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THIRD DIVISION

[A.M. No. RTJ-00-1571. August 28, 2001]

JESUS GUILLAS, *complainant, vs.* **JUDGE RENATO D. MUÑEZ, Regional Trial Court, Cadiz City, Branch 60,** *respondent.*

SYNOPSIS

Complainant Jesus Guillas was one of the accused in Criminal Case No. 1496-S for murder pending before the Regional Trial Court, Branch 60, Cadiz City, Negros Occidental presided by respondent Judge Renato D. Muñez. Complainant was a detained prisoner for almost five years. On September 4, 1997, the hearing of the above-mentioned case was terminated. The respondent judge ordered both parties to file their respective memoranda within thirty days. Complainant's counsel filed his memorandum on October 22, 1997, but the prosecutor did not file any memorandum. On August 21, 1998, complainant filed an *ex-parte* motion to decide the case. Thus, complainant Guillas filed the instant administrative complaint charging the respondent judge with gross negligence and undue delay in the disposition of the above-mentioned case. He maintained that the respondent judge was remiss in his duty to decide the case within ninety days as required by law. In his comment, respondent judge contended that the case is not considered submitted for decision since the prosecution has not yet filed its memorandum. And, in fact, there is no undue delay in its deposition inasmuch as the decision was ready for promulgation as early as December 8, 1998, but considering it was Christmas season, he promulgated the decision on January 14, 1999.

The Court ruled that clearly, respondent judge cannot take refuge on the prosecution's failure to file its memorandum. Following his argument, a case will remain deemed submitted for decision *ad infinitum* should a party or parties fail to submit their memorandum. The Court cannot countenance this scenario. The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of the people in the

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judiciary, lowers its standards and brings it into disrepute. Respondent judge was fined in the amount of ₱3,000.00.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES MUST DECIDE CASES PROMPTLY AND EXPEDITIOUSLY.** — Canon 3, Rule 3.05 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.

2. **ID.; ID.; ID.; NON-SUBMISSION OF MEMORANDA IS NOT A JUSTIFICATION FOR FAILURE TO DECIDE CASES; APPLIED IN CASE AT BAR.** — In *Salvador vs. Salamanca* this Court held: "*...judges should decide cases even if the parties failed to submit memoranda within the given periods. Non-submission of memoranda is not a justification for failure to decide cases. The filing of memoranda is not a part of the trial nor is the memorandum itself an essential, much less indispensable pleading before a case may be submitted for decision.* As it is merely to aid the court in the rendition of the decision in accordance with law and evidence - which even in its absence the court can do on the basis of the judge's personal notes and the records of the case - non-submission thereof has invariably been considered a waiver of the privilege." Clearly, respondent judge cannot take refuge on the prosecution's failure to file its memorandum. Following his argument, a case will remain deemed submitted for decision *ad infinitum* should a party or parties fail to submit their memorandum. We cannot countenance this scenario.

3. **ID.; ID.; ID.; FAILURE TO DECIDE A CASE WITHIN NINETY DAYS CONSTITUTES GROSS INEFFICIENCY; CASE AT BAR.** — Records show that respondent judge incurred a delay of one (1) year and one (1) month. We have ruled that failure to decide a case within ninety (90) days as mandated by the Constitution is not excusable and constitutes gross inefficiency.

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4. ID.; ID.; ID.; ID.; PENALTY; FINE OF ₱3,000.00. — Respondent never asked this Court to give him additional time within which to dispose of cases submitted for decision. The presumption is that he is not burdened with caseloads. Thus, he could have decided Criminal Case No. 1496-S with dispatch. Indeed, he cannot escape administrative sanction. The Court Administrator recommends that respondent judge be fined in the amount of ₱3,000.00. We adopt his recommendation.

APPEARANCES OF COUNSEL

Villamor Torrecampo Ymballa & Balbin for complainant.

D E C I S I O N

SANDOVAL-GUTIERREZ, *J.*:

Before the Court is a sworn letter-complaint of Jesus Guillas dated October 9, 1998, addressed to the Court Administrator, charging Judge Renato D. Muñez of the Regional Trial Court of Negros Occidental, Branch 60, Cadiz City, with gross negligence and undue delay in the disposition of Criminal Case No. 1496-S for murder, entitled "*People vs. Jesus Guillas, et al.*"

Complainant, one of the accused in Criminal Case No. 1496-S, alleges in his letter-complaint that since September 29, 1993 up to the present (October 9,1998, filing of the instant complaint), he has been detained without bail. On September 4, 1997, the hearing of the case was terminated. On the same date, respondent judge ordered both parties to file their respective memoranda within thirty (30) days. Complainant's counsel filed his memorandum on October 22, 1997. But the prosecutor did not file a memorandum, prompting respondent judge to issue another order giving the prosecution another thirty (30) days within which to submit the required memorandum. On August 21, 1998, complainant filed an *ex-parte* motion to decide the case, alleging in the main that he is a detained prisoner for almost five (5) years. He maintains that respondent judge was remiss in his duty to decide the case within ninety (90) days prescribed by law.

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In his comment, respondent prays that the complaint be dismissed. He contends that the case is not considered submitted for decision since the prosecution has not yet filed its memorandum. In fact, there is no undue delay in its disposition inasmuch as the decision was ready for promulgation as early as December 8, 1998. But considering it was Christmas season, he promulgated the decision on January 14, 1999.

