



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

RE: REQUEST OF JUDGE A.M. No. 07-4-188-RTC
NINO A. BATINGANA,
REGIONAL TRIAL COURT, Present:
BRANCH 6, MATI, DAVAO
ORIENTAL, FOR LEONEN, J.,* *Chairperson,*
EXTENSION OF TIME TO HERNANDO, *Acting Chairperson*
DECIDE THE CIVIL INTING,
ASPECT OF CRIMINAL DELOS SANTOS, and
CASE NUMBERS 4514, 4648, ROSARIO, *JJ.*
AND 4649.

Promulgated:

January 27, 2021

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DECISION

INTING, J.:

The subject of this administrative case is the obstinate failure of Judge Nino A. Batingana (Judge Batingana) to comply with the Resolutions of the Court.

The Antecedents

In a Letter¹ dated December 8, 2006 addressed to the Court Administrator, Judge Batingana of Branch 6, Regional Trial Court (RTC), Mati, Davao Oriental sought an extension of ninety (90) days from December 9, 2006 to resolve the civil aspect (the civil aspect) in Criminal Case Nos. 4514, 4648, and 4649 (the criminal cases). A portion of the letter reads:

* On official business.

¹ *Rollo*, p. 2.

This is in connection with Criminal Case Nos. 4514, 4648 and 4649, entitled "The People of the Philippines vs. Alex Paulin, et al., For: Robbery With Physical Injuries, etc." which is due for resolution on the civil aspect of the said cases on December 9, 2006. The undersigned needs additional time to decide this case, considering that he is devoting his time for the resolution of other civil and criminal cases with incidents which need to be acted upon immediately.²

In a subsequent Letter³ dated March 8, 2007, Judge Batingana sought a second extension of time, an additional ninety (90) days from March 9, 2007, proffering the same reason.

In a Resolution⁴ dated July 4, 2007, the Court granted the aforesaid requests and declared that it will be the last and final extension. The Court also directed Judge Batingana to furnish it with a copy of his decisions as to the civil aspect of the criminal cases within ten days from rendition.⁵

It appears from the record that Judge Batingana subsequently sought more extensions of time to decide the criminal cases through the following letters:

- (1) Letter⁶ dated May 24, 2007 seeking a third extension of ninety (90) days from June 7, 2007. This was denied in a Resolution⁷ dated September 19, 2007 wherein Judge Batingana was likewise directed to furnish the Court with a copy of his decisions in the criminal cases;
- (2) Letter⁸ dated September 4, 2007 requesting for a fourth extension of ninety (90) days from September 4, 2007. This was denied in a Resolution⁹ dated November 28, 2007 wherein Judge Batingana was again directed to furnish the Court with a copy of his decisions in the criminal cases; and
- (3) Letter¹⁰ dated December 3, 2007 seeking for a fifth

² *Id.*

³ *Id.* at 9.

⁴ *Id.* at 12-14.

⁵ *Id.* at 12.

⁶ *Id.* at 17.

⁷ *Id.* at 20-22.

⁸ *Id.* at 25.

⁹ *Id.* at 28-29.

¹⁰ *Id.* at 35.

extension of ninety (90) days from December 3, 2007 which the Court denied in a Resolution¹¹ dated February 27, 2008. In this latter Resolution, the Court likewise directed Judge Batingana to submit a copy of each of his decision in the criminal cases, and explain why he should not be administratively charged for gross insubordination for failing to comply with Resolution dated September 19, 2007 and Resolution November 28, 2007; and for his filing of a fifth extension despite the fact that his third and fourth requests for extensions were denied.

Without complying with the Resolution dated February 27, 2008, Judge Batingana yet again wrote a few more letters respectively dated March 3, 2008,¹² May 30, 2008,¹³ and August 20, 2008,¹⁴ each requesting for additional time to resolve the criminal cases.

In a Resolution¹⁵ dated July 16, 2012, the Court reiterated for the last time the Resolution dated February 27, 2008 and required Judge Batingana to comply therewith. The Court further denied his requests for extensions of time, as contained in his May 30, 2008 and August 20, 2008 letters.

On January 22, 2014, the Court issued a Resolution¹⁶ referring the matter to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation considering Judge Batingana's failure to comply with the above Resolutions of the Court.

In a Letter¹⁷ dated February 21, 2014, Judge Batingana submitted copies of the following: (1) Decision¹⁸ dated August 4, 2005 in Criminal Case No. 4514;¹⁹ (2) Decision²⁰ dated August 4, 2005 in Criminal Case No. 4648²¹; and (3) Decision²² dated August 4, 2005 in Criminal Case

¹¹ *Id.* at 37-38.

