

**PRISCA B. ARAZA, COMPLAINANT, VS. JUANITO C. REYES,
MUNICIPAL JUDGE, ZUMMARRAGA, SAMAR, RESPONDENT.***A.M. No. 207-MJ. June 19, 1975*

Ponente: ANTONIO, J.

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Respondent Municipal Judge Juanito C. Reyes of Zummarraga, Samar, is charged by complainant Prisca V. Araza with (a) serious misconduct in office; (b) falsification of public document; and (c) ignorance of the law.

Respondent's alleged serious misconduct in office is contained in four (4) specifications. The first attributes to respondent the imprudence of having approved in Criminal Case No. 9358 (Grave Threats) the bond submitted by Anacita Lamograr, although she is already long deceased. The second specifically charges respondent with having wilfully delayed the approval of the bail bond in Criminal Case No. 9270 (Theft of Large Cattle), while the third specification accuses respondent of having unduly delayed the disposition of Criminal Case No. 9271. These three (3) specifications have been found groundless by the Investigating Judge, as Anacita Lamograr does not appear to be one of the bondsmen in said criminal case and respondent had actually acted with reasonable dispatch in the other cases. In connection with the fourth specification, respondent is charged with having deliberately and wilfully delayed the disposition of Civil Case No. 318 (Restituto Centino vs. Jesus Tizon, for Forcible Entry) because the counsel of the plaintiff, Judge Emeterio Geli, is his (respondent's) cousin-in-law. Although there is no basis for the accusation that such delay favored a relative of respondent, as a careful scrutiny of the record of the aforesaid civil case shows that the attorney on record of the plaintiff is Atty. Fernando D. Fabrigaras and not Judge Geli, there is ground for the charge that said case was unduly delayed. From the record, this forcible entry case was filed on November 10, 1966, and the issues joined on December 2, 1968 by the filing of the defendant's answer. The trial was, however, unnecessarily delayed due to the repeated motions for postponement of the parties. This case was, however, finally decided by respondent on February 23, 1973.

In connection with the other charges such as that of falsification of public document and ignorance of the law, these have all been found by the Investigating Judge to be without any factual basis or evidentiary support.

On the basis of his findings, District Judge Segundo M. Zosa, who investigated the case, recommended the exoneration of respondent Judge in Charge I, Specifications 1, 2, and 3, as well as in Charges II and III, but recommended that respondent be reprimanded for his laxity in granting postponements in Civil Case No. 318 which resulted in the undue delay in the termination of said case. Manifestly, the peculiar nature of this action of forcible entry or unlawful detainer under Rule 70 of the Rules is to provide an expeditious means of protecting actual possession or right to possession of property. Its purpose, regardless of the actual condition of the title to the property, is that the party in peaceable and quiet possession should not be turned out by strong hand, violence or terror. In affording this remedy, the object of the law is to prevent breaches of the peace and criminal disorder which would otherwise ensue if such remedy is withdrawn because then, those who believe themselves entitled to the possession of property would resort to force to regain its possession. Considering the nature of the proceeding and the philosophy underlying the remedy, it is evident that respondent's laxity in acceding to the successive

postponements requested by the parties frustrated the very purpose and object of the law.

WHEREFORE, in view of all the foregoing, this Court dismisses the charges against respondent, except for his laxity in granting motions for postponement resulting in the unjustified delay in the termination of Civil Case No. 318, for which respondent is hereby reprimanded and warned that henceforth he should act with reasonable dispatch, especially in those cases which the law requires to be expeditiously heard and decided.

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

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