension of time to be granted, Judge Jurao, in a subsequent letter dated October 18, 2000, informed the Court that some of the cases listed in her prior letter had already been decided by her, save for 11 cases, for which she requests an extension of 60 days from their due dates, i.e., from the expiration of the 90-day mandatory period, within which to decide the cases. She reiterated the reasons stated in her July 24, 2000 letter.

Acting on the letter of Judge Jurao dated July 24, 2000, the Court, in a Resolution dated December 13, 2000, granted an extension of 60 days from their respective due dates within which to decide the 28 listed cases

submitted for decision, and required the Judge to submit to the Court through the Office of the Court Administrator a copy of each of her decision in the subject cases as proof of her compliance with her undertaking to decide the cases within the period requested.

In her letter dated February 11, 2002, Judge Jurao submitted copies of some of her decisions as proof of her compliance, but she contended that as to the undecided cases before Branch 12, the cases are to be decided either by her or the new Presiding Judge appointed thereat, at the option of the parties, in accordance with the Mabunay[7] doctrine, to wit:

Basically, a case once raffled to a branch belongs to that branch unless reraffled or otherwise transferred to another branch in accordance with established procedure. When the Presiding Judge of that branch to which a case has been raffled or assigned is transferred to another station, he leaves behind all the cases he tried with the branch to which they belong. He does not take these cases with him even if he tried them and the same were submitted to him for decision. The judge who takes over this branch inherits all these cases and assumes full responsibility for them. He may decide them as they are his cases, unless any of the parties moves that his case be decided by the judge who substantially heard the evidence and before whom the case was submitted for decision. If a party therefore so desires, he may simply address his request or motion to the incumbent Presiding Judge who shall then endorse the request to the office of the Court Administrator so that the latter may in turn endorse the matter to the judge who substantially heard the evidence and before whom the case was submitted for decision.

The Court, in a Resolution dated July 29, 2002, required Judge Jurao to explain her failure to decide five cases before Branch 10[8] and all the 16 cases before Branch 12, despite her assurance to finish all the cases of both branches listed in her letters dated July 24, 2000 and October 18, 2000. The Court further noted that she cannot invoke the Mabunay doctrine since the period within which she should have decided the cases had already lapsed when the new Presiding Judge assumed office.

Complying with the Court's Resolution of July 29, 2002, Judge Jurao submitted an explanation, dated September 12, 2002, which states in part:

....

- That her failure to decide . . . within the extended period of sixty (60) days from the time they were submitted for decision was due to the fact that contrary to her expectations that she could decide these cases within the extended period, the undersigned realized thereafter that she needed more time to study these cases considering that the case records are voluminous. Furthermore, as she was then handling two courts at that time, only fifteen (15) days of the month were devoted to the trial of and decision-making in cases pending before Branch 10 and the last fifteen (15) days of the month were devoted to those for Branch 12. Of the fifteen (15) days allotted to Branch 12 every month, three (3) to five (5) days were devoted to the trial of the celebrated cases of *People v. Paloy, et al.*, which were tried everyday in the morning and afternoon at the request of the parties and in compliance with the directive of the Honorable Supreme Court to try said cases with deliberate dispatch.

In addition, the clerical staff of Branch 10 was undermanned as there was then no Clerk of Court and interpreter. The legal researcher in Branch 10 could not help the undersigned in the decision-making as he has to perform the functions of the Branch Clerk of Court and those of the interpreter. Branch 12, on the other hand, lacked an interpreter and one stenographer. The legal researcher of Branch 12, in addition to his research work, has to perform the duties of the interpreter. Due to the lack of stenographers, other stenographers became overworked and slowed down in their performance. These factors and the limited time allotted to each branch every month vis-à-vis the caseload of each branch which totaled to 700 cases more or less, adversely affected the efficiency and capability of the undersigned to decide these cases within the expected time frame.

- The undersigned received a copy of the Resolution of the Honorable Supreme Court dated December 13,

2000, granting her an extension of sixty (60) days within which to decide these cases, sometime on January 15, 2001, when the Hon. Rudy P. Castrojas, now Presiding Judge of Branch 12, Regional Trial Court, San Jose, Antique, was already reporting to office. From then on, believing that she has no more authority to act over cases pending before Branch 12 of the RTC, San Jose, Antique, she did not decide the remaining cases pending for decision until the same were returned to her by said Court recently.

