

FIRST DIVISION

[A.M. NO. RTJ-06-2008 [OCA-IPI NO. 05-2229-RTJ], July 17, 2006]

ATTY. ROMEO G. ROXAS, COMPLAINANT, VS. JUDGE ANTONIO N. EUGENIO, JR., REGIONAL TRIAL COURT, BRANCH 24, MANILA, RESPONDENT.

D E C I S I O N

YNARES-SANTIAGO, J.:

On April 5, 2005, Atty. Romeo G. Roxas filed a complaint against Judge Antonio M. Eugenio of the Regional Trial Court of Manila, Branch 24 charging him with gross ignorance of the law and abuse of authority.

Complainant alleges that he is one of the defendants in Civil Case No. 05-112229 entitled *Auxencio Penaranda, in his own behalf, and Philippine Veterans Bank, represented by Auxencio Penaranda in his capacity as a Minority Stockholder in this Intra-corporate Derivative Suit v. Atty. Romeo G. Roxas, Col. Emmanuel De Ocampo, Atty. Peregrino Andres, Atty. Federico Manalo and the Board of Directors of Philippine Veterans Bank* for "Disqualification of Stockholder, Annulment of Transfer of Shares; Cancellation of Subscription; Reconveyance and/or Restitution of Issued Shares and dividends; Damages and Injunction, with Prayer for Preliminary Injunction and TRO."

Atty. Roxas charges respondent judge with gross ignorance of the law and abuse of authority when he took cognizance of the said civil case and granted the prayer for the issuance of a temporary restraining order despite the fact that venue was improperly laid. He claims that the venue of the case lies with the courts of Makati considering that the principal office of the Philippine Veterans Bank is located in Makati City; that the defendants therein hold office in Makati City; and that herein complainant also resides in Makati City. Complainant further claims that he was denied his right to due process because he was not properly served with summons.

In his Comment, respondent judge states that he properly took cognizance of the civil case and that the courts of the City of Manila have authority to hear and determine the allegations thereof, citing Section 1 of Republic Act No. 3518, the Act creating the Philippine Veterans Bank which established the principal domicile and place of business of the bank in the City of Manila. He finds it immaterial and irrelevant that the present principal place of business of the bank is in Makati City.

As regards complainant's allegation that he was not effectively served with summons, the record shows that the hearing on April 1, 2005 proceeded only as against the other defendants and the order extending the temporary restraining order specifically exempted complainant from its effects.