RE: REQUEST OF JUDGE SALVADOR M. IBARRETA, JR., REGIONAL TRIAL COURT, BRANCH 8, DAVAO CITY, FOR EXTENSION OF TIME TO DECIDE CIVIL CASE NOS. 30,410-04, 30,998-05, 7286-03 AND 827...

A.M. No. 07-1-05-RTC. August 23, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

For failure to render decision in at least three cases within the reglementary period, as extended, the Office of the Court Administrator (OCA) recommends that Judge Salvador M. Ibarreta, Jr. (respondent), Presiding Judge of Branch 8 of the Davao City Regional Trial Court, be fined in the amount of P15,000.

By letter-request of October 26, 2006,[1] respondent requested for a 90-day extension of time to resolve four cases â”€ Civil Case No. 30, 410-04 which was due on November 2, 2006; Civil Case No. 30,998-05 which was due on November 5, 2006; Civil Case No. 7286-03 which was due on November 8, 2006; and Civil Case No. 8278-05 which was due on November 8, 2006. The ground given in his request was "heavy caseload."

Pending resolution of his October 26, 2006 letter-request, respondent, by another letter-request of December 22, 2006,[2] requested a 90-day extension, due to "heavy case load," to resolve the therein listed 24 cases which included Civil Case Nos. 30,998-05 and 30,410-04, the first two of the four cases subject of his October 26, 2006 letter-request.

By another letter-request of January 2, 2007,[3] respondent sought another extension of 90 days within which to decide Civil Case Nos. 7286-03 and 8278-05, the last two of four cases subject of his October 26, 2006 letter-request.

By Resolution of February 12, 2007,[4] the Court granted respondent's October 26, 2006 letter-request.

By letter-request of April 23, 2007,[5] respondent requested an extension of 90 days within which to decide 13 cases including Civil Case Nos. 30,410-04, 7286-03, and 8278-05, the first, third and fourth of the four cases subject of his October 26, 2006 letter-request.

On May 2, 2007, the OCA received a copy of respondent's decision in Civil Case No. 30, 998-05, the second of the four cases subject of his October 26, 2006 letter-request, which was promulgated on January 2, 2007.

Again, by letter-request of June 8, 2007, respondent requested, due to "heavy case load" and "considering further that [respondent was] on sick leave since January 15, 2007 up to the present," another 90-day extension to decide 16 cases including Civil Case No. 30,410-4, the first of the four cases subject of his October 26, 2006 letter-request.

Before the Court could act on respondent's June 8, 2007 letter-request, respondent, by another letter-request of July 4, 2007,[6] requested for another extension of 90 days within which to decide 11 cases including Civil Case No. 7286-03, the third of the four cases subject of his October 26, 2006 letter-request (fourth extension) and Civil

Case No. 8278-05, the fourth of the four cases subject of his October 26, 2006 letter-request (fourth extension).

By Resolution of July 11, 2007,[7] the Court noted respondent's submission of a copy of his decision in Civil Case No. 30, 998-2005 (the second of the four cases subject of his October 26, 2006 letter-request) which, as earlier stated, was received by the OCA on May 2, 2007, as "partial compliance." By the same Resolution, the Court granted respondent's request for extension of 90 days within which to decide Civil Cases Nos. 30,410-04, 7286-03 and 8278-05, the first, third and fourth cases subject of his October 26, 2006 letter-request, reckoned from their respective due dates, per respondent's letter-requests of December 22, 2006 and January 2, 2007. Respondent was, however, reminded to indicate in his "future requests . . . the number of times such requests have been made."

By Resolution of September 26, 2007,[8] the Court noted and granted respondent's letter-requests dated April 23, 2007, June 8, 2007 and July 4, 2007, again with a reminder to indicate "in his future request ... the number of times such request has been made." Respondent was further directed to furnish the Court, through the OCA, a copy of each of his decisions in Civil Case Nos. 30,410-04, 7286-03, and 8278-05, the first, third and fourth of the four cases subject of his letter-request of October 26, 2006, within ten days from rendition of the decision.

By MEMORANDUM of January 27, 2010,[9] the OCA informed the Court that despite the lapse of more than two years, respondent had not yet furnished the Court copies of his decisions in the three cases subject of his October 26, 2006 letter-request.[10] The OCA thus recommended that respondent be fined in the amount of P15,000 for failure to decide these three cases, and that he be directed to decide them within 15 days from notice, cum warning that a repetition of the same or similar act shall be dealt with more severely.

By failing to submit a copy of each of the decisions on the three cases which respondent was expected to decide within the period, as extended, the presumption is that he failed to decide them. In any event, he failed to heed this Court's Resolutions bearing on them.

To ensure the strict observance of the constitutional mandate for all lower courts to decide or resolve cases or matters within the reglementary period, the Court issued Administrative Circular No. 13-87 which reads:

> x x x x
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> 3. Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so. x x x (underscoring supplied)

And the New Code of Judicial Conduct for the Philippine Judiciary which took effect on June 1, 2004 expressly requires judges to perform all judicial duties, "including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness."[11]

Rule 3.05 of the Code of Judicial Conduct[12] also echoes the mandate to decide or resolve cases or matters within the reglementary period by requiring judges to dispose of the court's business promptly and decide or resolve cases or matters within the required periods.

Heavy workload per se is not an excuse in not observing the reglementary period of deciding cases. An appointment to the Judiciary is an honor burdened with a heavy responsibility. When respondent accepted the appointment, he also accepted the heavy workload that comes with it.

In Buenaflor v. Judge Ibaretta, Jr.,[13] the Court found respondent liable for inefficiency and failure to decide the therein complainant's case on time and imposed on him a fine of P3,000, the same having occurred before the

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amendment of Rule 140 of the Rules of Court by A.M. No. 01-8-10-SC which took effect on October 1, 2001.

Under Sections 9 and 11 (B) of the Rule 140 of the Rules of Court, as amended, undue delay in rendering decision is classified as a less serious charge penalized by (1) suspension from office without salary and other benefits for not less than one month nor more than three months; or (2) a fine of more than P10,000 but not exceeding P20,000.

Under the facts of the case, the recommended penalty should be increased to P20,000.

WHEREFORE, Judge Salvador M. Ibarreta, Jr. is, for undue delay in rendering decisions, FINED in the amount of Twenty Thousand (P20,000) Pesos. He is directed to decide Civil Cases Nos. 30,410-04; 7286-03 and 8278-05 within fifteen days from notice, and to immediately furnish the Court, through the Office of the Court Administrator, a copy of each of the decisions therein.

He is further WARNED that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Brion, Bersamin, Villarama, Jr., and Sereno, JJ., concur.

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[1] Rollo, p. 3.

[2] Id. at 20-21.

[3] Id. at 22.

[4] Id. at 5.

[5] Id. at 35.

[6] Id. at 33.

[7] Id. at 26-27.

[8] Id. at 36-37.

[9] Id. at 39-40.

[10] In the said Memorandum, the OCA stated that respondent had until October 28, 2007 within which to decide Civil Case No. 30,410-04, and until November 3, 2007, within which to decide Civil Cases Nos. 7286-03 and 8278-05.

[11] Sec. 5, Canon 6.

[12] The New Code of Judicial Conduct for the Philippine Judiciary superseded the Canons of Judicial Ethics and the Code ofJudicial Conduct. However, there is a provision in the New Code that in cases of deficiency or specific provisions in the New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.

[13] 431 Phil. 249 (2002).

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