- That she humbly apologizes to this Honorable Court for her failure to decide the other remaining cases within the extended period granted her. She hopes to decide the same within a reasonable time considering the voluminous records involved.

On January 15, 2003, the Court referred the explanation of Judge Jurao to the Office of the Court Administrator for evaluation, report and recommendation within 30 days from the receipt of the record.

In a Memorandum of March 4, 2003, the Office of the Court Administrator (OCA) recommended that Judge Jurao be fined in the amount of ten thousand pesos (P10,000.00) with warning that a repetition of the same or similar offense will be dealt with more severely. The OCA justifies its recommendation, thus:

It is clearly established here that Judge Jurao failed to decide Criminal Cases Nos. 4472, 4480, 5635, 5590, 5657, 5942, 6033 and Civil Cases Nos. 2680, 2912, 3074, 3077, 3095, 3107, 3115 and 3084 within the period granted her by the Court. To date, she has not decided Civil Cases Nos. 2912, 3074 and 3077 despite the lapse of two (2) years. Her explanation on the matter is not sufficient to exculpate her from administrative liability. It is settled that when health conditions, heavy workload or other factors hinder the judge, it is incumbent upon the judge to request the Court for additional time to decide the cases. While Judge Jurao had initially asked for an extension of time, she did not anymore ask the Court for additional time to decide these cases despite the lapse of the extension period. Worse, she declares in her Certificates of Service for the period January-December 2002 that she had no pending cases for decision, even if she in fact had.

Under Rule 140, Section 2 of the Rules of Court, undue delay in rendering a decision and making untruthful statements in the Certificate of Service are considered less serious charges sanctioned by either suspension from office without salary and other benefits for one (1) to two (2) months and 29 days or a fine of not less than P10,000.00 but not more than P19,999.00.

However, since there is no showing that Judge Jurao deliberately delayed disposition of these cases, we recommend that a fine of TEN THOUSAND (P10,000.00) be imposed upon her.

The findings and recommendation of the OCA are well taken.

Courts exist to promote justice. If the ends of justice may be truly served, prompt dispensation thereof is necessary. Time and again this Court has impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that delay in the disposition of cases undermines the people's faith and confidence in the judiciary. The Constitution itself, under Article VIII, Section 15 (1), mandates lower courts to decide cases submitted to them for resolution within three months from date of submission. Judges must, therefore, decide cases with dispatch because the failure of a judge to render a decision within the reglementary period constitutes serious misconduct and gross inefficiency, warranting the imposition of administrative sanction on them.[9]

The neglect of duty or misconduct committed by Judge Jurao lies in her asking for extension of time to decide the cases she listed and in failing to decide them within the extended period. In her October 18, 2000 letter, she asked for an extension of time of 60 days from the respective due dates of 11 cases. It is clear, however, that in 7 of these 11 cases, the request for extension was made after the lapse of the 3-month mandatory period, to wit:

Case No.	Case Title	Due Date	Date of Request for Extension
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Branch 10

Crim. Cases

1. 5498 People vs. Montañez July 20, 2000 October 18, 2000
2. 5590 People vs. Cordero October 10, 2000 October 18, 2000
3. 5329 People vs. Sayson, July 21, 2000 October 18, 2000

et al.

Civil Case

4. 2680 Barcemo vs. Ortiz October 23, 2000 October 18, 2000

Branch 12

Crim. Cases

5. 5657 People vs. Raymundo July 25, 2000 October 18, 2000
6. 5635 People vs. Arzaga July 21, 2000 October 18, 2000
7. 4472 People vs. October 19, 2000 October 18, 2000

Jerome Tajanlangit

8. 4473 People vs. Jerome October 19, 2000 October 18, 2000

Tajanlangit, et al.

9. 4480 People vs. Emilio Tajanlangit October 19, 2000 October 18, 2000
10. 5941 People vs. Valente, August 23, 2000 October 18, 2000

et al.

