

## THIRD DIVISION

[ A.M. No. 07-4-188-RTC, January 27, 2021 ]

**RE: REQUEST OF JUDGE NINO A. BATINGANA, REGIONAL TRIAL COURT, BRANCH 6, MATI, DAVAO ORIENTAL, FOR EXTENSION OF TIME TO DECIDE THE CIVIL ASPECT OF CRIMINAL CASE NUMBERS 4514, 4648, AND 4649.**

### DECISION

**INTING, J.:**

The subject of this administrative case is the obstinate failure of Judge Nino A. Batingana (Judge Batingana) to comply with the Resolutions of the Court.

#### *The Antecedents*

In a Letter<sup>[1]</sup> dated December 8, 2006 addressed to the Court Administrator, Judge Batingana of Branch 6, Regional Trial Court (RTC), Mati, Davao Oriental sought an extension of ninety (90) days from December 9, 2006 to resolve the civil aspect (the civil aspect) in Criminal Case Nos. 4514, 4648, and 4649 (the criminal cases). A portion of the letter reads:

This is in connection with Criminal Case Nos. 4514, 4648 and 4649, entitled "The People of the Philippines vs. Alex Paulin, et al., For: Robbery With Physical Injuries, etc." which is due for resolution on the civil aspect of the said cases on December 9, 2006. The undersigned needs additional time to decide this case, considering that he is devoting his time for the resolution of other civil and criminal cases with incidents which need to be acted upon immediately.<sup>[2]</sup>

In a subsequent Letter<sup>[3]</sup> dated March 8, 2007, Judge Batingana sought a second extension of time, an additional ninety (90) days from March 9, 2007, proffering the same reason.

In a Resolution<sup>[4]</sup> dated July 4, 2007, the Court granted the aforesaid requests and declared that it will be the last and final extension. The Court also directed Judge Batingana to furnish it with a copy of his decisions as to the civil aspect of the criminal cases within ten days from rendition.<sup>[5]</sup>

It appears from the record that Judge Batingana subsequently sought more extensions of time to decide the criminal cases through the following letters:

- (1) Letter<sup>[6]</sup> dated May 24, 2007 seeking a third extension of ninety (90) days from June 7, 2007. This was denied in a Resolution<sup>[7]</sup> dated September 19, 2007 wherein Judge Batingana was likewise directed to furnish the Court with a copy of his decisions in the criminal cases;

- (2) Letter<sup>[8]</sup> dated September 4, 2007 requesting for a fourth extension of ninety (90) days from September 4, 2007. This was denied in a Resolution<sup>[9]</sup> dated November 28, 2007 wherein Judge Batingana was again directed to furnish the Court with a copy of his decisions in the criminal cases; and
- (3) Letter<sup>[10]</sup> dated December 3, 2007 seeking for a fifth extension of ninety (90) days from December 3, 2007 which the Court denied in a Resolution<sup>[11]</sup> dated February 27, 2008. In this latter Resolution, the Court likewise directed Judge Batingana to submit a copy of each of his decision in the criminal cases, and explain why he should not be administratively charged for gross insubordination for failing to comply with Resolution dated September 19, 2007 and Resolution November 28, 2007; and for his filing of a fifth extension despite the fact that his third and fourth requests for extensions were denied.

Without complying with the Resolution dated February 27, 2008, Judge Batingana yet again wrote a few more letters respectively dated March 3, 2008,<sup>[12]</sup> May 30, 2008,<sup>[13]</sup> and August 20, 2008,<sup>[14]</sup> each requesting for additional time to resolve the criminal cases.

In a Resolution<sup>[15]</sup> dated July 16, 2012, the Court reiterated for the last time the Resolution dated February 27, 2008 and required Judge Batingana to comply therewith. The Court further denied his requests for extensions of time, as contained in his May 30, 2008 and August 20, 2008 letters.

On January 22, 2014, the Court issued a Resolution<sup>[16]</sup> referring the matter to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation considering Judge Batingana's failure to comply with the above Resolutions of the Court.

