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The parties are enjoined to comply strictly and in good faith as well as with sincerity and honesty of purpose the terms, conditions and stipulations therein contained.

WHEREFORE, in view of the foregoing, the issues in the above-mentioned case having become academic, the same is hereby *DISMISSED* with prejudice.

SO ORDERED.

Mendoza (*Acting Chairman*) and *Quisumbing, JJ.*, concur.

Bellosillo, J., (Chairman), on official business.

EN BANC

[A.M. No. 98-12-381-RTC. October 5, 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.

SYNOPSIS

In a letter dated July 31, 1998, addressed to the Court Administrator, Judge Irma Zita V. Masamayor of the Regional Trial Court of Talibon, Bohol (Branch 52) requested an extension of time to decide two (2) cases, a civil case and a criminal case. She was subsequently able to complete and promulgate her Decision in the criminal case. On August 17, 1998, Judge Masamayor requested another extension of thirty (30) days to resolve the Motion to Dismiss filed in the civil case. 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 why she did not specify in her letter-request dated 17 August 1998

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that she already requested for an extension of thirty (30) days within which to decide the civil case and why she requested an extension of time within which to resolve the criminal case only after the reglementary period already elapsed. Judge Masamayor explained that her failure to mention that a previous request for extension in the criminal case had already been made was not deliberate, and that she was unaware of such omission. The Office of the Court Administrator recommended that considering that it is the judge's second offense, she be fined in the amount of ₱15,000.00, with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.

The Court found the recommendation of the OCA proper but reduced the fine of ₱10,000.00. The Court found that Judge Masamayor has not fully lived up to her responsibility for the orderly administration of justice. Her repeated failure to decide cases within the mandatory 90 days from the date they were submitted for resolution, aggravated by her failure to file timely requests for additional time to disposed of them constitutes gross inefficiency. The Court also reminded Judge Masamayor to be more assiduous and conscientious in the disposition of her responsibilities as an officer of the court.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; RESPONDENT JUDGE'S REPEATED FAILURE TO DECIDE CASES WITHIN 90 DAYS FROM THE DATE THEY WERE SUBMITTED FOR RESOLUTION, AGGRAVATED BY HER FAILURE TO FILE TIMELY REQUESTS FOR ADDITIONAL TIME TO DISPOSE OF THEM, CONSTITUTES GROSS INEFFICIENCY.— We find that Judge Masamayor has not fully lived up to her responsibility for the orderly administration of justice. Her repeated failure to decide cases within 90 days from the date they were submitted for resolution, aggravated by her failure to file timely requests for additional time to dispose of them, constitutes gross inefficiency. She is reminded to be more assiduous and conscientious in the disposition of her responsibilities as an officer of the court.

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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."

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[1] *Rollo*, p. 3.

[2] *Rollo*, p. 11.

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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 (₱5,000).[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 ₱5,000 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 ₱15,000, with a stern warning that a repetition of the same or similar acts in the future would be dealt with more severely.

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[3] *Rollo*, pp. 7-8.

[4] Resolution dated June 8, 1999 in AM No. 98-10-338-RTC.

[5] AM No. 99-1-16-RTC, June 21, 1999.

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The Court's Ruling

We agree with the recommendation of the Office of the Court Administrator, but reduce the fine to ₱10,000.

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

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[6] Sec. 15 (1), Art. VII of the Constitution, provides:

"Sec. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts."

[7] *Sanchez v. Vestil,* AM No. RTJ-98-1419, October 13, 1998; *Report on the Judicial Audit Conducted in RTC-Branches 29 and 59, Toledo City,* 292 SCRA 8, July 8, 1998; *Report of the Judicial Audit Conducted in Municipal Trial Court, Sibilan, Negros Oriental,* 282 SCRA 463, December 5, 1997; *Lambino v. De Vera,* 275 SCRA 60, July 7, 1997; *Report of Audit and Physical Inventory of the Records of Cases in MTC of Peñaranda, Nueva Ecija,* 276 SCRA 257, July 28, 1997; *Abarquez v. Judge Rebosura,* 285 SCRA 109, January 28, 1998; *Office of the Court Administrator v. Judge Butalid,* 293 SCRA 589, August 5, 1998; *Bernardo v. Judge Fabros,* AM No. MTJ-99-1189, May 12, 1999.

[8] *Office of the Court Administrator v. Judge Villanueva,* 279 SCRA 267, September 18, 1997.

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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 cases promptly, fairly and competently.[9] Judges should be able to manage their dockets efficiently in order to accomplish their work with reasonable dispatch. Needless to say, any delay in the resolution of a case is, at bottom, a delay of justice and thus a denial thereof.[10]

The Court is well-aware of the monumental challenges faced by trial judges in the performance of their duties, manifested particularly in the sheer volume of their case load. This is precisely why we almost invariably grant, upon proper application and on meritorious grounds, additional time to decide cases beyond the 90-day period. Nonetheless, a heavy case load is not an excuse for the late resolution of cases.[11] Judges should give full dedication to their primary and fundamental task of administering justice efficiently, in order to restore and maintain the people's confidence in the courts. At least, they should file their requests for extension before the expiration of the prescribed period.

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[9] *Office of the Court Administrator v. Judge Benedicto*, AM No. 96-5-176-RTC, September 25, 1998. See also *Office of the Court Administrator v. Judge Villanueva, ibid.*

[10] Canon 6, Canons of Judicial Ethics. *Report of the Judicial Audit Conducted in RTC, Branches 4 & 23, Manila and MTC, Branch 14, Manila,* 291 SCRA 10, June 18, 1998; *Abarquez v. Judge Rebosura, supra.*

[11] *Perez v. Judge Andaya*, 286 SCRA 40, February 6, 1998.

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Based on the foregoing principles, we find that Judge Masamayor has not fully lived up to her responsibility for the orderly administration of justice. Her repeated failure to decide cases within 90 days from the date they were submitted for resolution, aggravated by her failure to file timely requests for additional time to dispose of them, constitutes gross inefficiency. She is reminded to be more assiduous and conscientious in the disposition of her responsibilities as an officer of the court.

WHEREFORE, the Court hereby *HOLDS* Judge Irma Zita V. Masamayor *LIABLE* for gross inefficiency and *ORDERS* her to pay a *FINE* of ten thousand pesos (₱10,000), with a *STERN WARNING* that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Melo, Puno, Vitug, Mendoza, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.*, concur.

Davide, Jr., C.J., Bellosillo, and *Kapunan, JJ.*, abroad on official business.

FIRST DIVISION

[G.R. No. 63145. October 5, 1999]

SULPICIA VENTURA, *petitioner, vs.* **HON. FRANCIS J. MILITANTE, in His Capacity as Presiding Judge, Regional Trial Court, 7th Judicial District, Branch XII, Cebu City; and JOHN UY**, *respondents.*

SYNOPSIS

Private respondent John Uy filed a Complaint for Sum of Money and Damages against the Estate of Carlos Ngo as represented by his surviving spouse Ms. Sulpicia Ventura.