

SECOND DIVISION

[A.M. No. RTJ-97-1394, December 17, 1997]

**ROMEO STA. ANA, COMPLAINANT, VS. JUDGE GRACIANO H.
ARINDAY, JR., REGIONAL TRIAL COURT, BRANCH 69, SILAY
CITY, NEGROS OCCIDENTAL, RESPONDENT.
D E C I S I O N**

MENDOZA, J.:

This concerns a letter-complaint dated July 17, 1996 against Judge Graciano Arinday, Jr., of the Regional Trial Court, Branch 69, Silay City, Negros Occidental, for delay in the resolution of Criminal Cases Nos. 3094-69 and 3095-69 which complainant had filed against Minerva Ercilla for estafa and violation of B.P. Blg. 22. Complainant alleges that the prosecution rested its case on October 11, 1994 but, despite the fact that the accused did not introduce any evidence in her defense, respondent judge "literally slept" on the cases.

In his comment, respondent judge alleges that the aforesaid cases were among the 200 transferred to his sala when he assumed office on May 31, 1994 and that before that there had been no hearing conducted in those cases; that while it is true that complainant's cases were submitted for resolution on October 11, 1994, he decided to wait, relying on the possibility of an amicable settlement by the parties because complainant's counsel had manifested during trial that complainant was open to settlement and in similar cases before him (Criminal Cases Nos. 3592-69 and 3600-69 against Delia Larang) complainant had in fact settled with the accused; that complainant apparently was not serious about prosecuting the accused but was only interested in collecting from her and was thus merely using the court as a "collection agency." In any case, respondent judge says he will decide the criminal cases "very soon."

Complainant alleges in reply that it was respondent judge who suggested an amicable settlement by asking his counsel the terms for such a settlement and that he agreed with the suggestion to avoid the inconvenience of a public trial but the failure of the accused Minerva Ercilla to respond to the judge's proposal should have prompted him to proceed with the cases; that he withdrew his two other cases against Delia Larang because of respondent judge's lukewarm attitude" and "apparent partiality" for Minerva Ercilla in Criminal Cases Nos. 3094-69 and 3095-69; that it was not for respondent judge to speculate on his motives in filing the cases.

The question in this case is whether respondent judge is guilty of delay in deciding the cases which complainant had filed against Minerva Ercilla. The answer is in the affirmative. Respondent judge admits that the cases were submitted for resolution on October 11, 1994 when the prosecution rested its case and accused was considered to have waived her right to introduce evidence by her failure to do so. Three years had since gone by without a decision in sight as respondent judge has