¹² *Id.* at 43.

¹³ *Id.* at 40.

¹⁴ *Id.* at 46.

¹⁵ *Id.* at 48.

¹⁶ *Id.* at 50.

¹⁷ *Id.* at 55.

¹⁸ *Id.* at 57-58.

¹⁹ For Robbery with Physical Injuries.

²⁰ *Rollo*, pp. 59-60.

²¹ For Highway Robbery/Brigandage.

²² *Rollo*, pp. 61-62.

No. 4649.²³

In a Letter²⁴ subsequently dated February 28, 2014, Atty. Lilyn D. Gambong, Branch Clerk of Court, Branch 6, RTC, Mati, Davao Oriental, submitted a copy²⁵ of the “*Consolidated Decision on the Civil Liability of the Accused*” dated August 4, 2009 in the criminal cases.

Similarly, Judge Batingana, in his Letter²⁶ dated June 17, 2015, submitted a copy of the “*Consolidated Decision on the Civil Liability of the Accused*,” and expressed his hope that such “compliance” clears him from any liability in this case.

Records show that Judge Batingana passed away on October 3, 2018.²⁷

The OCA’s Report and Recommendation

In a Memorandum²⁸ dated December 16, 2014, the OCA found that Judge Batingana’s repeated defiant stance with respect to the above-mentioned Court orders makes him liable for Gross Insubordination. The OCA further found that Judge Batingana’s failure to comply with the Court’s directive to furnish it with copies of his decisions in the criminal cases constitutes Undue Delay in Rendering a Decision or Order, or in Transmitting the Records of a Case.

Accordingly, the OCA recommended that:

x x x (1) Presiding Judge Nino A. Batingana, Branch 6, RTC, Mati, Davao Oriental, be found GUILTY of the less serious charges of Gross Insubordination and Undue Delay in Rendering a Decision and be meted the penalty of FINE of Twenty Thousand Pesos (Php 20,000.00) for *each* of the said two (2) charges with a WARNING that a repetition of the same or similar offense shall be dealt with more severely; and (2) Presiding Judge Batingana be DIRECTED to explain why the “*Consolidated Decision on the Civil Liability of the Accused*” dated 04 August 2009 was filed in the OCA only in March

²³ For Violation of Republic Act No. 6539 or the Anti-Carnapping Act of 1972.

²⁴ *Rollo*, p. 63.

²⁵ *Id.* at 62-67.

²⁶ *Id.* at 70.

²⁷ *Id.* at 83-85.

²⁸ *Id.* at 51-54.

2014 or about four (4) years and seven (7) months from the date of decision, and especially considering further that the requests for extension of time to decide the civil aspect of Criminal Case Nos. 4514, 4648 and 4649 have been the subject of numerous correspondences between Judge Batingana and this Office, and resolutions from the Court.²⁹

In addition, the OCA noted that this is not the first case involving Judge Batingana. Judge Batingana had seven cases in 2009 and 2010 for which he was penalized with fines ranging from ₱10,000.00 to ₱25,000.00 for undue delays in rendering decisions. Further still, in 2010, Judge Batingana was suspended for six months in relation to a judicial audit conducted in his court.³⁰

The Issue

The essential issue in this case is whether Judge Batingana should be held administratively liable for Gross Insubordination and Undue Delay in Rendering a Decision, or in Transmitting the Records of a Case.

The Court's Ruling

Judge Batingana's persistent refusal to obey the Court's Resolutions and numerous directives constitutes insubordination and gross misconduct. The Court held in the case of *Payo v. Go*³¹ that:

It is essential to reiterate that any judge who deliberately and continuously fails and refuses to comply with a resolution or directive of the Court is guilty of gross misconduct and insubordination. This is because the Court is the agency exclusively vested by the Constitution with the administrative supervision over all courts and court personnel — from the Presiding Justices of the Court of Appeals, the *Sandiganbayan* and the Court of Tax Appeals to the lowliest clerk and employee of the municipal trial court. Such gross misconduct and insubordination are serious transgressions of the law and cannot be tolerated. When the judge himself becomes the transgressor of the law that he is sworn to obey and to apply, he places his office in severe disrepute, encourages disrespect for the law, and

²⁹ *Id.* at 53-54.

³⁰ *Id.* at 53.

