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 ...

A.M. No. 99-12-497-RTC. October 23, 2001

Ponente: DAVIDE, JR., C.J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a-m-no-99-12-497/

DAVIDE, JR., C.J.:

In a letter dated 16 October 1999 Judge Francisco L. Calingin of Branch 22 of the Regional Trial Court of Cagayan de Oro requested:

(a) another extension of sixty (60) days within which to decide Criminal Case No. 98-01, which was submitted for decision on 26 February 1999, and Criminal Case No. 95-544, which was submitted for decision on 18 March 1999; and

(b) an extended period of time to decide the following cases deemed submitted, to wit:

Case No.

Case Title

Date submitted
for Resolution

CRIMINAL CASES:

1) 93-234

People of the Philippines vs. Ybañez

4-12-99

2) 98-239

People of the Philippines vs. Arances

8-30-99

3) 96-692

People of the Philippines vs. Daclan

1-30-99

CIVIL CASES:

4) 96-357

Factura vs. Uy

4-14-99

5) 96-774

Manaya vs. Pagapular

5-3-99

In the Resolution of 25 January 2000, we granted Judge Calingin's first request for another extension of 60 days, and on his second request he was given a period of 90 days to decide the cases enumerated in (b) above, reckoned from the expiration of the original period of 90 days. He was, however, required to explain why he requested the extensions only after the lapse of the original period to decide the cases.

In his explanation dated 21 February 2000, Judge Calingin claimed he thought all the while that he could finish deciding those cases within the 90-day period. Unfortunately, the stenographers concerned were unable to finish transcribing the stenographic notes. He further informed us that he had already decided four of the seven cases mentioned above, to wit, Criminal Cases Nos. 96-692, 98-01, and 95-544, and Civil Case No. 96-774, as proved by the copies of said decisions attached to his explanation. He was apparently unable to resolve the remaining three cases because the necessary transcripts of stenographic notes have not yet been completed.

We referred the explanation of Judge Calingin to the Office of the Court Administrator for evaluation and recommendation.

In memorandum of 2 May 2000, then Officer-in-Charge of the Office of the Court Administrator, Bernardo T. Ponferrada, made the following evaluation and recommendation:

1) A scrutiny of the attached copies of the decisions in question shows that Criminal Cases Nos. 96-692, 98-01, 95-544 and Civil Case No. 96-774, were all decided beyond the extended period of time within which to decide the cases, and some remained undecided, namely Criminal Case No. 93-234, Criminal Case No. 98-239, and Civil Case No. 96-357.

2) Judge Calingin's explanation that the delay was due to the non-transcription of stenographic notes is not a valid reason to exculpate him from his infraction. "Transcription of stenographic notes and complicated nature of case is not a valid defense for not deciding a case within 90 days." (Guitante vs. Bantuas, 95 SCRA 433)

3) Despite the fact that Judge Calingin was granted a 90-day extension of time within which to decide Criminal Cases Nos. 93-234, 98-239, 96-692 and Civil Cases Nos. 96-357 and 96-774, and a second extension of 60 days to decide Criminal Cases Nos. 98-01 and 95-544, the dates of rendition of judgment on the cases attached in his letter dated 21 February 2000 reveal that the decisions were all rendered beyond the extended period of time granted him in the Resolution dated 25 January 2000.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

4) Rule 3.05, Canon 3 of the Code of Judicial Conduct, enjoins all judges to attend promptly to the business of the court and decide cases within the period fixed by law. A judge is mandated to render judgment not more than 90 days from the time a case is submitted for decision. This Court has held that the failure of a judge to render the decision within the prescribed period of 90 days constitutes serious misconduct.

5) Thus, the OCA recommended that Judge Calingin be held liable for serious misconduct for failure to decide the aforementioned cases within the reglementary period, and a P5,000 fine be imposed upon him with stern warning that a repetition of the same or similar act(s) will be dealt with more severely.

In view of the above findings and recommendation of Deputy Court Administrator Ponferrada, we required Judge Calingin, in our Resolution of 17 October 2000, to show cause why no disciplinary sanction should be imposed on him.

In his letter of 28 November 2000, submitted in compliance with the foregoing resolution, Judge Calingin made the following explanation:

> Firstly, please be informed that aforesaid resolution of January 25, 2000 was received by undersigned on February 17, 2000 and secondly, undersigned started hearing cases in this sala on April 13, 1998.
>
> Be further informed that of the seven cases, to which extended period to decide the same was asked, four (4) of which are inherited cases or trials/hearings thereof were done before the previous presiding judge. These cases are Criminal Cases Nos. 93-234 and 96-692, Civil Cases Nos. 96-774 and 96-357. Thus, for undersigned to have adept knowledge in deciding these cases, complete stenographic notes must first be had, for your ready reference, please find below brief flow of these cases:
>
> Case No.
>
> Date filed
>
> Ist Trial
> Date
>
> Date submtd
> for Decision.
>
> TSN
> Cmpltd.
>
> Date
> Decided
>
> Crim. 93-234
>
> 1/28/93
>
> 6/08/93
>
> 3/19/99
>
> 2/4/00
>
> 2/28/00
>
> Crim. 96-692

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

8/16/96

6/26/97

11/10/98

1/1/00

2/28/00

Cvl. 96-774

12/2/96

9/15/97

6/3/99

11/16/99

1/28/00

Cvl. 96-357

5/31/96

10/2/97

5/10/99

2/23/00

7/6/00

As regard Civil Case No. 96-357, which is for declaration of nullity of marriage, decision thereof was only done on July 6, 2000, as the Court in its order of February 28, 2000 required the Solicitor General to submit certification/comment to instant complaint pursuant to the SC ruling in the Molina case. However, the Solicitor General responded on April 3, 2000, by asking for copies of the TSN and other pleading in this case, to which the Court likewise complied with. The Court waited for the Certification/comment but it did not come at all, thus after almost two months of waiting, the decision came about.

