

SECOND DIVISION

[A. M. No. 00-11-566-RTC, July 31, 2003]

RE: REQUEST OF JUDGE SYLVIA G. JURAO FOR EXTENSION OF TIME TO DECIDE CRIMINAL CASE NO. 5812 AND 27 OTHERS PENDING BEFORE THE RTC- BRANCHES 10 AND 12, SAN JOSE, ANTIQUE.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

In a letter, dated July 24, 2000, Judge Sylvia G. Jurao, Presiding Judge of Branch 10 and Acting Presiding Judge of Branch 12 of the Regional Trial Court, San Jose, Antique, asked for an extension of time within which to decide 28 cases submitted for decision before Branch 10 and Branch 12, to wit:

Case No.	Case Title
<i>Branch 10</i>	
Criminal Cases	
1. 5812	People v. Daniel
2. 4842	People v. Delgado, et al.
3. 98-10-6033	People v. Canlas, et al.
4. 99-2-6064	People v. Managuit
5. 5498	People v. Montañez
6. 5590	People v. Cordero
7. 5239	People v. Sayson, et al.
Civil Cases	
8. 2680	Barcemo v. Ortiz ^[1]
9. 2875	Montemayor, et al. v. Salvani
10. 3107	Ermeje, et al. v. Florese
11. 3117	Salvani v. Salvani
12. 3095	Hofileña v. Obsiana, et al. ^[2]
<i>Branch 12</i>	
Criminal Cases	
13. 5657	People v. Raymundo
14. 5635	People v. Arzaga
15. 4472	People v. Jerome Tajanlangit
16. 4473	People v. Jerome Tajanlangit, et al.
17. 4480	People v. Emilio Tajanlangit
18. 5941	People v. Valente, et al.
Civil Cases	
19. 2980	Rafinan ^[3] v. Sartorio
20. 3065	Pahilanga v. Flores, et al. ^[4]
21. 3074	Occeña v. Cabrillos, et al.
22. 3077	Almoros, Sr., et al. v. Lamprea,

		et al.
23.	3098	Cañal, et al. v. Marzoña, et al.
24.	3092	M.B. Lending Corp. v. Siarot, ^[5]
		et al.
25.	3084	Rural Bank of Hamtic v. Mirasol,
		et al.
26.	3093	Canja, et al. v. Ballenas, et al.
27.	2912	Española, et al. v. Mission ^[6]
28.	3115	Fontanilla, et al. v. Veñegas, et
		al.

Judge Jurao claims that she needs more time to study the cases, having filed her leave of absence from January to February 2000 to undergo a Loop Electro-Surgical Excision Procedure, and from June 19 to 30, 2000 to undergo a biopsy of her uterus and cervix. She contends that aside from having a caseload of more than 700 cases and presiding over two branches, she also presides over marathon hearings of a criminal case where she holds trial three to five days every last week of the month.

Without specifying the period of extension she was seeking, and without waiting for her request for extension of time to be granted, Judge Jurao, in a subsequent letter dated October 18, 2000, informed the Court that some of the cases listed in her prior letter had already been decided by her, save for 11 cases, for which she requests an extension of 60 days from their due dates, i.e., from the expiration of the 90-day mandatory period, within which to decide the cases. She reiterated the reasons stated in her July 24, 2000 letter.

Acting on the letter of Judge Jurao dated July 24, 2000, the Court, in a Resolution dated December 13, 2000, granted an extension of 60 days from their respective due dates within which to decide the 28 listed cases submitted for decision, and required the Judge to submit to the Court through the Office of the Court Administrator a copy of each of her decision in the subject cases as proof of her compliance with her undertaking to decide the cases within the period requested.

In her letter dated February 11, 2002, Judge Jurao submitted copies of some of her decisions as proof of her compliance, but she contended that as to the undecided cases before Branch 12, the cases are to be decided either by her or the new Presiding Judge appointed thereat, at the option of the parties, in accordance with the *Mabunay*^[7] doctrine, to wit:

Basically, a case once raffled to a branch belongs to that branch unless reraffled or otherwise transferred to another branch in accordance with established procedure. When the Presiding Judge of that branch to which a case has been raffled or assigned is transferred to another station, he leaves behind all the cases he tried with the branch to which they belong. He does not take these cases with him even if he tried them and the same were submitted to him for decision. The judge who takes over this branch inherits all these cases and assumes full responsibility for them. He may decide them as they are his cases, unless any of the parties moves that his case be decided by the judge who substantially heard the evidence and before whom the case was submitted for decision. If a party therefore so desires, he may simply address his request or motion to the incumbent Presiding Judge who shall then endorse the request to

the office of the Court Administrator so that the latter may in turn endorse the matter to the judge who substantially heard the evidence and before whom the case was submitted for decision.

The Court, in a Resolution dated July 29, 2002, required Judge Jurao to explain her failure to decide five cases before Branch 10^[8] and all the 16 cases before Branch 12, despite her assurance to finish all the cases of both branches listed in her letters dated July 24, 2000 and October 18, 2000. The Court further noted that she cannot invoke the *Mabunay* doctrine since the period within which she should have decided the cases had already lapsed when the new Presiding Judge assumed office.

Complying with the Court's Resolution of July 29, 2002, Judge Jurao submitted an explanation, dated September 12, 2002, which states in part:

. . . .

3. That her failure to decide . . . within the extended period of sixty (60) days from the time they were submitted for decision was due to the fact that contrary to her expectations that she could decide these cases within the extended period, the undersigned realized thereafter that she needed more time to study these cases considering that the case records are voluminous. Furthermore, as she was then handling two courts at that time, only fifteen (15) days of the month were devoted to the trial of and decision-making in cases pending before Branch 10 and the last fifteen (15) days of the month were devoted to those for Branch 12. Of the fifteen (15) days allotted to Branch 12 every month, three (3) to five (5) days were devoted to the trial of the celebrated cases of *People v. Paloy, et al.*, which were tried everyday in the morning and afternoon at the request of the parties and in compliance with the directive of the Honorable Supreme Court to try said cases with deliberate dispatch.

