

EN BANC

[A.M. No. 99-1-16-RTC, June 21, 1999]

**REQUEST OF JUDGE IRMA ZITA V. MASAMAYOR, RTC - BR. 52,
TALIBON, BOHOL FOR EXTENSION OF TIME TO DECIDE CRIM.
CASE NO. 96-185**

DECISION

MENDOZA, J.:

In a letter, dated November 18, 1998, Judge Irma Zita V. Masamayor of the Regional Trial Court, Branch 52, Talibon, Bohol asked for an extension of time within which to decide Criminal Case No. 96-185 (for violation of the Dangerous Drugs Act), entitled *People v. Jaime Cutanda alias "Jimmy,"* on the ground that "the case involves legal questions which require careful study for which [she] has not enough time considering the very heavy caseload of the single-sala court over which she presides." The request was made after the original period had expired on October 28, 1998.

As Judge Masamayor did not specify the period of extension she was seeking, she was directed to inform the Court whether or not she had already rendered her decision in the subject criminal case and, in any event, to explain why no disciplinary action should be taken against her for making her request for extension of time after the expiration of the reglementary period for deciding cases (Resolution of February 9, 1999).

Without waiting for her request for extension of time to be granted and presuming that she would be granted a 90-day extension from October 28, 1998 to January 26, 1999, Judge Masamayor, in a letter, dated January 26, 1999, asked for another extension of thirty (30) days, up to February 25, 1999, within which to decide the said case. She again alleged as reason that "the case involves a study of voluminous files and difficult legal questions for which [she] has not enough time considering the very heavy caseload of the single-sala court over which she presides."

Recommending disciplinary action to be taken against Judge Masamayor, the Office of the Court Administrator states:

We find her explanation that, "it was due to inadvertence that her request for extension of time to resolve was made after the expiration of the reglementary period," not wholly satisfactory. . . .

This is not the only time that Judge Masamayor committed infraction of the 90 days reglementary period to decide cases submitted for decision. In A.M. No. 98-10-338-RTC^[1] this Office recommended that Judge Masamayor be fined in the amount of P5,000.00 for the failure to decide Civil Case No. 0020 within the reglementary period

Accordingly, it is respectfully recommended that (a) Judge Irma Zita V. Masamayor be found liable for gross inefficiency and be FINED in the amount of TEN THOUSAND PESOS (P10,000.00), payable directly to this Court with a warning that a repetition of similar acts will be dealt with more severely; (b) Direct Judge Masamayor to render her decision in Criminal Case No 96-185 with dispatch; and (c) Require her to submit a copy of said decision to this Court thru the Office of the Court Administrator.

Meanwhile, complying with the Court's resolution of February 9, 1999, Judge Masamayor submitted a report which states in part:

This refers to the resolution of the Supreme Court En Banc dated February 9, 1999 and received on March 23, 1999 requiring the undersigned to SUBMIT a report whether or not she had rendered her decision in Criminal Case No. 96-185, People vs. Jaime Cutanda alias Jimmy for Viol. of Sec. 8, Art. II, RA 6425, as amended, and to EXPLAIN why no disciplinary action should be taken against her for having made her request for extension of time after the expiration of the reglementary period.

Please be informed that the aforesaid case [was decided] on February 24, 1999. Promulgation of judgment was first set for February 26, then because of the absence of defense counsel postponed to March 3 and again to March 17, with the Court citing the case of People v. Quibate, (131 SCRA 81) to the effect that promulgation may be deferred by the Court if it wants defense counsel to be present (copies of orders attached).

Modesty aside, we venture to say that the decision was the result of studious efforts to make it a well-researched and a well-written decision.

We are sorry however to say that our request for extension of time to decide the case was inadvertently filed after the expiration of the reglementary period. The resolution of the case had fallen due on October 28, 1998 and we made our request for extension on November 18, 1998. We shall strive not to make the same lapse in the future.

We thank the Supreme Court for reminding us that much is expected of us as judges. I now personally handle the marking of deadlines and do not rest upon a delegation of the task to my staff. Without any high-tech devices like computers to assist us, I now personally take care of the painstaking and meticulous process of overseeing deadlines to which I now give priority over other equally demanding tasks. I also urge and prod my court staff to finalize paper work such as transcripts with dispatch and closely supervise the Clerk of Court and legal researcher to hasten the preparation of summaries of testimonies and legal research on the applicable law and jurisprudence. In short, considering the heavy caseload of Branch 52 in comparison to other RTC salas in Bohol (as we have from the earliest time been informing the Supreme Court) the undersigned spends practically all her waking hours working on the cases