

EN BANC

[**A.M. No. 99-12-497-RTC, October 23, 2001**]

RE: REQUEST OF JUDGE FRANCISCO L. CALINGIN, RTC-BRANCH 22, CAGAYAN DE ORO CITY, FOR EXTENSION OF 90 DAYS TO DECIDE CRIMINAL CASES NOS. 93-234, 98-239 AND 96-692 AND CIVIL CASES NOS. 98-01, 95-544.

RESOLUTION

DAVIDE, JR., C.J.:

In a letter dated 16 October 1999 Judge Francisco L. Calingin of Branch 22 of the Regional Trial Court of Cagayan de Oro requested:

(a) another extension of sixty (60) days within which to decide Criminal Case No. 98-01, which was submitted for decision on 26 February 1999, and Criminal Case No. 95-544, which was submitted for decision on 18 March 1999; and

(b) an extended period of time to decide the following cases deemed submitted, to wit:

Case No.	Case Title	Date submitted for Resolution
CRIMINAL CASES:		
1) 93-234	People of the Philippines vs. Ybañez	4-12-99
2) 98-239	People of the Philippines vs. Arances	8-30-99
3) 96-692	People of the Philippines vs. Daclan	1-30-99
CIVIL CASES:		
4) 96-357	Factura vs. Uy	4-14-99
5) 96-774	Manaya vs. Pagapular	5-3-99

In the Resolution of 25 January 2000, we granted Judge Calingin's first request for another extension of 60 days, and on his second request he was given a period of 90 days to decide the cases enumerated in (b) above, reckoned from the expiration

of the original period of 90 days. He was, however, required to explain why he requested the extensions only after the lapse of the original period to decide the cases.

In his explanation dated 21 February 2000, Judge Calingin claimed he thought all the while that he could finish deciding those cases within the 90-day period. Unfortunately, the stenographers concerned were unable to finish transcribing the stenographic notes. He further informed us that he had already decided four of the seven cases mentioned above, to wit, Criminal Cases Nos. 96-692, 98-01, and 95-544, and Civil Case No. 96-774, as proved by the copies of said decisions attached to his explanation. He was apparently unable to resolve the remaining three cases because the necessary transcripts of stenographic notes have not yet been completed.

We referred the explanation of Judge Calingin to the Office of the Court Administrator for evaluation and recommendation.

In memorandum of 2 May 2000, then Officer-in-Charge of the Office of the Court Administrator, Bernardo T. Ponferrada, made the following evaluation and recommendation:

1) A scrutiny of the attached copies of the decisions in question shows that Criminal Cases Nos. 96-692, 98-01, 95-544 and Civil Case No. 96-774, were all decided beyond the extended period of time within which to decide the cases, and some remained undecided, namely Criminal Case No. 93-234, Criminal Case No. 98-239, and Civil Case No. 96-357.

2) Judge Calingin's explanation that the delay was due to the non-transcription of stenographic notes is not a valid reason to exculpate him from his infraction. "Transcription of stenographic notes and complicated nature of case is not a valid defense for not deciding a case within 90 days." (*Guitante vs. Bantuas*, 95 SCRA 433)

3) Despite the fact that Judge Calingin was granted a 90-day extension of time within which to decide Criminal Cases Nos. 93-234, 98-239, 96-692 and Civil Cases Nos. 96-357 and 96-774, and a second extension of 60 days to decide Criminal Cases Nos. 98-01 and 95-544, the dates of rendition of judgment on the cases attached in his letter dated 21 February 2000 reveal that the decisions were all rendered beyond the extended period of time granted him in the Resolution dated 25 January 2000.

4) Rule 3.05, Canon 3 of the Code of Judicial Conduct, enjoins all judges to attend promptly to the business of the court and decide cases within the period fixed by law. A judge is mandated to render judgment not more than 90 days from the time a case is submitted for decision. This Court has held that the failure of a judge to render the decision within the prescribed period of 90 days constitutes serious misconduct.

5) Thus, the OCA recommended that Judge Calingin be held liable for serious misconduct for failure to decide the aforementioned cases within the reglementary period, and a P5,000 fine be imposed upon him with stern warning that a repetition of the same or similar act(s) will be dealt with more severely.

In view of the above findings and recommendation of Deputy Court Administrator Ponferrada, we required Judge Calingin, in our Resolution of 17 October 2000, to show cause why no disciplinary sanction should be imposed on him.

In his letter of 28 November 2000, submitted in compliance with the foregoing resolution, Judge Calingin made the following explanation:

Firstly, please be informed that aforesaid resolution of January 25, 2000 was received by undersigned on February 17, 2000 and secondly, undersigned started hearing cases in this sala on April 13, 1998.

Be further informed that of the seven cases, to which extended period to decide the same was asked, four (4) of which are inherited cases or trials/hearings thereof were done before the previous presiding judge. These cases are Criminal Cases Nos. 93-234 and 96-692, Civil Cases Nos. 96-774 and 96-357. Thus, for undersigned to have adept knowledge in deciding these cases, complete stenographic notes must first be had, for your ready reference, please find below brief flow of these cases:

Case No.	Date filed	Ist Trial Date	Date submtd for Decision.	TSN Cmpltd.	Date Decided
Crim. 93-234	1/28/93	6/08/93	3/19/99	2/4/00	2/28/00
Crim. 96-692	8/16/96	6/26/97	11/10/98	1/1/00	2/28/00
Cvl. 96-774	12/2/96	9/15/97	6/3/99	11/16/99	1/28/00
Cvl. 96-357	5/31/96	10/2/97	5/10/99	2/23/00	7/6/00

As regard Civil Case No. 96-357, which is for declaration of nullity of marriage, decision thereof was only done on July 6, 2000, as the Court in its order of February 28, 2000 required the Solicitor General to submit certification/comment to instant complaint pursuant to the SC ruling in the Molina case. However, the Solicitor General responded on April 3, 2000, by asking for copies of the TSN and other pleading in this case, to which the Court likewise complied with. The Court waited for the Certification/comment but it did not come at all, thus after almost two months of waiting, the decision came about.

As regard the three (3) other cases, true indeed that they were decided beyond the period granted by Resolution dated January 25, 2000, but however two of which were decided before undersigned received the aforesaid resolution, they are Criminal Cases No. 08-01 and 95-544. The