He also states that on July 16, 1998, he directed his stenographers to transcribe their notes as he was "at a loss to know the actual facts of the cases," including Criminal Case No. 1496-S since his personal notes were either lost or torn from the records. His legal researcher then advised him that there is no need to ask from the Supreme Court for an extension of time to resolve the pending cases as the parties concerned are expected to submit their memoranda anytime. Respondent judge finally avers that complainant's lawyer is vindictive against him because of the court's unfavorable decisions in his other cases.

On September 15, 2000, respondent manifested his willingness to submit this case for resolution merely on the basis of the pleadings/records filed.

The sole issue for our resolution is whether or not respondent judge failed to decide Criminal Case 1496-S within the ninety (90) day period prescribed by law.

In an effort to exculpate himself, he invokes Section 3, Rule 119 of the Revised Rules of Court which provides:

"SEC. 3. Order of trial. - The trial shall proceed in the following order:

x x x.

(d) Upon admission of the evidence, the case shall be deemed submitted for decision unless the court directs the parties to argue orally or to submit memoranda x x x."

Respondent judge should have been guided by Administrative Circular No. 28 issued by this Court on July 3, 1989,which we reproduce here, thus:

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"ADMINISTRATIVE CIRCULAR NO. 28

TO; ALL JUSTICES OF THE SANDIGANBAYAN, JUDGES OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS.

RE: SUBMISSION OF MEMORANDA

In the interest of the speedy disposition of cases, and to enable the courts to better control the progress of cases, the Supreme Court has adopted the following rules governing the submission of memoranda for purposes of deciding cases:

(1) As a general rule, the submission of memoranda is not mandatory or required as a matter of course but shall be left to the sound discretion of the court. A memorandum may not be filed unless required or allowed by the court.

(2) The court may require or allow the parties to submit their respective memoranda including citation of authorities within a definite date from submission of the case for decision but not exceeding thirty (30) days therefrom. This shall cover the filing of simultaneous memoranda or a memorandum in chief and a reply memorandum of the adverse party, in the discretion of the court but in no case may its filing exceed thirty (30) days from submission of the case for decision.

(3) A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. ***The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or upon the expiration*** *of the period to do so, whichever is earlier.* Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same.

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(4) ***The court may grant extension of time to file memoranda, but the ninety (90) day period for deciding the case shall not be interrupted thereby.***

(5) The foregoing rules shall not apply to Special Criminal Courts under Circular 20 dated August 7, 1987, and to cases covered by the Rule on Summary Procedure in which memoranda are prohibited.

(6) This Administrative Circular shall take effect immediately.

Manila, Philippines.

July 3, 1989

(Sgd.) MARCELO B. FERNAN
Chief Justice"

In *Salvador vs. Salamanca*[1] this Court held:

"***...judges should decide cases even if the parties failed to submit memoranda within the given periods. Non-submission of memoranda is not a justification for failure to decide cases. The filing of memoranda is not a part of the trial nor is the memorandum itself an essential, much less indispensable pleading before a case may be submitted for decision.*** As it is merely to aid the court in the rendition of the decision in accordance with law and evidence - which even in its absence the court can do on the basis of the judge's personal notes and the records of the case - non-submission thereof has invariably been considered a waiver of the privilege."

Clearly, respondent judge cannot take refuge on the prosecution's failure to file its memorandum. Following his argument, a case will remain deemed submitted for decision *ad infinitum* should a party or parties fail to submit their memorandum. We cannot countenance this scenario.

Records show that respondent judge incurred a delay of one (1) year and one (1) month. We have ruled that failure to

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[1] A.M. No. R-177-MTJ, September 24, 1986, 144 SCRA 276, 279, cited in Cases submitted for Decision before retired Judge Maximo A. Savellano, Jr., RTC-Branch 53, Manila, A.M. No. 99-7-250-RTC, April 5, 2000, 329 SCRA 637, 643.

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decide a case within ninety (90) days as mandated by the Constitution is not excusable and constitutes gross inefficiency.[2] Canon 3, Rule 3.05 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.

This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied.[3] Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.[4]

Respondent never asked this Court to give him additional time within which to dispose of cases submitted for decision. The presumption is that he is not burdened with caseloads. Thus, he could have decided Criminal Case No. 1496-S with dispatch. Indeed, he cannot escape administrative sanction.

The Court Administrator recommends that respondent judge be fined in the amount of ₱3,000.00, We adopt his recommendation.

WHEREFORE, this Court finds Judge Renato D. Muñez liable for gross inefficiency and imposes upon him a fine of ₱3,000.00, with a stern warning that repetition of the same act will be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur.

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[2] *Abarquez vs. Rebosura*, A.M. No. MTJ-94-986, January 28, 1998, 285 SCRA 109, 119-120; *Martin vs. Guerrero*, A.M. No. RTJ-99-1499, October 22, 1999, 317 SCRA 166, 175; Office of the Court Administrator *vs.* Quiñanola, A.M. No. MTJ-99-1216, October 20, 1999, 317 SCRA 37, 48-49; *Farrales vs. Camarista*, A.M. No. MTJ-99-1184, March 2, 2000, 327 SCRA 84, 90.

[3] *Abarquez vs. Rebosura*, *supra*, citing *Bendesula vs. Laya, et al.*, 58 SCRA 16 (1974); *Castro vs. Malazo*, 99 SCRA 164 (1980).

[4] *Re: Judge Luis B. Bello, Jr.*, 247 SCRA 519 (1995).