

DAN ALCANTARA, COMPLAINANT, VS. JUDGE CAMILO E. TAMIN AND ATTY. RUFINO ALOOT, RESPONDENTS.

A.M. No. RTJ-95-1305. April 21, 1995

Ponente: ROMERO, J.

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ROMERO, J.:

Complainant filed a letter-complaint dated February 8, 1994, charging the respondents with grave misconduct, gross negligence in the performance of duties, grave abuse of discretion, and bias and partiality, in connection with Special Proceedings Nos. 90-30, 005 (2250-2324) for Settlement of the Estate of Braulio Villasis.

Respondent judge allegedly ignored the motions filed by complainant questioning the irregularities committed by his predecessor, and that he issued an order allowing his brother's mother-in-law to be an oppositor in the proceedings even when he had already inhibited himself from the case. Complainant further claimed that respondent judge had been staying in the mansion of the decedent. These allegations were all denied by respondent judge.

Deputy Court Administrator Juanito A. Bernad, in his memorandum to Chief Justice Andres R. Narvasa dated February 7, 1995, found respondent judge to have committed grave abuse of discretion "in rendering the order allowing his brother's mother-in-law to be an oppositor in the special civil action knowing fully well that on very same date he no longer have (sic) the jurisdiction to act on the motion of the would be oppositor."

The other charges, however, were found to be unmeritorious.

Mr. Bernad made the following recommendation:

"WHEREFORE, foregoing considered, it is respectfully submitted for the consideration of this Honorable Court with the recommendation that Judge Camilo E. Tamin be meted the penalty of fine to the amount of FIVE THOUSAND PESOS (P5,000.00) with stern warning that a repetition of the same or similar act or offense in the future will be dealt with more severely. The administrative case against Atty. Rufino Aloot should be REFERRED to the Integrated Bar of the Philippines for whatever action it may deem proper."

ACCORDINGLY, this Court resolves to ADOPT the above-mentioned recommendation of Deputy Court Administrator Juanito A. Bernad, and hereby imposes a FINE of FIVE THOUSAND PESOS (P5,000.00) upon respondent Judge Camilo E. Tamin with a stern warning that a repetition of the same or similar act or offense in the future shall be dealt with more severely.

The administrative case against Attorney Rufino Aloot is hereby REFERRED to the Integrated Bar of the Philippines for whatever action it may deem proper.

SO ORDERED.

Feliciano, (Chairman), Vitug, and Francisco, JJ., concur.

Melo, J., on leave.

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