

MARCELINO SINGSON, SR., COMPLAINANT, VS. MUNICIPAL JUDGE PABLO L. VILLANUEVA OF TABUK, KALINGA-APAYAO, RESPONDENT.

A.M. No. 1171-MJ. November 17, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

Criminal Case No. 1119 for homicide through reckless imprudence was filed against Henry Manuit in the municipal court of Tabuk, Kalinga-Apayao on June 30, 1972. It was submitted for decision on July 30, 1973. It was decided by respondent judge on November 13, 1975 or more than two years after it was submitted for decision.

In his nineteen-page decision, respondent judge convicted Manuit of homicide through reckless imprudence and sentenced him to an indeterminate penalty of four months and one day of *arresto mayor* as minimum to three years, six months and twenty-one days of *prision correccional* as maximum and to pay the heirs of the victim ten thousand pesos as damages (p. 34, Rollo).

That decision did not come to the immediate notice of Marcelino Singson, Sr. of Bontoc, Mountain Province (whose son was the victim in that case), as shown by the fact that in a complaint dated November 14, 1975, filed in this Court on November 24, he denounced respondent judge for "gross neglect of duty" in not deciding the case.

At the hearing of this administrative case, Singson also complained that the bail bond of three thousand pesos fixed for the provisional liberty of the accused was "very low considering that there were four (4) victims in all" (p. 51, Rollo).

Respondent judge explained that the delay in the rendition of his decision may be attributed to the circumstance that he had no separate chamber wherein he could prepare his decisions. He worked in the session hall where he was often liable to be disturbed. His clerk of court had resigned. He had to type his decisions because his stenographer and clerk-stenographer were busy with their own work. There were many cases filed in his court.

Respondent further explained that even if he worked in his home he could not concentrate because several persons from the barrios used to see him and ask for assistance. He said that in his monthly certificate of service he indicated that there were cases pending decision which he had not decided after the expiration of the ninety-day period.

We hold that the more than two years delay in deciding the said case is inexcusable and shows that the respondent was not performing his duties properly (See sec. 97, Judiciary Law). That holding is warranted even if we take into account the alleged inadequacy of personnel and the unfavorable working conditions in respondent's office which were supposedly not conducive to the prompt adjudication of pending cases.

We also hold that the respondent should have fixed a higher bail bond, a circumstance which might have

prevented the accused from jumping bail, eluding arrest and evading his duty to appear in court for the immediate promulgation of the judgment of conviction. (As of May 3, 1977, when the Investigating Judge made his report herein, the decision had not yet been promulgated and Manuit had not been surrendered to the court by his surety.)

WHEREFORE, respondent judge[*] is severely censured for the delay in deciding Criminal Case No. 1119 and he is ordered to pay a fine equivalent to his salary for one month. A copy of this decision should be attached to his personal record.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

[*] Note that Dolores Vda. de Bunao charged Judge Villanueva with undue delay in the adjudication of Civil Case No. 202, a forcible entry case filed in 1967 which in 1979 had not yet been decided. Raymundo G. Barruzo also filed a complaint against the respondent for delay in the adjudication of Civil Case No. 279.

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