

RE: REQUEST OF JUDGE ROBERTO S. JAVELLANA, RTC-BR. 59, SAN CARLOS CITY (NEGROS OCCIDENTAL) FOR EXTENSION OF TIME TO DECIDE CIVIL CASES NOS. X-98 & RTC 363.

A.M. No. 01-6-314-RTC. June 19, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On April 25, 2001, the Office of the Court Administrator (OCA) received a letter[1] from Judge Roberto S. Javellana, Presiding Judge of the Regional Trial Court of San Carlos City, Negros Occidental, Branch 59, requesting for an extension of time within which to decide Civil Case No. X-98 (Teodoro Bintad, et al. v. Celso Ocdinaria, et al.) and Civil Case No. RTC-363 (Ricardo M. Lacson, et al. v. San Carlos Agro-aqua Corporation, et al.). Judge Javellana explained that he was not able to render a decision in these cases within the 90-day reglementary period because he presides over two courts, Branches 57 and 59, and he has to travel to Manila to attend to the administrative case filed against him.

On May 3, 2001, the OCA required Atty. Titania A. Ledunia, the Clerk of Court of Branch 59, to explain the circumstances of the aforementioned cases since the reglementary period of ninety (90) days within which to decide them have already expired.

In her letter[2] dated May 8, 2001, Atty. Leduna explained that Judge Javellana previously dismissed Civil Case No. X-98 but on appeal it was remanded to the trial court by the Court of Appeals. The case was submitted for decision on October 11, 2000. On the other hand, Civil Case No. RTC-363 was submitted for decision on November 4, 2000. Atty. Leduna further added that the delay in resolving the above-mentioned cases was due to Judge Javellana's policy of giving priority to criminal cases.

On August 8, 2001,[3] the request of Judge Javellana for a 90-day extension within which to decide the two civil cases was granted. He was directed to submit to the OCA copies of his decisions in the aforesaid cases within ten (10) days from date of its promulgation. Judge Javellana was furthermore required to explain, within ten (10) days from notice, why his request for an extension of time was made after the expiration of the 90-day period to decide the cases.

On October 3, 2001, Judge Javellana rendered a decision[4] in Civil Case No. RTC-363. However, it was only on March 20, 2002[5] that he submitted a copy of the said decision to the OCA.

On May 13, 2002, the OCA submitted its Memorandum, stating that Judge Javellana failed to render a decision in the two civil cases within the 90-day extended period granted by the Court. It found that while Civil Case No. RTC-363 was submitted for decision on November 4, 2000 and should have been decided on February 4, 2001, Judge Javellana rendered his decision only on October 3, 2001. Civil Case No. X-98, on the other hand, was submitted for decision on October 11, 2000 and was due on January 11, 2001, but Judge Javellana has not yet submitted a copy of his decision to the OCA.

Hence, the OCA recommended that the Court (1) impose on Judge Javellana a fine of Four Thousand Pesos (P4,000.00) for his failure to decide Civil Cases Nos. RTC-363 and X-98 within the 90-day reglementary period and for his failure to seasonably request for additional time to resolve them; (2) order respondent judge to submit to this Court, through the OCA, a copy of his decision in Civil Case No. X-98 immediately after rendition thereof; and (3) to reprimand respondent judge for his failure to explain why he requested for an extension of time to decide the subject cases only after the 90-day period within which to decide had already expired.[6]

Decision-making, among others, is the primordial and most important duty of every member of the bench.[7] Judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied. No less than our Constitution[8] requires that a trial court judge shall resolve or decide cases within three (3) months after they have been submitted for decision. In addition to this Constitutional mandate, the Code of Judicial Conduct[9] mandates that judges shall dispose of the court's business promptly and decide cases within the required period. A judge should not pay mere lip service to the 90-day reglementary period for deciding a case.

Moreover, the Court, in its aim to dispense speedy justice, is not unmindful of circumstances that justify the delay in the disposition of the cases assigned to judges. It is precisely for this reason why the Court has been sympathetic to requests for extensions of time within which to decide cases and resolve matters and incidents related thereto. When a judge sees such circumstances before the reglementary period ends, all that is needed is to simply ask the Court, with the appropriate justification, for an extension of time within which to decide the case. Thus, a request for extension within which to render a decision filed beyond the 90-day reglementary period is obviously a subterfuge to both the constitutional edict and the Code of Judicial Conduct.

In the case at bar, despite being granted the 90-day extension within which to decide the two civil cases, Judge Javellana failed to meet the deadline within the extended period. He was able to decide only Civil Case No. RTC-363 five (5) months after the extended period has expired and he furnished the OCA a copy of his decision five (5) months after he rendered said decision. Such delay clearly contravened the directive of this Court in its Resolution dated August 8, 2001[10] which directed Judge Javellana to provide the OCA a copy of his decision on the case after ten (10) days from rendition thereof. On the other hand, Judge Javellana has not rendered a decision in Civil Case No. X-98.

His designation as acting judge in another sala cannot excuse his negligence and gross inefficiency in failing to decide the two civil cases within the 90-day extended period. As pointed out by the OCA, the delay of Judge Javellana in resolving the two cases was not caused by heavy caseload in the two branches that he presides. Moreover, Judge Javellana should have been more circumspect in monitoring the cases submitted for decision, considering that this is not the first time that he has been sanctioned by this Court for his failure to decide a case within the reglementary period prescribed by law. Thus, in *Eliezar A. Sibayan-Joaquin v. Judge Roberto S. Javellana*,[11] he was fined two thousand (P2,000.00) pesos when he failed to decide Criminal Case No. RTC-1150, an estafa case, within the period prescribed by law.

