

**JUAN RAMIREZ, COMPLAINANT, VS. JUDGE ROMULO A. SALAZAR,
MUNICIPAL JUDGE OF LAWAN, EASTERN SAMAR, RESPONDENT.**

A.C. No. 1468. June 25, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

Juan Ramirez sought in 1975 the disbarment of Municipal Judge Romulo A. Salazar of Lawan, Eastern Samar (now circuit municipal judge of Maydolong--Balangkayan, Eastern Samar) on the ground of gross misconduct as a lawyer and judge.

Ramirez alleged that Judge Salazar, taking advantage of his position and his profession as a lawyer, forcibly removed the barbed wire fence separating the land of Ramirez from the land of the Salazars located at Barrio Paglalangan, Balangiga, Eastern Samar and that by means of duress he seized a portion of Ramirez's land planted to one hundred fruit-bearing coconut trees.

Judge Salazar in his answer admitted that he removed the barbed wire fence which was surreptitiously placed by Ramirez and his helpers and which encroached on the lands of the Salazars and the Albetria family. He said Ramirez was a notorious land-grabber.

He removed the fence after his demands for its removal were not heeded by Ramirez. He relied on article 429 of the Civil Code which allows an owner to use such force as may be reasonably necessary to repel an actual unlawful physical invasion or usurpation of his property.

The case was referred by the Solicitor General to the provincial fiscal of Eastern Samar for investigation. The counsel for the complainant in 1976 manifested to the investigator that Ramirez was no longer interested in pursuing his complaint and that he believed that the remedy was a civil action.

Ramirez died on August 25, 1982 at the age of 73. It was only on December 2, 1983 that his counsel made a written manifestation that the case be dismissed. The provincial fiscal in an indorsement to the Solicitor General dated February 20, 1984 recommended the dismissal of the case because the complainant failed to present evidence in support of the charge.

In his report dated May 2, 1984 the Solicitor General averred that the case should be dismissed for lack of merit. Finding that recommendation to be justified, this case is hereby dismissed. SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

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