SECOND DIVISION

[A.M. No. RTJ-00-1602, December 05, 2000]

ANGEL A. GIL, COMPLAINANT, VS. JUDGE LEONCIO M. JANOLO, JR., REGIONAL TRIAL COURT, BRANCH 264, PASIG CITY, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

This is a complaint filed against Judge Leoncio M. Janolo, Jr., presiding judge of the Regional Trial court, Branch 264, Pasig City, for failure to decide Civil Case No. 65268, entitled "Maria Isabel A. Del Rosario, Alejandro A. Gil and Jose A. Gil III v. Angel Gil and Josephine A. Gil" within three months, as required by Art. VIII, § 15 (1)(2) of the Constitution in connection with Rule 3.05, Canon 3 of the code of Judicial Conduct.

Civil Case No. 65268 was filed on August 30, 1995. On April 14, 1998, respondent judge issued an order admitting defendant's Formal Offer of Evidence filed on December 4, 1997 and directing both parties to submit their respective memoranda in the form of a draft decision within 30 days, after which the case would be considered submitted for decision.

It appears, however, that both parties failed to submit their respective memoranda. For this reason, on September 25, 1998, respondent judge issued another order, the dispositive portion of which reads:

> WHEREFORE, for (the) speedy disposition of this case, the Court's directive to parties is reiterated and both are given a period of five (5) days from receipt of this order to file their respective memorandum in the form of a draft decision, after which this case shall be submitted for decision.
>
> This five day period shall not be extended for any cause whatsoever, and failure to comply with this Order shall be deemed a waiver to file memorandum.

On March 17, 1999, over five months later, Angel A. Gil, one of the defendants in Civil Case No. 65268, filed a complaint against respondent judge, alleging that:

> [It] took Judge Janolo more than four (4) months to act on defendant's Formal Offer of Evidence. It is also evident from these orders that more than three months have elapsed, and that the above-mentioned case has remained undecided up to now.