

ROMULO G. LOPEZ, COMPLAINANT, VS. JUDGE GETULIO Z. GUEVARA, RESPONDENT.

A.M. No. 487-CAR. May 13, 1975

Ponente: ANTONIO, J.

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ANTONIO, J.:

On October 12, 1972, Romulo G. Lopez filed with the Department of Justice a complaint against Judge Getulio Z. Guevara of the Court of Agrarian Relations, Bacolod City, for allegedly "knowingly rendering unjust judgment and/or judgment rendered through negligence, oppression and abuse of authority" in CAR Cases Nos. L-4, L-6 and L-13 of the Court of Agrarian Relations, Bacolod City.

Respondent denied the charge and stated that his amended decision in CAR Case No. L-4 was affirmed by the Court of Appeals en toto with costs against the appellant (CA-G.R. No. 46316-R, February 14, 1972); that in CAR Case No. L-6 his amended decision on appeal was modified by the Court of Appeals (CA-G.R. No. 46469-R); and that in CAR Case No. L-13, his amended decision was modified and remanded for further proceedings (CA-G.R. No. 464789-R). Respondent further stated that the charge was intended to disqualify him from further acting on said cases.

In a Resolution dated July 11, 1974, We referred this case to the Honorable Justice Emilio Gancayco of the Court of Appeals, for investigation, report and recommendation. In his report, dated April 22, 1975, Justice Gancayco made the following findings and recommendation:

"On the date of the investigation on April 2, 1975, the attention of this investigator was invited by counsel for respondent that on July 18, 1973, the respondent judge had already retired from the service and had received the corresponding benefits. Due to this manifestation the complainant took the witness stand and under oath stated that there is no more useful benefit to the members of the Federation of Free Farmers in whose behalf he filed the complaint since the respondent judge had already been retired from the service. Hence he prayed that this complaint be dismissed.

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"Considering that this complaint involves decisions in three cases, the first of which was affirmed en toto and the remaining two were modified by the Court of Appeals, apparently showing that there is no merit in the charge, and considering further that the respondent retired from the service on July 18, 1973, and collected the benefits accruing thereby, so that even the complainant now asks for the dismissal of the complaint, it is therefore respectfully recommended that this complaint be dismissed.

The Judicial Consultant fully concurs in the foregoing recommendation.

Indeed, We find the report and the recommendation in order.

WHEREFORE, in view of the foregoing, the complaint is hereby dismissed.

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

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