

**SEC. CORAZON ALMA G. DE LEON, D.S.W.D., COMPLAINANT, VS.
JUDGE TROADIO C. UBAY-UBAY, MCTC, MANTICAO, MISAMIS
ORIENTAL, RESPONDENT.**

A.M. No. MTJ-94-957. September 01, 1994

Ponente: ROMERO, J.

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ROMERO, J.:

On March 28, 1994, Department of Social Work and Development Secretary Corazon Alma G. de Leon filed a letter-complaint with the Office of the Court Administrator (OCA) against Judge Troadio C. Ubay-ubay, MCTC, Manticao, Misamis Oriental. Respondent Judge, at that time, was hearing the adoption case of minor Jub Pagente Espinosa filed by petitioner Juneto L. Uy under Special Proceedings No. 15. Complainant Secretary de Leon stated that this is contrary to Batas Pambansa Blg. 129, Section 19, whereby Special Proceedings are under the jurisdiction of the RTC and not the MCTC.

The OCA referred the matter to Judge Ubay-ubay for comment. In his comment, respondent Judge stated that he had researched the issue of his lack of jurisdiction but that he "has not come up with a concrete opinion" regarding the matter. However, he held in abeyance the resolution of SP No. 15 until the issue of jurisdiction shall have been clarified.

Under Section 10, par. 7 of Batas Pambansa Blg. 129, "all civil actions and special proceedings falling under the exclusive jurisdiction of the Juvenile and Domestic Relations Court and of the Courts of Agrarian Relations" are now under the exclusive original jurisdiction of the Regional Trial Courts. The JDRC and the CAR had been changed into Regional Trial Courts by virtue of the Reorganization Act.

The alleged doubt of respondent judge is misplaced as the law is very clear. He should have dismissed the petition and ordered the parties to file the same with the proper court.

WHEREFORE, the Court hereby SEVERELY REPRIMANDS MCTC Judge Troadio C. Ubay-ubay for his patent ignorance of the law on jurisdiction and hereby orders him to DISMISS the petition for adoption filed by Juneto L. Uy and to ADVISE the parties to file the same with the proper court.

SO ORDERED.

Feliciano, (Chairman), Melo, and Vitug, JJ., concur.

Bidin, J., on leave.

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