THIRD DIVISION

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

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.

D E C I S I O N

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