

CRISOSTOMO P. OLIVAREZ, COMPLAINANT, VS. JUDGE FRANCISCO R. LLAMAS, CITY JUDGE OF PASAY CITY, RESPONDENT.

A.M. No. 1214-CTJ. December 01, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

A summary of this case is found in the following report of the Acting Assistant Judicial Consultant, Justice Lorenzo Relova:

"In a verified letter-complaint dated March 4, 1976, (Rollo, pp. 1-2), Crisostomo P. Olivarez denounced City Judge Francisco Llamas of the City Court of Pasay City for intervening in a case which otherwise could have been settled amicably.

"Complainant was allegedly deprived 'of his share in the estate of his deceased father, Miguel Olivarez' by his sister Urbana Olivarez Leonardo and brothers-in-law Jesus Leonardo and Mauro Ongaco (Vide: Rollo, p. 3). Complainant asked the help of the 'OCR Camp Crame'. Said Office set December 8, 1975 for a confrontation between the parties. Complainant's sister and brothers-in-law failed to appear although they sent a letter addressed to Col. Felipe Sta. Agueda, OCR Chief, Philippine Constabulary, Camp Crame, Quezon City, requesting for a copy of the complaint against respondent's cousins 'Mr. and Mrs. Jesus Leonardo' and 'a postponement of such confrontation x x x pending clarification of the nature of such case' (Rollo, p. 4).

"Respondent's letter was answered by Col. Sta. Agueda, stating inter alia that his Office 'assists complainants who appear to have valid grievances and tries to effect amicable settlement whenever possible in order to avoid deterioration of disputes into court cases; and consequently, avoid expensive court litigations. However, if Mr. and Mrs. Jesus Leonardo are not disposed to come to the OCR (Office of Civil Relations), and since the record so far shows no imputation of a criminal offense, they may so state in writing' (Rollo, p. 5).

"Complainant alleged that when nothing happened in the OCR at Camp Crame, he sought the help of the Department of National Defense which Office set his case for confrontation three (3) times; that on the last date of confrontation, respondent appeared and told Atty. Lial of the Department of National Defense that a civilian court, not a military court, has jurisdiction over the case; and that the warrant officer of the Department of National Defense told said Atty. Lial that complainant's sister and brothers-in-law wanted to appear for the confrontation but respondent prevailed upon them not to appear.

"To further show respondent's intervention, complainant submitted a copy of a 'Deed of Donation Inter Vivos and Grant of Right of Way' wherein respondent was one of the witnesses (Complainant's Annex D).

"In his letter-comment to the Executive Officer of this Court dated August 20, 1976 (received by this Court's Records Control Center on September 6, 1976, Rollo, pp. 15-18), respondent stated inter alia that Urbana Olivarez is married to his first cousin Jesus Leonardo; that 'all their problems are being referred to me, not in the sense of a lawyer-client relationship but on account of my being their relative with a legal background'; that, as such, he signed as witness in a deed of donation (Complainant's Annex D); that Atty. Lazaro C. Ison was hired by his cousins as their counsel; that Col. Sta. Agueda was his classmate in law 'and a close 'kababayan' and associate in the Bar Association of Parañaque, Rizal' and for which reasons his cousins asked

him to write said Col. Sta. Agueda on December 8, 1975 'on account of their nervous breakdown as a result of the invitation and their fear of being detained by the military'.

"As to complainant's gripe over his share of a certain property, respondent averred:

'x x x a lawyer of Mr. Crisostomo Olivarez wrote my said cousin, formally demanding for the share of Mr. Crisostomo Olivarez. Consequently, my said cousin sent said lawyer the evidence of ownership consisting of that copy of the November 6, 1941 Deed of Absolute Sale in her favor of the land in question x x x as well as the tax declaration and real estate tax payments from 1941 up to 1975. After such reply, the lawyer of Mr. Olivarez who threatened to immediately file recovery case in court, did not file any case.'

"Complainant was furnished a copy of respondent's explanation/comment. There is no showing that complainant filed a reply.

"From the foregoing, it appears that complainant's remedy for having been allegedly deprived of his share in the estate of his deceased father is purely civil in nature, and respondent's explanation on the alleged 'intervention' appears satisfactory. On these grounds, the instant complaint may be dismissed outright for lack of merit.

"However, respondent's delay in the filing of his comment may be taken cognizance of.

"In a 1st Indorsement dated March 9, 1976, of the Executive Officer (Office of the Court Administrator), respondent was made to comment 'within ten (10) days from receipt hereof.' This was followed by a 'first tracer', then a 'second tracer' dated May 6, 1976 and July 2, 1976, respectively (Rollo, pp. 8, 9 and 10).

"This Court's Second Division had to pass a resolution dated September 3, 1976, requiring respondent to comply with the directive of the Executive Officer.

"It was only on September 6, 1976 when this Court's Records Control Center received respondent's comment dated August 20, 1976.

"In a resolution dated February 7, 1977 (Second Division, Adm. Matter No. 759-CTJ, Celso Prospero, et al. vs. Hon. Francisco Llamas of Pasay City) respondent was 'admonished to exercise due diligence in complying with the directives coming from this Court (and, for that matter, in the performance of his duties). He is warned that a repetition of a similar negligent act will be dealt with more severely'.

"Premises considered, it is respectfully recommended that the instant complaint against City Judge Francisco Llamas, City Court of Pasay City, be dismissed for lack of merit. However, for respondent's failure to exercise due diligence in complying with directives coming from this Court, respondent may be reprimanded."

The Court approves Justice Relova's recommendation.

WHEREFORE, the complaint against respondent judge is dismissed. For his negligence in not complying promptly with the directive to comment on the said complaint, he is hereby censured and warned that a repetition of that irregularity will be visited with a more severe disciplinary penalty. A copy of this resolution should be attached to his personal record.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Concepcion, Jr., and Santos, JJ., concur.

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