

**SOLOMON ROLLOQUE, MERCEDES R. ESTRELLA, HEIRS OF
RICARIDA R. CATARMAN, VIRGINIA ROLLOQUE, MARIA ROLLOQUE,
SPOUSES ZENAIDA P. PLACER AND NESTORIO M. PLACER, SPOUSES
SIMEONA B. AB...**

G.R. No. 78109. June 30, 1994

Ponente: VITUG, J.

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VITUG, J.:

Before this Court is a motion to declare respondent Judge Rosarito F. Dabalos of the Regional Trial Court ("RTC"), Branch 2, Butuan City, in contempt of court.

On 18 January 1991, the Court promulgated a decision in G.R. No. 78109 and G.R. No. 78179 dismissing the petitions for review and affirming the decision of the Court of Appeals in CA G.R. No. 08-247. This Court's resolution was held to be immediately executory.

The execution of the final judgment, which included the demolition of housing structures on the disputed property, was suspended by respondent Judge Dabalos when two motions were filed by certain occupants of Lot No. 447 (portion of the property in litigation), praying that the writ of demolition should not be enforced against them since they were not parties to the two cases and because Republic Act ("R.A.") No. 7279 (Urban Development and Housing Act of 1992) declared a moratorium in the eviction and demolition of dwellings.

On 27 October 1992, respondent Judge issued an order denying the motions. Later, however, respondent judge relented and, evidently concerned about a possible transgression of Section 28 of R.A. No. 7279, directed the sheriff not to resume the demolition of the houses until after forty-five (45) days from receipt by the City Mayor and the Sangguniang Panglunsod of Butuan City of a letter notifying them of the pending demolition.

Apolinario Hidalgo filed a motion before respondent Judge to declare in contempt of court the occupants of Lot No. 447. Respondent Judge Dabalos did not act on the motion because, he alleged, all concerned parties were not furnished with a copy thereof.

During one of the hearings before the trial court, a verbal argument ensued between petitioner's counsel and respondent Judge. The latter thereupon inhibited himself from further proceeding with the case not that, he said, he wanted to delay the final disposition of the case but because of the abusive and abrasive attitude of Hidalgo.

Herein movant Apolinario Hidalgo, a private respondent in the civil cases, now seeks to cite respondent Judge in contempt for misbehavior; for having committed acts that impeded, obstructed and degraded the administration of justice; and for violating Section 3(e) of R.A. No. 3019.

The motion was referred by the Third Division of this Court to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. On 28 April 1994, OCA submitted its report; it recommended that respondent Judge be exonerated from the contempt charges.

We agree. Respondent Judge's actuations do not outrightly evince any utter disregard of this Court's resolution. Evidently, respondent Judge wanted to be assured that the writ of demolition would not later have any serious legal repercussion. Indeed, ultimately, respondent Judge resolved the question against the occupants of Lot No. 477. His only basic error was his impression on the applicability of R.A. 7279 to the case. This law was enacted after the matter in controversy had already been ruled upon with finality. While, concededly, he committed a blunder, there was nothing shown, however, to indicate that he acted in bad faith or was improperly motivated. He should, therefore, be merely ADMONISHED for having failed to exercise that degree of care required of any judge in the correct and prompt dispensation of justice.

WHEREFORE, the instant motion to declare respondent Judge Dabalos in contempt of court is DISMISSED but he is ADMONISHED to hereafter exercise utmost prudence in the discharge of his office.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

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