

SECOND DIVISION

[A.M. No. 95-95-RTJ, February 28, 1996]

NICOLAS L. LOPEZ, COMPLAINANT, VS. JUDGE REYNALDO M. ALON, REGIONAL TRIAL COURT, (BRANCH 40), SILAY CITY, NEGROS OCCIDENTAL, RESPONDENT.

D E C I S I O N

PUNO, J.:

Respondent Judge Reynaldo M. Alon, presiding judge of Branch 40, Regional Trial Court of Silay, Negros Occidental, is charged with willful and unlawful delay in rendering judgment in Criminal Case No. 2422,^[1] a murder case, in violation of Section 15, Article VIII of the Constitution.

Complainant is the brother of the victim in Criminal Case No. 2422. He alleges that the case was submitted for decision sometime in November 1993, but the decision was rendered only on August 9, 1995.

Respondent judge attributes the delay to several factors. According to him, several motions for extension of time to file memorandum were filed by counsel for the accused in said criminal case and these were granted by him. While awaiting for the filing of the memorandum, he lost track of the case.

Respondent judge avers, further, that when a pipe from the upper floor leaked in his chamber, his records were transferred to the Office of the Clerk of Court. The disorderly state of his sala was compounded when the chamber (Branch 69) of a fellow judge, Judge Graciano Arinday, was being organized. Judge Arinday's records were also kept at the Office of the Clerk of Court. Meanwhile, they had to share one sala in conducting hearings. In view of this confusing arrangement, respondent judge claims that the records of Criminal Case No. 2422 were misplaced.

Respondent judge maintains that the delay was due to his honest negligence. He faults the complainant for not calling his or private prosecutor's attention on the status of the case and charges that complainant filed the present administrative case because the accused in Criminal Case No. 2422 was acquitted.

We find the complaint meritorious.

Section 15, Article VIII of the Constitution provides that all cases filed before the lower courts must be decided or resolved **within three (3) months** from the date of submission. Non-observance of this requirement constitutes a ground for administrative sanction against the defaulting judge.^[2] In certain meritorious cases, i.e., those involving difficult questions of law or complex issues, a longer period to decide the case may be allowed, but only upon proper application therefor has been made by the concerned judge.