

AMALIO RONDAEL AND AMALIA SALANO-RONDAEL, COMPLAINANTS, VS. CITY JUDGE LEONARDO E. LOZANO OF ILOILO CITY, RESPONDENT.

Adm. Mat. No. 1946-CTJ. March 30, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

The spouses Pilar G. Hedriana and Jose Hedriana filed in the city court of Iloilo City a complaint for ejectment dated August 31, 1977 against the spouses Amalio Rondael and Amalia Salano-Rondael on the ground of nonpayment of rentals from January, 1976.

The premises involved were a portion of a building used for residential purposes and leased on a month-to-month basis to the Rondael spouses since November, 1972 at a monthly rental of P200 (Civil Case No. 12028, pp. 5-7, Rollo).

The Rondael spouses in their answer alleged that they would pay the back rentals in October, 1977 when their palay would be harvested. They did not invoke Presidential Decree No. 20.

On October 17, 1977, they manifested that they deposited the sum of P3,200 as the net back rentals from January, 1976 to October, 1977 (P4,400 less P1,200 which the Hedriana spouses owed the Rondael spouses as expenses incurred for the release of the Hedrianas' rifle from Camp Crame).

On October 7, 1977, the Hedriana spouses filed a motion for judgment on the pleadings because the Rondaels' answer did not tender any triable issue. The Rondael spouses did not oppose that motion nor did their counsel appear in court on October 14, 1977 when it was set for hearing.

On October 19, 1977, the day of the trial, of which the counsel of the Rondael spouses was duly notified, they and their counsel did not appear.

Respondent city judge, in his decision of November 25, 1977, ordered the Rondael spouses to vacate the premises and to pay the net back rentals of P3,200 plus P500 as attorney's fees (p. 18, Rollo). The city court ignored the deposit of P3,200 made by the Rondael spouses.

A copy of that decision was served upon the counsel of the Rondael spouses on December 9, 1977. It became final and executory after December 24, the last day of the 15-day reglementary period for appeal.

On December 22, 1977, the Hedriana spouses filed an ex-parte motion for execution of the judgment. The city court granted it in its order of January 17, 1978. On that same day, a writ of execution was issued.

On January 9, 1978, the Rondael spouses filed a motion for reconsideration. The city court denied it in its order of January 13, 1978.

Through another lawyer, the Rondael spouses filed in the Court of First Instance of Iloilo a petition for prohibition

dated June 2, 1978 against respondent judge, the sheriff and the Hedriana spouses to stop the enforcement of the writ of execution which was allegedly issued with grave abuse of discretion (Civil Case No. 12246). The petition was dismissed (p. 51, Rollo).

The Rondael spouses in a verified petition dated May 30, 1978 charged respondent city judge in this Court with gross ignorance of the law and grave abuse of discretion. They prayed that he be investigated, suspended and "disbarred".

They later alleged in their reply that respondent judge is the "compadre" of the Hedriana spouses and that their ejectment from the leased premises was a violation of Presidential Decree No. 20 (pp. 50-52, Rollo).

We find that there is no ground for taking disciplinary action against respondent judge. He acted within his jurisdiction in rendering the judgment against the herein complainants who were duly heard and were not deprived of due process. They did not present any evidence during the trial.

They did not seasonably file any motion for reconsideration nor interpose an appeal and they did not point out the errors committed by respondent judge. The complainants allowed the judgment to become final.

WHEREFORE, the complaint is dismissed for lack of merit. A copy of this resolution should be attached to the personal file of the respondent.

SO ORDERED.

Barredo (Chairman), Concepcion Jr., Fernandez [*] and Castro, JJ., concur.

Justice Abad Santos is abroad.

[*] Justice Fernandez was designated to sit in the Second division.

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