

MARIANO B. LAUREL, PETITIONER, VS. JUDGE HERMENEGILDO C. CRUZ, MUNICIPAL COURT OF MANDALUYONG, METRO MANILA, RESPONDENT.

A.M. No. 2668-MJ. May 22, 1982

Ponente: PLANA, J.

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PLANA, J.:

This is a complaint of Mr. Mariano B. Laurel against Judge Hermenegildo C. Cruz of the Municipal Court of Mandaluyong, Metro Manila, for failing to decide Civil Case No. 7772 (Mariano B. Laurel vs. Lourdes Sauza-Smith) of that Court within 90 days from the date the same was submitted for decision on December 28, 1979.

In his comment, Judge Cruz admitted that there was a delay in deciding the case but explained that -

" it was only recently that we located the original of the transcript of Stenographer V.V. Bustamante who has left for abroad without clearance or permission from the Court. When we conducted our traditional annual inventory of cases every December, we found the missing transcript, hence a decision was already made on said case on December 28, 1981, a copy of which is enclosed."

The explanation of the respondent is not satisfactory. The date when the case was submitted for decision was December 28, 1979. From then on, the collation of the records, transcripts and exhibits and the preparation of the decision were the sole responsibility of the respondent judge and should have been finished within 90 days or on or before March 28, 1980, as mandated by law.

Considering, however, the heavy load of the respondent and the number of cases disposed of by him during the calendar years 1980 and 1981, apart from the fact that this appears to be the first infraction of the respondent, it is believed that he deserves some measure of leniency. Accordingly, respondent Judge Hermenegildo C. Cruz is admonished to be more assiduous in the performance of his duties and warned that a repetition of the above infraction will be severely dealt with.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Vasquez, and Gutierrez, JJ., concur.
Relova, J., no part.

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