

CONCHITA C. VALENCIA, COMPLAINANT, VS. JUDGE JOSE MONTEMAYOR, MUNICIPAL TRIAL COURT, ANGELES CITY, RESPONDENT.*A.M. No. R-218-MTJ. April 19, 1989*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/370b22f6a939/>

PER CURIAM:

On March 20, 1984 Conchita C. Valencia filed a sworn letter-complaint dated February 23, 1984 in this Court against Judge Jose G. Montemayor, then Municipal Judge of GuaGua, Pampanga for failure to decide Criminal Case No. 7878, entitled "People vs. Charlie Ledesma" for serious physical injuries reckless imprudence, within the 90-day period from the time the case was submitted for decision. She alleged that the memorandum for the accused was filed on May 5, 1982, while that for the prosecution was filed in April, 1982 and that as of the time of the filing of the complaint no decision had as yet been rendered.

In a first indorsement of March 29, 1984, the deputy court administrator required respondent Judge to answer said letter-complaint within ten (10) days from notice. A first tracer dated December 6, 1985 of the court administrator was sent to respondent Judge as he had not answered the complaint as of the said date.

In a letter dated January 3, 1986 respondent judge transmitted to the court administrator a copy of the decision in the aforesaid case dated June 29, 1984 finding the accused guilty of the crime charged and imposing on him the indeterminate sentence of imprisonment of two (2) months, and one (1) day of arresto mayor as minimum to two (2) years, ten (10) months and twenty (20) days of prision correccional as maximum. He submitted no explanation for the delay in rendering the decision.

Obviously respondent Judge is guilty of violation of Section 5 of R.A. 296 otherwise known as the Judiciary Act of 1948: He decided the case only after a lapse of two (2) years and two (2) months from the time the case was submitted for decision. If at all, what may mitigate his liability is the fact that his regular assignment then was as municipal Judge in Sta. Rita, Pampanga and he was only designated as acting municipal judge of Guagua, Pampanga in addition to his regular duties on September 20, 1978. On January 18, 1983, he was appointed as city judge of Angeles City.

A verification of his disposition of cases as municipal judge of Sta. Rita, of Guagua and as city judge of Angeles City shows that he had a fair rate of disposition of cases except the hereinabove entitled case subject of the complaint during which period he received his salary regularly.

Nevertheless, respondent judge must be held to account for his failure to decide aforesaid case within the prescribed period. It was only after a complaint was filed against him and the Court pressed him to answer the complaint that he perked up and decided the case. His negligence is far from excusable.

Wherefore, the Court hereby finds respondent Judge Jose Montemayor guilty of the administrative charge against him for failure to decide Criminal Case No. 7878 within the period provided for under Section 5, R.A. 296 and as penalty he is hereby imposed a fine of P5,000.00 and further he is reprimanded with the warning that a repetition

of the same or analogous offense in the future will be more severely dealt with. Let a copy of this Resolution be attached to respondent's personal record.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, and Regalado, JJ., concur.
Medialdea, J., no part.

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