In a Letter<sup>[17]</sup> dated February 21, 2014, Judge Batingana submitted copies of the following: (1) Decision<sup>[18]</sup> dated August 4, 2005 in Criminal Case No. 4514;<sup>[19]</sup> (2) Decision<sup>[20]</sup> dated August 4, 2005 in Criminal Case No. 4648<sup>[21]</sup>; and (3) Decision<sup>[22]</sup> dated August 4, 2005 in Criminal Case No. 4649.<sup>[23]</sup>

In a Letter<sup>[24]</sup> subsequently dated February 28, 2014, Atty. Lilyn D. Gambong, Branch Clerk of Court, Branch 6, RTC, Mati, Davao Oriental, submitted a copy<sup>[25]</sup> of the "*Consolidated Decision on the Civil Liability of the Accused*" dated August 4, 2009 in the criminal cases.

Similarly, Judge Batingana, in his Letter<sup>[26]</sup> dated June 17, 2015, submitted a copy of the "*Consolidated Decision on the Civil Liability of the Accused*," and expressed his hope that such "compliance" clears him from any liability in this case.

Records show that Judge Batingana passed away on October 3, 2018.<sup>[27]</sup>

In a Memorandum<sup>[28]</sup> dated December 16, 2014, the OCA found that Judge Batingana's repeated defiant stance with respect to the above-mentioned Court orders makes him liable for Gross Insubordination. The OCA further found that Judge Batingana's failure to comply with the Court's directive to furnish it with copies of his decisions in the criminal cases constitutes Undue Delay in Rendering a Decision or Order, or in Transmitting the Records of a Case.

Accordingly, the OCA recommended that:

x x x (1) Presiding Judge Nino A. Batingana, Branch 6, RTC, Mati, Davao Oriental, be found GUILTY of the less serious charges of Gross Insubordination and Undue Delay in Rendering a Decision and be meted the penalty of FINE of Twenty Thousand Pesos (Php 20,000.00) for *each* of the said two (2) charges with a WARNING that a repetition of the same or similar offense shall be dealt with more severely; and (2) Presiding Judge Batingana be DIRECTED to explain why the "*Consolidated Decision on the Civil Liability of the Accused*" dated 04 August 2009 was filed in the OCA only in March 2014 or about four (4) years and seven (7) months from the date of decision, and especially considering further that the requests for extension of time to decide the civil aspect of Criminal Case Nos. 4514, 4648 and 4649 have been the subject of numerous correspondences between Judge Batingana and this Office, and resolutions from the Court.<sup>[29]</sup>

In addition, the OCA noted that this is not the first case involving Judge Batingana. Judge Batingana had seven cases in 2009 and 2010 for which he was penalized with fines ranging from P10,000.00 to P25,000.00 for undue delays in rendering decisions. Further still, in 2010, Judge Batingana was suspended for six months in relation to a judicial audit conducted in his court.<sup>[30]</sup>

#### *The Issue*

The essential issue in this case is whether Judge Batingana should be held administratively liable for Gross Insubordination and Undue Delay in Rendering a Decision, or in Transmitting the Records of a Case.

#### *The Court's Ruling*

Judge Batingana's persistent refusal to obey the Court's Resolutions and numerous directives constitutes insubordination and gross misconduct. The Court held in the case of *Payo v. Go*<sup>[31]</sup> that:

It is essential to reiterate that any judge who deliberately and continuously fails and refuses to comply with a resolution or directive of the Court is guilty of gross misconduct and insubordination. This is because the Court is the agency exclusively vested by the Constitution with the administrative supervision over all courts and court personnel — from the Presiding Justices of the Court of Appeals, the *Sandiganbayan* and the Court of Tax Appeals to the lowliest clerk and employee of the municipal trial court. Such gross misconduct and insubordination are serious transgressions of the law and cannot be tolerated. When the judge himself becomes the transgressor of the law that he is sworn to obey and to apply, he places his office in severe disrepute, encourages