

RURAL BANK OF BAROTAC NUEVO, INC., COMPLAINANT, VS. SERGIO CARTAGENA, MUNICIPAL JUDGE OF DUMANGAS, ILOILO, RESPONDENT.

A.M. No. 707-MJ. July 21, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

This administrative matter arose from a verified complaint dated February 10, 1973 of the Rural Bank of Barotac Nuevo, Inc. (Bank for short) through counsel. The complaint charged the respondent, Judge Sergio Cartagena of Dumangas, Iloilo with dishonesty and irresponsibility for failure, despite repeated demands, to make good his promise to pay within the stipulated period, the agricultural loan granted in his favor by the Bank.

The Bank in its complaint alleges: (1) That respondent in consideration of the P300.00 agricultural loan granted him on February 5, 1965, executed in favor of the Bank a promissory note dated on the same day, and secured by a chattel mortgage for 90 piculs of sugar quedan for his production on 1.5 hectares of sugar plantation; (2) that respondent having failed despite repeated demands to make good his promise to pay, the Bank on April 16, 1970 filed a complaint for collection in the Municipal Court of Barotac Nuevo docketed as Civil Case No. 494; (3) that on June 18, 1970 decision was rendered ordering respondent to pay said loan; (4) that the decision having become final and executory, a Writ of Execution dated June 29, 1970 was issued and furnished respondent; (5) that respondent failed to pay his loan up to the time this complaint was filed; and (6) that the acts and behavior of respondent in not paying a single centavo as interest on the capital of said loan with an aggregate amount of P619.87 constitutes an act of dishonesty and irresponsibility.

The records show that the complaint was forwarded to the Secretary of Justice on April 25, 1972 and in answer to the Bank's charges against him, respondent stated that sometime in October, 1972 he offered to make a partial payment, the balance to be paid in two months' time, but the Bank's counsel refused to settle for less than the full amount.

Enclosing a xerox copy of the receipt No. 12908 for P200.00 issued by the Rural Bank of Barotac Nuevo indicating partial payment of the loan, respondent on June 15, 1973 informed this Court that he and the Bank had already reached an arrangement regarding the payment of the loan.

On June 14, 1974, respondent submitted to this Court Official Receipt No. 1347 showing full payment of the loan and manifested that "the delay in settling his obligation with the Bank was not intentional but rather predicated on the resolution of the previous understanding between him and the previous manager of the Bank."

This case may be dismissed for being moot and academic. The *raison d'etre* for complainant's grievance has ceased to exist.

However, respondent must be admonished against a repetition of the same act for, being an incumbent member of the Judiciary he is expected to be a model of uprightness, fairness and honesty not only in all his official conduct

but also in his personal actuations, including business and commercial transactions.

WHEREFORE, this administrative complaint, having become moot and academic, is hereby dismissed with the admonition that a repetition of the same act will be dealt with accordingly.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Fernandez, JJ., concur.

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