Civil Case

11. 2912 Española, et al. October 6, 2000 October 18, 2000

vs. Mission

Also, while Judge Juraol claimed in her October 18, 2000 letter that she has already decided the 17 other cases, the date of the promulgation of the cases reveal that only 7 of the 17 cases were promulgated before said date (October 18, 2000), to wit:

Case No.	Case Title	Due Date	Date of Promulgation
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Branch 10

Crim. Cases

1. 5812 People vs. Daniel
September 8, 2000
2. 4842 People vs. Delgado, et al.
September 29, 2000

Branch 10

Crim. Cases

3. 98-10-6033 People vs. Canlas,
January 21, 2002

et al.

4. 99-2-6064 People vs. Managuit
December 20, 2000

5. 5498 People vs. Montañez July 20, 2000 February 22, 2001

6. 5590 People vs. Cordero October 10, 2000 March 12, 2002

7. 5239 People vs. Sayson, July 21, 2000 July 4, 2001

et al.

Civil Cases

8. 2680 Barcemo vs. Ortiz October 23, 2000 February 8, 2002

9. 2875 Montemayor, et al.
October 11, 2000

vs. Salvani

10. 3107 Ermeje, et al. vs. Florese
February 13, 2002

11. 3117 Salvani vs. Salvani
April 30, 2001

12. 3095 Hofileña vs. Obsiana, et al
January 14, 2002

Branch 12

Crim. Cases

13. 5657 People vs. Raymundo July 25, 2000 July 19, 2002

14. 5635 People vs. Arzaga July 21, 2000 September 30, 2002

15. 4472 People vs. Jerome October 19, 2000 Dismissed

Tajanlangit

16. 4473 People vs. Jerome October 19, 2000 Pending

Tajanlangit, et al.

17. 4480 People vs. Emilio October 19, 2000 Dismissed

18. 5941 Tajanlangit

People vs. Valente, August 23, 2000 February 14, 2003

et al.

Civil Cases

19. 2980 Rafinan vs. Sartorio
October 13, 2000

20. 3065 Pahilanga vs. Flores,
September 18, 2000
et al.

21. 3074 Occeña vs. Cabrillos,
March 10, 2003

et al.

22. 3077 Almoros, Sr., et al
February 24, 2003

vs. Lamprea, et al.

23. 3098 Cañal, et al. vs.
September 28, 2000

Marzoña, et al.

24. 3092 M.B. Lending Corp.
October 23, 2000

vs. Siarot, et al.

25. 3084 Rural Bank of
September 4, 2002

Hamtic vs. Mirasol,
et al.

26. 3093 Canja, et al. vs.
September 14, 2000

Ballenas, et al.

Branch 10

Civil Cases

27. 2912 Española, et al. vs. October 6, 2000 March 11, 2003

Mission

28. 3115 Fontanilla, et al
February 24, 2003

vs. Veñegas, et al.

It is to be further noted that despite the fact that Judge Jurao was granted a 60-day extension of time within which to decide the 28 cases she listed in her July 24, 2000 letter, the respective dates of rendition of judgment on the cases, specifically the 11 cases with indicated due dates, reveal that, except for the one pending and two dismissed

cases, all eight of the 11 cases were decided beyond the extended period of time granted her in the Resolution dated December 13, 2000, i.e., 60 days from their respective due dates.

Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins all judges to attend promptly to the business of the court and decide cases within the required periods. A judge should administer justice impartially and without delay.[10] Canon 6 of the Canons of Judicial Ethics reminds a judge to be prompt in disposing of all matters submitted to him or her, remembering that justice delayed is often justice denied.

The reasons which Judge Jurao put forth - health problems, heavy caseload, voluminous records, understaffed - may excuse her failure to decide cases within the reglementary period, but not her failure to request an extension of time within which to decide the same on time, i.e., before the expiration of the period to be extended. Indeed, cognizant of the caseload of judges and mindful of the pressure of their work, this Court almost always grants requests for extension of time to decide cases. We have held that if, for instance, the caseload of a judge is heavy, such that he finds himself in a situation which makes compliance with the 90-day reglementary period (from the date when the case was submitted for decision until promulgation) for deciding cases difficult, he should ask for a reasonable extension of time from this Court, setting forth the reasons for the request. Needless to say, this application for extension of time must be filed before the expiration of the prescribed period. [11] For where the request for extension is filed after the lapse of the prescribed period, there is no longer any period to extend.

