

**ROMEO STA. ANA, COMPLAINANT, VS. JUDGE GRACIANO H. ARINDAY, JR., REGIONAL TRIAL COURT, BRANCH 69, SILAY CITY, NEGROS OCCIDENTAL, RESPONDENT.**

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

Ponente: MENDOZA, J.

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**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 admitted in his comment dated September 23, 1995 that he had only “started assessing the evidence through the records before the receipt of such complaint.”

Respondent judge’s excuse, that he wanted to give the parties a chance to arrive at an amicable settlement, is not persuasive. While his desire to ease his workload by having the parties arrive at such arrangement is understandable, three years is more than enough to make him realize the futility of settlement and he should

therefore have waited no longer. Under the law, he is required to decide cases within 90 days. [1] Indeed, a judge cannot wait indefinitely for the parties to come to a settlement without opening himself to suspicion of partiality and bias. As this Court has held: “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]

On the other hand, the Court appreciates the fact that respondent judge received quite a number of cases upon his assumption of office and therefore believes that a fine of P2,000.00 is sufficient to impress on him the need to dispose of cases with deliberate speed.

WHEREFORE, the Court RESOLVED to (1) DOCKET this case as administrative matter, (2) IMPOSE a FINE of P2,000.00 on Judge Graciano H. Arinday, Jr., of the RTC, Branch 69, of Silay City, Negros Occidental with WARNING that commission of the same acts will be dealt with more severely, and (3) DIRECT Judge Arinday, Jr. to RESOLVE with deliberate speed Criminal Cases Nos. 3094-69 and 3095-69.

SO ORDERED.

Regalado, (Chairman), Puno, and Martinez, concur.

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[1] Art. VIII, §15 of the Constitution provides in pertinent part that “(1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.” Canon 3, Rule 3.05 of the Code of Judicial Conduct, in turn provides that “A judge shall dispose of the court’s business promptly and decide cases within the required periods.”

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

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