

CECILIO S. LIM, JR. AND CANUTO PROVIDO, COMPLAINANTS, VS. JUDGE FELIPE L. VACANTE OF LAMBUNAO, ILOILO, RESPONDENT.

Adm. Matter No. 268-MJ. February 27, 1976

Ponente: ANTONIO, J.

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ANTONIO, J.:

For having tried and decided a cadastral case which, some two years earlier, had already been heard and decided by Judge Valerio V. Rovira of the Court of First Instance of Iloilo, respondent Municipal Judge Felipe L. Vacante of Lambunao, Iloilo, is charged with "inexcusable negligence, recklessness and ignorance of law."

Complainants point out that because of the questioned decision of the respondent, titles to the lots adjudicated to them could not be issued, resulting in their damage and prejudice.

The main issue which the Investigating Judge considers as determinative of the administrative liability of the respondent is whether or not the latter had previous knowledge of the decision rendered by Judge Rovira involving the lots afore-mentioned.

According to the findings of the Investigating Judge, (a) neither the previous personnel in charge of the Cadastral Cases Section nor respondent Judge Vacante had knowledge of the proceedings in the sala of Judge Valerio V. Rovira; (b) the Docket Control Book in the Cadastral Cases Section does not show that the case in question has been previously decided; (c) proceedings had before respondent's court were properly recorded in the afore-mentioned control book; (d) the claimant in the cadastral case decided by Judge Rovira was one Gervasio Clemente, while the claimant in the cadastral case heard and decided by the respondent is Teresito L. Castigador who did not file any cadastral answer and that respondent based the hearing on the Deeds of Quitclaim executed by Gervasio Clemente in favor of claimant Teresito L. Castigador; (e) there was some confusion as to how the cadastral answers filed by Gervasio Clemente and Canuto Provideo found their way to the sala of Judge Rovira. Atty. Fermin Sornito, who assumed duties as the clerk-in-charge of the Cadastral Cases Section on June 1, 1970, testified that he found no trace of any record showing that the cadastral answer in the case in question was ever endorsed to the sala of Judge Rovira; and (f) respondent Municipal Judge heard and decided the cadastral case in question pursuant to Administrative Order No. 2, s. of 1961, issued by then District Judge (Executive Judge) Arsenio Nañaawa and approved by the then Secretary of Justice Alejo Mabanag.

The Investigating Judge, however, considered it appropriate that respondent be reprimanded and admonished, in view of his findings that respondent did not bother to scrutinize the records to ascertain whether or not the claimant had filed the corresponding cadastral answers, and said respondent's admission that he was not really the one who prepared the decision in said cadastral case.

Precisely how the two courts happened to hear and decide the cadastral cases involving the same lots has not been made sufficiently clear in the investigation. Nevertheless, it appears manifest that respondent failed to exercise the requisite degree of diligence in the matter. Under Section 9 of Act No. 2599 (Cadastral Law), claimants of lands included in cadastre are required to file an answer which should be subscribed and sworn to by said claimants, or

by some persons in their behalf. The respondent Judge heard and decided the cadastral case in question notwithstanding the absence of any cadastral answer by Teresito L. Castigador. Moreover, respondent has admitted that he did not personally prepare the decision in said cadastral case.

Under the circumstances, respondent has not exercised the requisite circumspection and diligence in the discharge of his official duties or functions required by the attendant circumstances.

Accordingly, respondent Judge Felipe L. Vacante of Lambunao, Iloilo, is hereby fined in an amount equivalent to his salary for one (1) month and warned that future shortcomings on his part will be dealt with more severely.

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

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