

EN BANC

[A.M. No. 99-2-79-RTC, March 21, 2000]

**REQUEST OF JUDGE IRMA ZITA MASAMAYOR, RTC-BR. 52,
TALIBON, BOHOL FOR EXTENSION OF TIME TO DECIDE
CRIMINAL CASE NO. 96-251**

D E C I S I O N

MENDOZA, J.:

This is the third case for gross inefficiency against Judge Irma Zita V. Masamayor of the Regional Trial Court, Branch 52, Talibon, Bohol. In the first case,^[1] decided on June 21, 1999, she was found guilty of gross inefficiency for having made her request for extension in deciding a criminal case beyond the reglementary period. She was fined P5,000.00 with a warning that a repetition of the same or similar act or omission would be dealt with more severely. In the second case,^[2] decided on October 5, 1999, she was again found guilty of gross inefficiency for making requests for extensions of time to decide cases after the reglementary period had expired.

In this case, the facts are as follows:

On December 29, 1998, Judge Masamayor wrote a letter to the Court, asking for an extension of 90 days from January 2, 1999 within which to decide Criminal Case No. 96-251 (Murder), entitled "People v. Gil Sajuña y Cagasin," on the ground that the case "involves legal questions which require careful study for which [she] has not enough time considering the heavy caseload of the single-sala court over which she presides." In its resolution dated March 16, 1999, the Court granted Judge Masamayor's request but gave her an extension of 45 days only from January 2, 1999 within which to decide the case and directed her to furnish the Office of the Court Administrator with a copy of her decision.

Apparently assuming that her initial request for 90-day extension would be granted, Judge Masamayor, in a letter dated March 31, 1999, asked for another extension of 30 days from April 4, 1999, *i.e.*, until May 4, 1999, within which to decide said criminal case. Then, in another letter, dated May 6, 1999, she informed the Court that she had decided the case on May 4, 1999, attaching a copy of her decision to her letter.

Inasmuch as the request for second extension was made after the expiration of the first extension of 45 days, the Court required Judge Masamayor to show cause why no disciplinary action should be taken against her for seeking an extension after the expiration of the period sought to be extended. Her explanation is as follows:

1. On December 29, 1998 she requested an extension of ninety days from January 2, 1999 within which to decide Criminal Case No. 96-251. (Annex A, letter of December 29, 1998)

2. On March 31, 1999 she requested a second extension of thirty (30) days or up to May 4, 1999 reckoned from April 4, 1999 which is the deadline of the first 90-day extension. (Annex B, letter of March 31, 1999)

3. On May 4, 1999 she received the resolution of the Supreme Court En Banc dated March 16, 1999 (a) noting her letter of Dec. 29, 1998 (b) granting her an extension of only 45 days from January 2, 1999 within which to decide the case and (c) directing her to immediately furnish the Office of the Court Administrator with a copy of the decision. (Annex C, copy of the Supreme Court Resolution showing the date of receipt on May 4, 1999 at 11:00 a.m. initialed by the RTC, Br. 52 receiving clerk, Ms. Grace Avanceña.) (Annex D, xerox copy of the mailing envelope indicating the date of mailing on April 28, 1999 of the said Supreme Court Resolution and the date of receipt thereof at Tagbilaran City on May 3, 1999. From Tagbilaran City, the letter had to be transmitted to Talibon, Bohol but on the envelope itself there is no legible date indicating Receipt at Talibon, Bohol.

4. On May 6, 1999 she transmitted the decision in the subject case dated May 4, 1999, after its promulgation and receipt by the accused, as directed by the Resolution dated March 16, 1999 and received by her on May 4, 1999. (Annex E, Notice of Promulgation dated April 6, 1999) (Annex F, Public Prosecutor's Ex-Parte Manifestation received April 26, 1999.)

5. As indicated above, it was only on May 4, 1999 that Judge Masamayor learned from the Resolution dated March 16, 1999 that she had only 45 days from January 2, 1999 or up to February 16, 1999 within which to resolve the subject case and, by implication, that her request for a second extension of time was made after the expiration of the first extension. On the said date however the decision had already been rendered and set for promulgation; the decision was forwarded on May 6, 1999.

At the 3rd Judicial Career Development Seminar for RTC Judges conducted at Tagaytay City, one of the updated Supreme Court Circulars distributed, reads as follows:

"We reiterate that judges, when burdened by heavy caseloads which prevent them from disposing (of) their cases within the reglementary period, may ask for additional time. While the certificate of service of respondent judge contained a statement that there were cases before his sala that were still undecided beyond the reglementary period, he made no attempt to request (for) an extension of time." (Annex G and H, pages 2 and 3 of said updated circulars)

Since it appears that my statement that the RTC, Branch 52 has a heavy

caseload has not made any mark on the hearts and minds of the Office of the Honorable Court Administrator and on the Honorable Justices of the Supreme Court, I secured a certification from the Office of the Clerk of Court of Multiple Salas (7 salas) RTC, Tagbilaran City as to their monthly average number of filed criminal and civil cases. The RTC, Tagbilaran City having 7 branches, the total number of criminal and civil cases indicated in Mr. Puagang's report still has to be raffled among the 7 branches. I have indicated the number apportioned to each branch (see initialed figures) (Annex I, Certification from the Clerk of Court, RTC, Multiple salas, Tagbilaran City)

The Acting Clerk of Court of the RTC, Br. 52, Talibon, Bohol issued a similar certification. Annex J, Certification from Acting Clerk of Court, RTC, Branch 52).

A comparison of the two statistical reports shows that the RTC, Branch 52 is doing the work of at least two to three RTC branches.

The matter was referred to the Office of the Court Administrator which submitted a report, dated December 1, 1999, recommending that Judge Masamayor be held liable for gross inefficiency and ordered to pay a fine of P15,000.00. The report of the OCA states:

In the first place, Judge Masamayor should not have presumed that the Court will grant her first extension of 90 days, more so, her second extension of 30 days. Records also show that Judge Masamayor has the propensity to request numerous extensions of time to decide cases. In fact, it should be noted that this is not the only time that Judge Masamayor committed an infraction of the reglementary period to decide cases. In Administrative Matter No. 98-10-338-RTC, this Office recommended that she be fined in the amount of P5,000.00. In Administrative Matter No. 99-1-16-RTC, we also recommended that a fine of P10,000.00 be imposed on Judge Masamayor in connection with Criminal Case No. 96-185. Recently, in the Resolution dated October 5, 1999, the Honorable Court also found her liable for gross inefficiency in failing to decide cases within 90 days from the date they were submitted for resolution and imposed a fine of P10,000.00.

Given the previous warnings she has received, Judge Masamayor should have seen to it that subsequent cases are resolved with dispatch, within the period provided by law. However, the previous warnings given by the Court seem to have no effect, as she still failed to resolve the subject case within the required period, and even applied for an inexcusable 90-day extension. If this were not enough, she subsequently filed the request for second extension.

Given the foregoing set of circumstances, we find Judge Irma Zita Masamayor liable for gross inefficiency.

WHEREFORE, premises considered, it is respectfully recommended: (a)