

REQUEST OF JUDGE NINO A. BATINGANA, REGIONAL TRIAL COURT, BRANCH 6, MATI CITY, DAVAO ORIENTAL, FOR EXTENSION OF TIME TO DECIDE CIVIL CASE NO. 2049.

A.M. No. 09-2-74-RTC. June 28, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By Resolution of March 30, 2009,[2] the Court, acting on the September 5, 2008[3] and December 4, 2008[4] letters of Judge Nino A. Batingana (respondent), Presiding Judge of Branch 6, Regional Trial Court, Mati City, Davao Oriental, requesting for extension of time (fourth and fifth) for a total of 180 days to decide Civil Case No. 2049,[5] denied the request since "the Court did not receive [respondent's] requests for first, second and third extension to decide the case and that there is no more time to extend as the due date to decide ha[d] already elapsed." Respondent was thereupon directed to immediately furnish the Court with a copy of the decision in the aforementioned case upon rendition.

A copy of respondent's Decision dated October 16, 2009[6] was received by the Office of the Court Administrator (OCA) on November 11, 2009.

By Memorandum of November 27, 2009,[7] the OCA found that while there was no information as to when Civil Case No. 2049 was submitted for decision, respondent mentioned in his September 5, 2008 letter that the case was due for resolution on even date, September 5, 2008. Thus, he incurred a delay of more than one year. The OCA thus recommended that he be fined in the amount of P10,000.

Indeed, the Court finds respondent to have committed undue delay in deciding the subject case. Even granting that his requests for extension for a total of 180 days were granted, the due date of the decision would have been March 4, 2009, yet he decided the case only on October 16, 2009, or more than seven months later.

The Constitution[8] mandates that cases or matters before the lower courts are to be decided within 90 days. And the New Code of Judicial Conduct for the Philippine Judiciary, which took effect on June 1, 2004, requires judges to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness." [9]

Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case which can easily undermine the people's faith and confidence in the judiciary, lower its standards and bring it to disrepute,[10] since it reinforces in the minds of the litigants the impression that the wheels of justice grind ever so slowly.[11]

On the whole, judges ought to be mindful of the crucial role they play in keeping the flames of justice alive and forever burning. Cognizant of this sacred task, judges are duty-bound to vigilantly and conscientiously man the wheels of justice as it grinds through eternity. In a sense, judges are revered as modern-day sentinels, who, like their erudite forerunners, must never slumber, so to speak, in the hour of service to their countrymen.

For as lady justice never sleeps, so must the gallant men tasked to guard her domain.[12]

Undue delay in rendering decision is classified under Rule 140 of the Rules of Court as a less serious charge punishable with suspension of not less than one month but not more than three months or a fine of more than P10,000 but not exceeding P20,000. The Court had, in some cases, allowed a deviation from the range and did not thus apply strictly the rules by either imposing fines in the amount less or more than what is prescribed.[13]

The Court notes that in A.M. No. 05-8-463, "Request of Judge Nixio A. Batingana, Regional Trial Court, Branch 6, Mati, Davao Oriental for extension of time to decide Civil Cases Nos. 2063 and 1756," the Court, by Decision of February 17, 2010, imposed a fine of P20,000 upon respondent after noting that he had earlier been fined P11,000 in A.M. No. 08-2-107- RTC, "Request for Extension of Time to Decide Criminal Case No. 4745-05," by Decision of February 1, 2010. In both cases, he was warned that a repetition of the same or similar act would be dealt with more severely.

Under the circumstances, this being respondent's third offense of the same nature, the penalty recommended by the OCA must be increased. A fine in the amount of P25,000 with a stern warning that a still another commission of the same or similar act shall be dealt with most severely is thus imposed on respondent.

WHEREFORE, Judge Nino A. Batingana, Presiding Judge, Regional Trial Court, Branch 6, Mati City, Davao Oriental, is, for delay in rendering decision in Civil Case No. 2049, FINED in the amount of Twenty Five Thousand (P25,000) Pesos with a stern warning that a still another commission of the same or similar act shall be dealt with most severely.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Nachura, Leonardo- De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., and Mendoza, JJ., concur.

Brion, J., on leave.

Perez, J., no part.

[1] Also spelled "Nixio."

[2] Rollo, pp. 7-8.

[3] Id. at 3. In his letter, Judge Batingana stated that the case was due for resolution on September 5, 2008.

[4] Id. at 5. According to Judge Batingana, this was his fifth request for extension.

[5] Entitled "Nenita A. Villa v. Julius Jupia, et al." for specific performance and damages.

[6] Rollo, pp. 11-15.

[7] Id. at 9-10.

[8] Art. VIII, Sec. 15.

[9] Sec. 5, Canon 6.

[10] Duque v. Garrido, A.M. No. RTJ-06-2027, February 27, 2009, 580 SCRA 321, 327.

[11] Torrevillas v. Navidad, A.M. Nos. RTJ-06-1976, April 29, 2009, 587 SCRA 39, 57.

[12] Report on the Judicial Audit Conducted in the RTC- Br. 20, Manila, A.M. No. 00-1-48-RTC, October 12,

2000, 342 SCRA587, 592.

[13] Vide Re: Cases submitted for decision before Hon. Teresito Andoy, former Judge, Municipal Trial Court, Cainta, Rizal, A.M. No. 09-9163-MTC, May 6, 2010.

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