

EN BANC

[A.M. No. 12-2-6-SC, March 06, 2012]

RE: PETITION FOR JUDICIAL CLEMENCY OF JUDGE IRMA ZITA V. MASAMAYOR,

R E S O L U T I O N

PERLAS-BERNABE, J.:

For resolution is the petition for judicial clemency filed by Judge Irma Zita V. Masamayor, Executive and Presiding Judge of the Regional Trial Court, Branch 52, Talibon, Bohol in connection with her application for lateral transfer to the Regional Trial Courts (RTCs) of Tagbilaran City.

Petitioner claims that on January 24, 2012, she received a letter from the Judicial and Bar Council (JBC) informing her that she was not included in the list of nominees for RTC, Branch 2 or 4, Tagbilaran City.^[1] She attributes her disqualification to her previous administrative record of gross inefficiency in 1999 and 2000 for belatedly filing her motions for extension of time to resolve the following cases then pending before her sala, to wit: Criminal Case No. 96-185 entitled "*People v. Jaime Cutanda alias 'Jimmy'*"; Civil Case No. 0020 entitled "*Alejandro Tutor, et al. v. Benedicto Orevillo, et al.*"; Criminal Case No. 98-384 entitled "*People v. Celso Evardo*"; and Criminal Case No. 96-251 entitled "*Gil Sajuña y Cagasin*." Thus, she was ordered to pay a fine of P5,000.00 in A.M. No. 99-1-16-RTC2; P10,000.00 in A.M. No. 98-12-381-RTC^[3]; and P12,000.00 in A.M. No. 99-2-79-RTC.^[4] She was likewise earlier fined P5,000.00 for a similar violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct in A.M. No. 98-10-338-RTC.^[5]

Section 5, Rule 4 of the Rules of the JBC provides:

"SEC. 5. Disqualification. - The following are disqualified from being nominated for appointment to any judicial post or as Ombudsman or Deputy Ombudsman:

1. Those with pending criminal or regular administrative cases;
2. Those with pending criminal cases in foreign courts or tribunals; and
3. Those who have been convicted in any criminal case; or in an administrative case, where the penalty imposed is at least a fine of more than P10,000, unless he has been granted judicial clemency."

Considering petitioner's previous record, she is indeed disqualified from being further nominated for appointment to any judicial post, unless she be accorded judicial clemency. Notwithstanding, however, she was

previously nominated by the JBC for lateral transfer to the RTC of Tagbilaran City in 2005.^[6]

In A.M. No. 07-7-17-SC (*Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Clemency*),^[7] the Court laid down the following guidelines in resolving requests for judicial clemency, thus:

- "1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
5. There must be other relevant factors and circumstances that may justify clemency."

Applying the foregoing standards to this case, the Court finds merit in petitioner's request.

A review of the records reveals that petitioner has exhibited remorse for her past misdeeds, which occurred more than ten (10) years ago. While she was found to have belatedly filed her motions for additional time to resolve the aforecited cases, the Court noted that she had disposed of the same within the extended period sought, except in A.M. No. 99-2-79-RTC where she submitted her compliance beyond the approved 45-day extended period.^[8] Nevertheless, petitioner has subsequently shown diligence in the performance of her duties and has not committed any similar act or omission.^[9] In the Memorandum of the Office of the Court Administrator, her prompt compliance with the judicial audit requirements of pending cases was acknowledged and she was even commended for her good performance in the effective management of her court and in the handling of court records.^[10]

Moreover, the Integrated Bar of the Philippines (IBP) Bohol Chapter has shown its high regard for petitioner per the letter of support^[11] signed by a number of its members addressed to the IBP dated October 15, 1999 during the pendency of her