

EN BANC

[A.M. No. 98-12-381-RTC, October 05, 1999]

**REQUEST OF JUDGE IRMA ZITA V. MASAMAYOR, RTC-BR. 52,
TALIBON, BOHOL, FOR EXTENSION OF TIME TO DECIDE CIVIL
CASE NO. 0020 AND CRIMINAL CASE NO. 98-384.**

RESOLUTION

PANGANIBAN, J.:

Judges have a duty to decide their cases within the reglementary period. On meritorious grounds, they may ask for additional time. It must be stressed, however, that their application for extension must be filed before the expiration of the prescribed period.

The Case and the Facts

In a letter^[1] dated July 31, 1998, addressed to the Court Administrator, Judge Irma Zita V. Masamayor of the Regional Trial Court (RTC) of Talibon, Bohol (Branch 52) requested an extension of time to decide (1) Civil Case No. 0020, entitled *Alejandro Tutor et al. v. Benedicto Orevillo et al.*, the resolution of which was supposedly due on July 14, 1998; and (2) Criminal Case No. 98-384, entitled *People v. Celso Evardo*, supposedly due on June 2, 1998. She was subsequently able to complete and promulgate her Decision in the criminal case on August 6, 1998.

On August 17, 1998, Judge Masamayor requested another extension of thirty (30) days to resolve the Motion to Dismiss filed in Civil Case No. 0020.^[2] She finally resolved the Motion on August 27, 1998.

On January 19, 1999, the Court, upon the recommendation of the Office of the Court Administrator (OCA), directed her, inter alia, "to EXPLAIN within ten (10) days from notice: (b-1) why she did not specify in her letter-request dated 17 August 1998 that she already requested for extension of thirty (30) days within which to decide Civil Case No. 0020; and (b-2) why she requested an extension of time within which to resolve [Crim.] Case No. 98-384 only after the reglementary period already lapsed."

In her letter^[3] dated March 1, 1999, Judge Masamayor explained that her failure to mention that a previous request for extension in Criminal Case No. 98-384 had already been made was not deliberate, and that she was unaware of such omission. She said that she was constrained to immediately make the second request for extension, "because by then thirty days had already elapsed since the due date" for the resolution of Civil Case No. 0020. She also apologized for making the said request only after the reglementary period had lapsed and promised to "strive not to make the same lapse in the future."

Regarding Judge Masamayor's request in Civil Case No. 0020, this Court, in a Resolution dated June 8, 1999, found her liable for violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct, and imposed upon her a fine of five thousand pesos (P5,000).^[4]

In a Resolution dated July 6, 1999, Judge Masamayor's explanation regarding Criminal Case No. 98-384 was referred by the Court to the OCA.

The OCA's Recommendation

In its July 23, 1999 Memorandum to the Office of the Chief Justice, the OCA, through Deputy Court Administrator Bernardo T. Ponferrada, reported that there had been several instances in which Judge Masamayor committed an infraction of the 90-day reglementary period within which to decide cases. Just recently, she was fined P5,000 for failure to decide Criminal Case No. 96-185 within the prescribed period.^[5] Deputy Court Administrator Ponferrada, with the approval of Court Administrator Alfredo L. Benipayo, thus recommended that this time she be fined in the amount of P15,000, with a stern warning that a repetition of the same or similar acts in the future would be dealt with more severely.

The Court's Ruling

We agree with the recommendation of the Office of the Court Administrator, but reduce the fine to P10,000.

Time and again, we have impressed upon judges the need to decide cases promptly and expeditiously within the constitutionally mandated 90-day period,^[6] and that their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction upon them.^[7]

In the instant case, as reported by the OCA, there is a propensity on the part of Judge Masamayor to request extensions of time within which to decide cases. Worse, her requests have been made after the reglementary period had already lapsed. These lapses of Judge Masamayor speak of serious neglect in the performance of her obligations to the party-litigants and to the speedy and orderly administration of justice.

This Court has always reminded judges that it is their duty to devise an efficient recording and filing system in their courts to enable them to monitor the flow of cases and to manage their speedy and timely disposition.^[8] They should keep a record of the cases submitted for decision and ought to know when they should dispose of them. Canon 3 of the Code of Judicial Conduct exacts the following:

"Rule 3.08 - A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of administrative functions of other judges and court personnel.

Rule 3-09 - A judge should organize and supervise the court personnel to ensure prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity."

The public trust character of their office imposes upon judges the highest degree of duty and responsibility in the discharge of their functions, particularly to decide