As regard the three (3) other cases, true indeed that they were decided beyond the period granted by Resolution dated January 25, 2000, but however two of which were decided before undersigned received the aforesaid resolution, they are Criminal Cases No. 08-01 and 95-544. The other Criminal Case No. 98-239 which is for Frustrated Homicide was decided on March 13, 2000 as the TSN was completed only on March 6, 2000 and besides this court give way in deciding the much older cases which are also submitted for decision as shown above. Please find also the brief case flow of these criminal cases:

Case No.

Date filed

Ist Trial
Date

Date submitted
for Decision.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

TSN
Completed.

Date
Decided

Crm. 98-01

1/2/98

8/14/98

2/26/99

11/8/99

12/27/99

Crm. 95-544

8/23/95

8/5/98

3/18/99

2/1/00

2/4/00

Crm. 98-239

4/18/98

10/6/98

8/30/99

3/6/00

3/13/00

Undersigned would like to emphasize that had the transcript of stenographic notes were [sic] accomplished earlier, the cases would have been decided timely, for as can be gleaned from the facts presented almost all of the seven cases were decided less that a month after the TSN were completed.

With this explanation, undersigned most respectfully sought [sic] the kind indulgence of the Honorable Supreme Court with respect to this matter with an assurance that henceforth this inadequacy, if any, will not be again done.

In our resolution of 30 January 2001, we referred the above explanation of Judge Calingin to the Office of the Court Administrator for evaluation and recommendation, and on 5 March 2001 the Deputy Court Administrator filed his Memorandum wherein he states:

> It appears that the decision in Civil Case No. 96-357 was rendered only on July 6, 2000, due to the late submission of the Solicitor General's comment on the complaint for "declaration of nullity of marriage".
>
> With respect to the three (3) other cases, i.e., Criminal Case Nos. 98-01 and 95-544, he admits that they were decided beyond the period granted in the Resolution dated January 25, 2000, but pointed out that the cases were already decided before he received a copy of the Resolution. Criminal Case No. 98-239, for "Frustrated

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Murder" was decided on March 13, 2000 as the TSN was completed only on March 6, 2000.
>
> It is to be noted that Judge Calingin pointed out in par. 3 of his 28 November 2000 letter that he started hearing cases in his sala on April 13, 1998. This being the fact and based on the dates of submission of the cases as reflected in his letter, all the cases were submitted to him for decision, notwithstanding that four (4) are inherited cases. Judge Calingin also admitted to have rendered his decision beyond the reglementary period and even beyond the extended time given him per Resolution dated January 25, 2000. And, as noted in our memorandum dated May 2, 2000, the non-transcription of stenographic notes could not be considered enough reason so as to exculpate him from the infraction committed.

Deputy Court Administrator Ponferrada then recommends:

> ACCORDINGLY, it is respectfully submitted that: a) Judge Calingin be held liable for failure to decide the cases submitted to him for decision within the reglementary period; and b) as previously recommended in our memorandum dated May 6, 2000, Judge Calingin be FINED in the amount of FIVE THOUSAND PESOS with STERN WARNING that a repetition of the same or similar act(s) will be dealt with more severely.

Time and again we have stressed the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied and delay in the disposition of cases undermines the people's faith and confidence in the Judiciary. Judges must, therefore, decide cases with dispatch and the failure of a judge to render a decision within the reglementary period constitutes serious misconduct. (Cueva vs. Judge Villanueva, 305 SCRA 459, 467 [1999], citing several cases). Under Section 9 of the amended Rule 140 of the Rules of Court, which took effect on 1 October 2001, this misconduct is classified as a less serious charge.

We are convinced that Judge Calingin tried his best to decide the cases within the 3-month period provided in Section 15, Article VIII of the Constitution. He could also be excused for his inability to decide the four inherited cases until the stenographic notes of the testimonies of the witnesses had been transcribed by the stenographers concerned. Considering that he did not personally hear the witnesses, he could not have taken down the notes of their testimonies. Consequently, the rule that judges should not wait for the transcripts of the stenographic notes, but should decide the cases on the basis of the notes which they are required to take, will not apply to Judge Calingin.

The neglect of duty or misconduct committed by Judge Calingin lies more in his asking for extension of time to decide the cases after the lapse of the 3-month period and in failing to decide them within the extended period. His explanation that he was of the firm belief that the stenographers would be able to submit their transcripts on time, but that, unfortunately, they failed to do is unacceptable. For one, it is self-serving as no stenographer signed an affidavit admitting failure to transcribe the stenographic notes. For another, exercise of due diligence demanded that he should keep on reminding the stenographers before the end of the 3-month period about the transcription. If he did, he would have known that it may have been physically impossible for them to finish the task; hence, he could have seasonably requested an extension of time to decide the cases.

WHEREFORE, for neglect of duty or misconduct, respondent Judge FRANCISCO L. CALINGIN, is fined in the amount of Three Thousand Pesos (P3,000) payable within ten (10) days from his receipt of a copy of this Resolution. He is further warned that the commission in the future of a similar infraction shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Vitug, J., on official leave.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.