

NENITA CASTAÑETO, COMPLAINANT, VS. HON. BUENAVENTURA S. NIDOY, MUNICIPAL JUDGE OF BINALONAN, PANGASINAN, RESPONDENT.

A.M. No. 1530-MJ. May 30, 1978

Ponente: ANTONIO, J.

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ANTONIO, J.:

On February 10, 1977, a letter complaint was filed with this Court by Nenita Castañeto, alleging that a complaint for unlawful detainer[1] was lodged against her in the Municipal Court of Binalonan, Pangasinan, presided over by Judge Buenaventura S. Nido; that during the proceedings, the said Judge did not keep records or writings; that the transcript of stenographic notes were tampered with so that portions thereof prejudicial to the plaintiff's case were deleted, and additions favorable thereto were made; that a decision was rendered in favor of the plaintiff; and that complainant requests that a new trial be granted her so that the decision to be rendered will not be based on the evidence allegedly designed to be in favor of plaintiff in said case.

On March 8, 1977, respondent Municipal Judge Buenaventura S. Nido denied the allegations made by complainant, stating that for every trial of the aforesaid unlawful detainer case, a stenographer was always present, and in fact, transcripts of the stenographic notes were made and forwarded to the Court of First Instance when the judgment was appealed;[2] that the case was decided on the basis of the evidence before the Court; that, contrary to complainant's insinuation, the judgment was rendered not on the basis of bias and influence but strictly on the basis of said evidence; that, not satisfied with the decision, complainant appealed the same to the Court of First Instance; and that said decision was affirmed with modification by said appellate court. Respondent Judge, therefore, prayed for the dismissal of the complaint.

Complainant's allegation that no record of the case was kept by the respondent Judge is clearly unfounded, since stenographic notes were taken and transcribed in connection with the unlawful detainer case afore-mentioned. Moreover, said notes and transcripts were forwarded, with the entire records, to the Court of First Instance when the judgment was appealed by the defendants. Complainant's own allegation that the transcripts were modified to suit the case of the plaintiff belies the charge that no record was kept, since she admits that said transcripts were in existence. This latter charge is likewise without basis, inasmuch as complainant's remedy, if she believed that the transcripts had really been tampered with, was to apply to the court for the correction of the same. This remedy was not availed of by her.

Lastly, the imputation of prejudice on the part of respondent Judge in favor of the plaintiff appears purely conjectural, as complainant supplied no detail whatsoever in support of said charge, and, significantly, the decision was affirmed, with one modification, by the Court of First Instance.

We likewise take note of the fact that complainant's participation and interest in the unlawful detainer case cannot be determined from the records before Us. The parties in said case are Carmelita Castañeto, as plaintiff, and the spouses Andres Castañeto and Anita Obriam, as defendants, and neither the decision of the Municipal Court nor

that of the Court of First Instance yields information regarding the personality of Nenita A. Castañeto.

WHEREFORE, the instant complaint is hereby DISMISSED, for lack of merit.

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

Aquino, J., took no part.

[1] Docketed as Civil Case No. MC-B-330, entitled "Carmelita Castañeto, Plaintiff, versus Andres Castañeto, et al., Defendants, for Unlawful Detainer."

[2] Docketed as Civil Case No. U-3008, entitled "Carmelita Castañeto, Plaintiff-Appellee, versus Spouses Andres Castañeto and Anita Obriam, for Unlawful Detainer."

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