This Court has ruled in several cases that the designation of a judge to preside over another sala does not justify delay in deciding a case. This is because he is not precluded from asking for an extension of the period within which to decide a case if this is necessary.[12] Judges are called upon to manage their courts with a view to a prompt and convenient disposition of their business.[13] It is therefore incumbent upon Judge Javellana to devise an efficient system in his courts to obviate any confusion which may adversely affect the flow of cases and their speedy disposition. Delay results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants that the wheels of justice grind ever so slowly.[14]

Respondent judge's negligence and gross inefficiency are not the only misdeeds which warrant the corrective intervention of the Court in this case. We likewise find reason to wield disciplinary sanction on respondent judge's indifference to the directive of this Court. When we issued our Resolution dated August 8, 2001,[15] granting the extension of time prayed for by respondent judge, we further directed him to submit to this Court, through the OCA, a copy of his decisions in the aforesaid cases within ten (10) days from date of its promulgation and explain, within ten (10) days from notice of our resolution, why his request for an extension of time was made only after the 90-day period to decide the cases has expired. However, record shows that Civil Case No. RTC-363 was decided on October 3, 2001 but it took respondent judge five (5) months from date of its promulgation to furnish us a copy of the said decision. He likewise failed to render a decision in Civil Case No. X-98. Worse, he also failed to submit an explanation why he filed his request for extension beyond the 90-day reglementary period. The indifference exhibited by respondent judge constrains us to impose upon him stiffer sanctions than those recommended by the OCA.

In *Corazon Guerrero v. Judge Marcial M. Deray*, [16] we held that:

It is hardly necessary to remind respondent that judges should respect the orders and decisions of higher tribunals, much more the Highest Tribunal of the land from which all other courts should take their bearings. A resolution of the Supreme Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively. If at all, this omission not only betrays a recalcitrant flaw in respondent's character; it also underscores his disrespect of the Court's lawful orders and directives which is only too deserving of reproof.

Thus, in one case, the failure of respondent judge to comply with the show-cause resolutions of the Court was deemed "grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office." In *Alonto-Frayna v. Astih*, we further held:

A judge who deliberately and continuously fails and refuses to comply with the resolution of this Court is guilty of gross misconduct and insubordination. It is gross misconduct and even outright disrespect for this Court for respondent to exhibit indifference to the resolutions requiring him to comment on the accusations contained in the complaint against him.

In other words, indifference or defiance to the Court's orders or resolutions may be punished with dismissal, suspension or fine as warranted by the circumstances. (Emphasis ours; Citations omitted)

In sum, Judge Javellana is guilty of gross inefficiency [17] and negligence for his undue delay in resolving the two civil cases within the extended 90-day period. He is likewise guilty of gross misconduct aggravated by his lack of candor and his callous disregard of this Court's previous sanction and Resolution dated August 8, 2001. Considering the circumstances of this case, we hold that the penalty of fine in the amount of P20,000.00 is commensurate to respondent Judge's infractions.

WHEREFORE, in view of the foregoing, Judge Roberto S. Javellana of the Regional Trial Court of San Carlos City (Negros Occidental), Branch 57 is found GUILTY of gross inefficiency, negligence and delay in the rendition of judgments and gross misconduct prejudicial to the best interest of the service. Accordingly, he is ordered to pay a FINE in the amount of P20,000.00. He is STERNLY WARNED that commission of similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

- [1] Rollo, p. 4.
- [2] Id. at 3.
- [3] Id. at 5-6.
- [4] Id. at 8-22.
- [5] Id. at 7.
- [6] Id. at 23-26.
- [7] Re: Problem of Delays in Cases before the Sandiganbayan, A.M. No. 00-8-05-SC, 31 January 2002.
- [8] Section 15(1), Article VIII, 1987 Constitution.
- [9] Canon 3, Rule 3.05.
- [10] Rollo, pp. 5-6.
- [11] A.M. No. RTJ-00-1601, 13 November 2001, 368 SCRA 503.
- [12] Tierra Firma Estate and Development Corporation v. Judge Edison F. Quintin, A.M. No. MTJ-02-1434, 2 July 2002, citing Echaves v. Fernandez, A.M. No. RTJ-00-1596, 19 February 2002; Montes v. Bugtas, A.M. No. RTJ-01-1627, 17 April 2001, 356 SCRA 539; Gallego v. Doronilla, A.M. No. MTJ-00-1278, 26 June 2000, 334 SCRA 339; Balayo v. Buban, Jr., A.M. No. RTJ-99-1477, 9 September 1999, 314 SCRA 16.
- [13] Office of the Court Administrator v. Judge Marcelino L. Sayo, Jr., A.M. Nos. RTJ-00-1587 & RTJ-00-1540, 7 May 2002.
- [14] Office of the Court Administrator v. Judge Silverio Q. Castillo, A.M. No. RTJ-01-1634, 25 October 2001, 368 SCRA 189, 193, citing Casia v. Gestopa, Jr., A.M. No. MTJ-99-1181, 11 August 1999, 312 SCRA 204.
- [15] Rollo, pp. 5-6.
- [16] A.M. No. MTJ-02-1466, 10 December 2002.
- [17] Corazon Guerrero v. Judge Marcail M. Deray, supra; Bontuyan v. Judge Gaudioso D. Villarin, A.M. No. RTJ-02-1718, 26 August 2002, citing Re: Report on the Judicial Audit and Physical Inventory of Pending Cases in MTCC, Br. 1 and RTC, Br. 57, Lucena City, A.M. No. 96-7-257-RTC, 2 December 1999, 319 SCRA 507; Lambino v. De Vera, 341 Phil. 62 (1997); Alfonso-Cortes v. Maglalang, A.M. No. RTJ-88-170, 8 November 1993, 227 SCRA 482.

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