

PAULITO AND MA. TERESA GOMEZ, COMPLAINANTS, VS. JUDGE ESTANISLAO S. BELAN, MUNICIPAL TRIAL COURT, BIÑAN, LAGUNA AND ATTY. ARLINDO S. ANGELES, RESPONDENTS.

A.M. No. MTJ-97-1119. July 09, 1998

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

In an ejectment case then pending before the Municipal Trial Court of Biñan, presided over by respondent Judge, Atty. Arlindo S. Angeles -- counsel of the plaintiffs (the Arandia Spouses) -- filed a "Motion to Enter Premises and Render Judgment" dated October 11, 1996. The motion alleged that the defendants (the Gomez Spouses) had "moved of the litigated premises without informing ** plaintiffs, and that the same was abandoned and left open except for the gate which is locked ** (but) the door to the house itself ** (was) open;" and that when located at their new residence, the defendant spouses "refused to surrender the keys to plaintiffs." On these grounds, Atty. Angeles prayed that his clients (plaintiffs) be allowed to enter the subject premises "with the assistance of proper officers," and break or cut such padlocks or bars as might be necessary to effect entry.

Acting thereon, Judge Belan issued an Order ex parte on October 16, 1996, granting plaintiff spouses permission "to cause the breaking of the padlock at the gate of the premises at No. 9, Block 10, Stage, Macaria Subdivision, Biñan, Laguna," and declaring the case "submitted for decision."

Pursuant to this Order, the Sheriff proceeded to the house in question on October 22, 1996, together with a police officer, Mrs. Erlinda Arandia, and Atty. Angeles. On reaching the place, they immediately confirmed that defendant spouses had indeed abandoned the premises, padlocking the front gate, but leaving the front door of the house open. Only a few personal belongings were found "at the receiving room and outside the house" -- i.e. an electric fan, a thermos bottle, a small radio, a small table, a sofa -- all of which were left as they were. The house was then locked up, including the gates.

The Gomez Spouses thereupon instituted administrative proceedings on November 7, 1997 against (i) Judge Belan -- charging him with "gross ignorance of the law" -- and (ii) Atty. Angeles -- accusing him of "deliberately misleading the Court **." They alleged that Judge Belan did not give them the benefit of hearing before acting on Atty. Angeles' motion to enter premises, etc., and virtually directed execution against them at a time when the ejectment case was still pending decision. As regards Atty. Angeles, they asserted that he had not given them notice of his motion to enter premises, and had fed the Judge wrong information.

This Court required both respondents to file their comments on the complaint, which they did in due course. The case was thereafter referred to, and heard before, Hon. Pablo B. Francisco, Judge of the Regional Trial court at Biñan, Laguna. In due time, Investigating Judge Francisco submitted his Report, dated March 5, 1998.

The Court agrees with the Investigating Judge that the evidence indubitably establishes that the Gomez Spouses had in fact abandoned the premises subject of the ejectment action commenced by the Arandias. The Court is also satisfied about the correctness of said Investigating Judge's observation, to wit:

" ** (A)lthough the Order merely authorized the spouses Arandia to gain entry into the leased premises and they cautiously did so in the company of respondent Angeles, Sheriff Arellano and PO2 Melchor Dionisio), their act of thereafter padlocking the gate and the back door of the leased premises thereby taking possession of the same was calculated to protect the same from intrusion by others, a valid act of ownership.

With the finding that the complainants abandoned the leased premises prior to October 16, 1996, complainants' contention that the Order pre-empted the decision in the ejectment case has no leg to stand on. On the contrary, it is complainants abandonment of the leased premises which rendered moot and academic the issue of possession in the ejectment case.

It maybe true that respondent Judge issued that Order without giving the complainants a chance to be heard. But that argument adopted by complainants is hypocritical. Giving them the chance to air their side could not have disproved Angeles' allegations in the Motion that they (complainants) had left the leased premises to live in residence of their own.

The Order might have been infirmed by the failure of respondent Judge and respondent Angeles to observe procedural due process in its issuance. The new address of complainants was known to respondent Angeles and made known to respondent Judge in the Motion itself at the time it was filed. While praying for the approval of the Motion ex-parte appears to be motivated by the spouses Arandia's desire to preserve the leased premises after it was abandoned by complainants' it devolved upon respondent Judge to set Motion for hearing and see to it that the side of complainants, it devolved upon respondent Judge to set the Motion for hearing and see to it that the side of complainants' in the matter are heard to satisfy the requirements of due process. But complainants should bear to a large extent the blame for the failure of respondent Judge to notify them. They have no address on record and had failed to inform the Court that they had moved out of the leased premises. While their new address was stated by respondent Angeles in the Motion itself, that address was still unverified. Furthermore, the obligation to inform the Court of their new address devolved not upon respondent Angeles but upon complainants themselves. In filing their complaint herein, complainants come to court with unclean hands."

One last word: simply to emphasize once again that administrative proceedings against judges are not an acceptable substitute for judicial remedies prescribed by law to correct supposed errors of the latter acting within the scope of their jurisdiction and functions, or even upon the claim that said judges have acted without or in excess of their jurisdiction or with grave abuse of discretion.

WHEREFORE, and accepting the recommendation of the Investigating Judge, the Court Resolved to DISMISS the complaint against respondent Judge Estanislao S. Belan and respondent Atty. Arlindo S. Angeles, for lack of merit, with the admonition that in future they be more observant of due process in court proceedings.

SO ORDERED.

Romero, Kapunan, and Purisima, JJ., concur.

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