

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.**

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. Muñoz 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.

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 xxx."

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

"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***