In addition, the clerical staff of Branch 10 was undermanned as there was then no Clerk of Court and interpreter. The legal researcher in Branch 10 could not help the undersigned in the decision-making as he has to perform the functions of the Branch Clerk of Court and those of the interpreter. Branch 12, on the other hand, lacked an interpreter and one stenographer. The legal researcher of Branch 12, in addition to his research work, has to perform the duties of the interpreter. Due to the lack of stenographers, other stenographers became overworked and slowed down in their performance. These factors and the limited time allotted to each branch every month vis-à-vis the caseload of each branch which totaled to 700 cases more or less, adversely affected the efficiency and capability of the undersigned to decide these cases within the expected time frame.

4. The undersigned received a copy of the Resolution of the Honorable Supreme Court dated December 13, 2000, granting her an extension of sixty (60) days within which to decide these cases,

sometime on January 15, 2001, when the Hon. Rudy P. Castrojas, now Presiding Judge of Branch 12, Regional Trial Court, San Jose, Antique, was already reporting to office. From then on, believing that she has no more authority to act over cases pending before Branch 12 of the RTC, San Jose, Antique, she did not decide the remaining cases pending for decision until the same were returned to her by said Court recently.

5. That she humbly apologizes to this Honorable Court for her failure to decide the other remaining cases within the extended period granted her. She hopes to decide the same within a reasonable time considering the voluminous records involved.

On January 15, 2003, the Court referred the explanation of Judge Jurao to the Office of the Court Administrator for evaluation, report and recommendation within 30 days from the receipt of the record.

In a Memorandum of March 4, 2003, the Office of the Court Administrator (OCA) recommended that Judge Jurao be fined in the amount of ten thousand pesos (P10,000.00) with warning that a repetition of the same or similar offense will be dealt with more severely. The OCA justifies its recommendation, thus:

It is clearly established here that Judge Jurao failed to decide Criminal Cases Nos. 4472, 4480, 5635, 5590, 5657, 5942, 6033 and Civil Cases Nos. 2680, 2912, 3074, 3077, 3095, 3107, 3115 and 3084 within the period granted her by the Court. To date, she has not decided Civil Cases Nos. 2912, 3074 and 3077 despite the lapse of two (2) years. Her explanation on the matter is not sufficient to exculpate her from administrative liability. It is settled that when health conditions, heavy workload or other factors hinder the judge, it is incumbent upon the judge to request the Court for additional time to decide the cases. While Judge Jurao had initially asked for an extension of time, she did not anymore ask the Court for additional time to decide these cases despite the lapse of the extension period. Worse, she declares in her Certificates of Service for the period January-December 2002 that she had no pending cases for decision, even if she in fact had.

Under Rule 140, Section 2 of the Rules of Court, undue delay in rendering a decision and making untruthful statements in the Certificate of Service are considered less serious charges sanctioned by either suspension from office without salary and other benefits for one (1) to two (2) months and 29 days or a fine of not less than P10,000.00 but not more than P19,999.00.

However, since there is no showing that Judge Jurao deliberately delayed disposition of these cases, we recommend that a fine of TEN THOUSAND (P10,000.00) be imposed upon her.

The findings and recommendation of the OCA are well taken.

Courts exist to promote justice. If the ends of justice may be truly served, prompt dispensation thereof is necessary. Time and again this Court has impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be

gainsaid that delay in the disposition of cases undermines the people's faith and confidence in the judiciary. The Constitution itself, under Article VIII, Section 15 (1), mandates lower courts to decide cases submitted to them for resolution within three months from date of submission. Judges must, therefore, decide cases with dispatch because the failure of a judge to render a decision within the reglementary period constitutes serious misconduct and gross inefficiency, warranting the imposition of administrative sanction on them.^[9]

The neglect of duty or misconduct committed by Judge Jurao lies in her asking for extension of time to decide the cases she listed and in failing to decide them within the extended period. In her October 18, 2000 letter, she asked for an extension of time of 60 days from the respective due dates of 11 cases. It is clear, however, that in 7 of these 11 cases, the request for extension was made after the lapse of the 3-month mandatory period, to wit:

Case No.	Case Title	Due Date	Date of Request for Extension
<i>Branch 10</i>			
Crim. Cases			
1. 5498	People vs. Montañez	<i>July 20, 2000</i>	October 18, 2000
2. 5590	People vs. Cordero	<i>October 10, 2000</i>	October 18, 2000
3. 5329	People vs. Sayson, et al.	<i>July 21, 2000</i>	October 18, 2000
Civil Case			
4. 2680	Barcemo vs. Ortiz	October 23, 2000	October 18, 2000
<i>Branch 12</i>			
Crim. Cases			
5. 5657	People vs. Raymundo	<i>July 25, 2000</i>	October 18, 2000
6. 5635	People vs. Arzaga	<i>July 21, 2000</i>	October 18, 2000
7. 4472	People vs. Jerome Tajanlangit	October 19,	2000 October 18, 2000
8. 4473	People vs. Jerome Tajanlangit, et al.	October 19, 2000	October 18, 2000
9. 4480	People vs. Emilio Tajanlangit	October 19, 2000	October 18, 2000
10. 5941	People vs. Valente, et al.	<i>August 23, 2000</i>	October 18, 2000
Civil Case			
11. 2912	Española, et al. vs. Mission	<i>October 6, 2000</i>	October 18, 2000