

FIRST DIVISION

[A.M. No. 01-6-314-RTC, June 19, 2003]

**RE: REQUEST OF JUDGE ROBERTO S. JAVELLANA, RTC-BR. 59,
SAN CARLOS CITY (NEGROS OCCIDENTAL) FOR EXTENSION OF
TIME TO DECIDE CIVIL CASES NOS. X-98 & RTC 363.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

On April 25, 2001, the Office of the Court Administrator (OCA) received a letter^[1] from Judge Roberto S. Javellana, Presiding Judge of the Regional Trial Court of San Carlos City, Negros Occidental, Branch 59, requesting for an extension of time within which to decide Civil Case No. X-98 (*Teodoro Bintad, et al. v. Celso Ocdinaria, et al.*) and Civil Case No. RTC-363 (*Ricardo M. Lacson, et al. v. San Carlos Agro-aqua Corporation, et al.*). Judge Javellana explained that he was not able to render a decision in these cases within the 90-day reglementary period because he presides over two courts, Branches 57 and 59, and he has to travel to Manila to attend to the administrative case filed against him.

On May 3, 2001, the OCA required Atty. Titania A. Ledunia, the Clerk of Court of Branch 59, to explain the circumstances of the aforementioned cases since the reglementary period of ninety (90) days within which to decide them have already expired.

In her letter^[2] dated May 8, 2001, Atty. Leduna explained that Judge Javellana previously dismissed Civil Case No. X-98 but on appeal it was remanded to the trial court by the Court of Appeals. The case was submitted for decision on October 11, 2000. On the other hand, Civil Case No. RTC-363 was submitted for decision on November 4, 2000. Atty. Leduna further added that the delay in resolving the above-mentioned cases was due to Judge Javellana's policy of giving priority to criminal cases.

On August 8, 2001,^[3] the request of Judge Javellana for a 90-day extension within which to decide the two civil cases was granted. He was directed to submit to the OCA copies of his decisions in the aforesaid cases within ten (10) days from date of its promulgation. Judge Javellana was furthermore required to explain, within ten (10) days from notice, why his request for an extension of time was made after the expiration of the 90-day period to decide the cases.

On October 3, 2001, Judge Javellana rendered a decision^[4] in Civil Case No. RTC-363. However, it was only on March 20, 2002^[5] that he submitted a copy of the said decision to the OCA.

On May 13, 2002, the OCA submitted its Memorandum, stating that Judge Javellana

failed to render a decision in the two civil cases within the 90-day extended period granted by the Court. It found that while Civil Case No. RTC-363 was submitted for decision on November 4, 2000 and should have been decided on February 4, 2001, Judge Javellana rendered his decision only on October 3, 2001. Civil Case No. X-98, on the other hand, was submitted for decision on October 11, 2000 and was due on January 11, 2001, but Judge Javellana has not yet submitted a copy of his decision to the OCA.

Hence, the OCA recommended that the Court (1) impose on Judge Javellana a fine of Four Thousand Pesos (P4,000.00) for his failure to decide Civil Cases Nos. RTC-363 and X-98 within the 90-day reglementary period and for his failure to seasonably request for additional time to resolve them; (2) order respondent judge to submit to this Court, through the OCA, a copy of his decision in Civil Case No. X-98 immediately after rendition thereof; and (3) to reprimand respondent judge for his failure to explain why he requested for an extension of time to decide the subject cases only after the 90-day period within which to decide had already expired.^[6]

Decision-making, among others, is the primordial and most important duty of every member of the bench.^[7] Judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied. No less than our Constitution^[8] requires that a trial court judge shall resolve or decide cases within three (3) months after they have been submitted for decision. In addition to this Constitutional mandate, the Code of Judicial Conduct^[9] mandates that judges shall dispose of the court's business promptly and decide cases within the required period. A judge should not pay mere lip service to the 90-day reglementary period for deciding a case.

Moreover, the Court, in its aim to dispense speedy justice, is not unmindful of circumstances that justify the delay in the disposition of the cases assigned to judges. It is precisely for this reason why the Court has been sympathetic to requests for extensions of time within which to decide cases and resolve matters and incidents related thereto. When a judge sees such circumstances before the reglementary period ends, all that is needed is to simply ask the Court, with the appropriate justification, for an extension of time within which to decide the case. Thus, a request for extension within which to render a decision filed beyond the 90-day reglementary period is obviously a subterfuge to both the constitutional edict and the Code of Judicial Conduct.

In the case at bar, despite being granted the 90-day extension within which to decide the two civil cases, Judge Javellana failed to meet the deadline within the extended period. He was able to decide only Civil Case No. RTC-363 five (5) months after the extended period has expired and he furnished the OCA a copy of his decision five (5) months after he rendered said decision. Such delay clearly contravened the directive of this Court in its Resolution dated August 8, 2001^[10] which directed Judge Javellana to provide the OCA a copy of his decision on the case after ten (10) days from rendition thereof. On the other hand, Judge Javellana has not rendered a decision in Civil Case No. X-98.

His designation as acting judge in another sala cannot excuse his negligence and gross inefficiency in failing to decide the two civil cases within the 90-day extended