

REQUEST OF JUDGE NIÑO A. BATINGANA, REGIONAL TRIAL COURT, BRANCH 6, MATI, DAVAO ORIENTAL FOR EXTENSION OF TIME TO DECIDE CRIMINAL CASE NO. 4745-05.

A.M. No. 08-2-107-RTC. February 01, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

On November 13, 2007, Judge Niño A. Batingana, Presiding Judge of the Regional Trial Court, Branch 6, Mati City, Davao Oriental, wrote a letter to the Office of the Court Administrator (OCA), requesting an extension of 90 days from November 13, 2007 within which to decide Criminal Case No. 4745-05 for Estafa entitled *People v. Rosalinda Tiro*.

In a Resolution dated March 17, 2008, the Court granted the request, and Judge Batingana was given a period of 90 days from November 13, 2007, or until February 11, 2008, to decide the said criminal case. He was required to submit to the Court, through the OCA, a copy of the decision in Criminal Case No. 4745-05 within 10 days from its promulgation.

In a letter dated August 8, 2008, Judge Batingana sought another extension of 90 days from August 9, 2008 within which to decide the same criminal case.

In a Resolution dated November 13, 2008, the Court denied the request. Judge Batingana was directed to immediately decide the case, furnish the Court, through the OCA, a copy of his decision, and explain why he should not be declared administratively liable for his delay in deciding the case within 10 days from notice of the Resolution.

On August 6, 2009, the Office of the Court Administrator received a copy of the Decision dated July 8, 2009 rendered by Judge Batingana in Criminal Case No. 4745-05. However, Judge Batingana failed to comply with the directive to explain why he should not be declared administratively liable for the delayed decision.

Section 15 (1), Article VIII of the Constitution provides that all lower courts must decide or resolve all cases or matters filed within three months. Moreover, Rule 3.05 of the Code of Judicial Conduct states that a judge shall dispose of the court's business promptly and decide the cases within the required periods.

The Court granted Judge Batingana an extension of 90 days, or until February 11, 2008, to decide Criminal Case No. 4745-05. However, he decided the case only on July 8, 2009, or after one year and almost five months from the extension granted.

As oft stated, justice delayed is justice denied.[1] The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved.[2] Judges are therefore mandated to perform their duties with utmost diligence in order to preserve the confidence of the public in the judiciary.[3]

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or order is classified as a less serious charge punishable with suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or a fine of more than P10,000.00 but not exceeding P20,000.00.

WHEREFORE, Judge Niño A. Batingana, Presiding Judge of the Regional Trial Court, Branch 6, Mati City, Davao Oriental, is found administratively liable under Section 9 (1), Rule 140 of the Rules of Court for undue delay in rendering a decision for which he is FINED in the amount of Eleven Thousand Pesos (P11,000.00), with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Corona, (Chairperson), Carpio[*], Velasco, Jr., and Nachura, JJ., concur.

[*] Designated to sit as an additional member in lieu of Associate Justice Jose C. Mendoza per Special Order No. 818 dated January 18, 2010.

[1] Tan v. Estoconing, A.M. Nos. MTJ-04-1554 & MTJ-04-1562, June 29, 2005, 462 SCRA 10.

[2] Id.

[3] Id.

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