As correctly found by the Office of the Court Administrator, Judge Jurao is also guilty of submitting false certificates of service because she did not indicate in her certificates for the months of January to December 2002 that she has unresolved or pending cases in both Branch 10 and Branch 12. A judge who falsifies his certificates of service violates Rule 3.09 of the Code of Judicial Conduct which requires of a judge the observance of high standards of public service and fidelity at all times.[12] A judge who fails to decide cases within the required period and continues to collect his salaries upon his certification that he has no pending matters to resolve transgresses the constitutional right of litigants to a speedy disposition of their cases.[13]

Taking all the circumstances together, the Court holds that the failure of Judge Jurao to render the decision on the respective cases within the prescribed period of 90 days because of her neglect in requesting for extension of time within which to decide the cases submitted for decision, and, her making untruthful statements in the Certificates of Service, constitute serious misconduct.[14] Under Section 9 of the amended Rule 140 of the Rules of Court, which took effect on October 1, 2001, this misconduct is classified as less serious charge, for which Judge Jurao should be held administratively liable.

That Judge Jurao was understaffed, burdened with heavy caseload, and hospitalized for more than a month serve only to mitigate her liability, but not to exonerate her.[15] Under Section 11 of Rule 140, if a judge is guilty of a less serious charge, he may be imposed either (a) suspension from office without salary and other benefits for not less than one nor more than three months, or (b) a fine of more than ten thousand pesos (P10,000.00) but not exceeding twenty thousand pesos (P20,000.00). Considering the number of cases which Judge Jurao failed to decide within the required period as well as the untruthful statements made by her in her Certificates of Service, but at the same time noting that this is her first offense,[16] we agree with the recommendation of the OCA that a fine of ten thousand pesos (P10,000.00) should be imposed on respondent.

WHEREFORE, the Court finds Judge Sylvia G. Jurao of the Regional Trial Court, Branch 10 (and Branch 12) San Jose, Antique LIABLE for SERIOUS MISCONDUCT. She is ordered to pay a FINE in the amount of Ten Thousand Pesos (P10,000.00) and WARNED that a repetition of the same or similar acts or omissions will be dealt with more severely.

SO ORDERED.

Quisumbing, Callejo, Sr., and Tinga, JJ., concur.
Bellosillo, J., no part.

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- [1] Also referred to as "Barcemo vs. Orteza" in the Records.
- [2] Also referred to as "Hofileña vs. Obsina" in the Records.
- [3] Also known as "Rafinian" in the Records.
- [4] Also referred to as "Pahilaya vs. Floro" in the Records.
- [5] Also known as "Searot" in the Records.
- [6] Also referred to as "Espanola vs. Minnui" in the Records.
- [7] Re: Cases Left Undecided by Judge Segio D. Mabunay, RTC, Branch 24, Manila, 292 SCRA 694, 700 (1998).
- [8] People vs. Canlas, People vs. Cordero, Barcemo vs. Ortiz, Ermeje vs. Florese, and Hofileña vs. Obsiana.
- [9] Re: Request of Judge Francisco L. Calingin, RTC-Branch 22, Cagayan de Oro City, for Extension of 90 Days to decide Criminal Cases Nos. 93-234, 98-239 and 96-692 and Civil Cases Nos. 98-01, 95-544, 368 SCRA 1, 7 (2001), citing Cueva vs. Judge Villanueva, 305 SCRA 459 (1999); Re: Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol for Extension of Time to Decide Crim. Case No. 96-185, 308 SCRA 553 (1999), citing Office of the Court Administrator vs. Judge Walerico B. Butalid, 293 SCRA 589 (1998).
- [10] Canon 1, Rule 1.02, Code of Judicial Conduct.
- [11] Re: Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol for Extension of Time to Decide Crim. Case No. 96-185, 308 SCRA 553 (1999).
- [12] Abarquez vs. Rebosura, 285 SCRA 109 (1998).
- [13] Id.
- [14] Buenaflor vs. Ibarreta, Jr., A.M. No. RTJ-02-1683, April 24, 2002.
- [15] See Office of the Court Administrator vs. Quiñanola, A.M. No. MTJ-99-1216, October 20, 1999.
- [16] The complaint filed against her in A.M. IPI-02-1458-RTJ for grave abuse of authority, incompetence, dishonesty, and ignorance of the law was dismissed on August 19, 2002 for lack of substantial evidence to hold her administratively liable.

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