³¹ A.M. No. MTJ-07-1677 (Formerly A.M. OCA IPI No. 06-1827-MTJ), November 21, 2018, 886 SCRA 178.

impairs public confidence in the integrity of the Judiciary itself.³²

Insubordination is the refusal to obey some order that a superior officer is entitled to give and to have obeyed. It imports a willful or intentional disregard of the lawful and reasonable instructions of the employer.³³ Judge Batingana's willful disobedience and disregard of the directives of the Court constitutes grave and serious misconduct putting in serious question his fitness and worthiness of the honor and integrity attached to his office. His obstinate refusal to comply with the orders of the Court displayed his rebellious character and disrespect for the Court. It is glaring proof that he has become disinterested to remain with the judicial system to which he purports to belong.³⁴

As regards the administrative liability for undue delay in rendering a decision or order, or in transmitting the records of a case, it will be remembered that the Court, in its Resolution dated July 4, 2007, granted for the last time Judge Batingana's motion for extension of time to decide the civil aspect of the criminal cases. However, for over one year thereafter, Judge Batingana had continuously asked for more extensions. It appears from the records that the criminal cases were decided in 2005, but the civil aspect thereof were resolved only in 2009. What compounds Judge Batingana's infractions is the fact that copies of his decisions in the cases were submitted to OCA only in the year 2014. For this, the Court finds Judge Batingana liable for undue delay in rendering a decision or order, or in transmitting the records of a case.

Judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to administer justice promptly.³⁵ In this case, Judge Batingana failed to live up to the exacting standards of duty and responsibility that his position required.

Under Section 8 of Rule 140 of the Rules of Court, as amended, gross misconduct is classified as a serious charge. Whereas, undue delay in rendering a decision or order, or in transmitting the records of a case is

³² *Id.* at 184, citing *Himalin v. Judge Balderian*, 456 Phil. 934, 942 (2003) and *Vedaña v. Judge Valencia*, 356 Phil. 317, 331 (1998).

³³ *Office of the Court Administrator v. Judge Yu*, 800 Phil. 307, 388 (2016), citing *Marigomen v. Labar*, 767 Phil. 559, 564 (2015) and *Judge Dalmacio-Joaquin v. Dela Cruz*, 604 Phil. 256, 261 (2009).

³⁴ *Office of the Court Administrator v. Executive Judge Amor*, 745 Phil. 1, 10 (2014), citing *Office of the Court Administrator v. Judge Go, et al.*, 685 Phil. 252, 261 (2012)

³⁵ *Garado v. Judge Gutierrez-Torres*, 710 Phil. 158, 165 (2013), citing *Valdez v. Judge Torres*, 687 Phil. 80, 87 (2012).

a less serious charge under Section 9 of the same Rule.

However, in view of Judge Batingana's supervening death while the case was pending resolution, the Court is constrained to dismiss this administrative case.

The death of a respondent in an administrative case before its final resolution is a cause for its dismissal.³⁶ Just like in criminal prosecutions where the accused shall be presumed innocent until the contrary is proved, a respondent in an administrative case similarly enjoys the right to be presumed innocent pending final judgment of his/her case.³⁷ Considering that only substantial evidence is required in administrative cases, a respondent therein should be presumed innocent if his/her death preceded the finality of a judgment, as in this case.

Moreover, in a criminal case, the death of the accused extinguishes his/her personal criminal liability.³⁸ The pecuniary penalties of the accused will be extinguished if he/she dies before final judgment is rendered.³⁹ Indeed, "[i]f the standard for criminal cases wherein the quantum of proof is proof beyond reasonable doubt, then a lower standard for administrative proceedings such as the case at bench should be applied, since the quantum of proof therein is only substantial evidence."⁴⁰

Furthermore, the constitutional precept of due process of law supports the dismissal of the present administrative case. If the Court holds Judge Batingana administratively liable for the serious and less serious charges against him, he can no longer question the ruling and exhaust other possible remedies available to him by reason of his death.

WHEREFORE, the instant administrative case against the late Judge Nino A. Batingana is **DISMISSED**. Accordingly, his retirement benefits are ordered to be **RELEASED** to the heirs of the late Judge Nino A. Batingana.

³⁶ See *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr., Branch 4, Regional Trial Court, Butuan City, Agusan Del Norte*, A.M. No. RTJ-17-2486 [Formerly A.M. No. 17-G-145-RTC], September 3, 2019.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*, citing *Office of the Court Administrator v. Yu*, 807 Phil. 277, 293 (2017).

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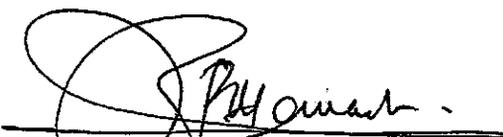
SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

(On official business)
MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



RICARDO R. ROSARIO
Associate Justice