

## FIRST DIVISION

[ A.M. No. RTJ-01-1649, July 11, 2002 ]

**RENE U. GOLANGCO, COMPLAINANT, VS. JUDGE CANDIDO VILLANUEVA, RESPONDENT.**

### R E S O L U T I O N

**DAVIDE, JR., C.J.:**

This is the second administrative case filed by Rene Golangco (hereafter RENE) against herein respondent Judge Candido Villanueva in connection with Civil Case No. 92-3647, entitled *Ma. Lucia Carlos Golangco v. Rene Uy Golangco*, for the declaration of nullity of marriage, with prayers for damages, support and custody, and for a writ of preliminary injunction.

The antecedent facts are as follows:

On 21 July 1994, respondent Judge issued an order<sup>[1]</sup> granting custody *pendente lite* of the parties' minor children to Ma. Lucia C. Golangco (hereafter LUCIA), and visitation rights to RENE. The said order was reiterated in the order of 26 August 1994. Both orders were questioned by RENE before the Court of Appeals by way of a petition for *certiorari*, which was however denied.<sup>[2]</sup> Hence, RENE brought the matter to us in G.R. No. 120381. In our Resolution of 17 July 1995, the petition was denied for his failure to show that grave abuse of discretion was committed by the Court of Appeals.

On 15 August 1995, LUCIA filed with the trial court a motion for reconsideration of the 21 July 1994 Order, with urgent prayer for a writ of preliminary injunction. She alleged that RENE was harassing the children and the officials of the school where they were enrolled. He was verbally and physically abusing his sons, which prompted LUCIA to file a complaint against him for slight physical injuries. The next day, respondent Judge Villanueva issued a temporary restraining order.

On 4 October 1995, after due hearing, respondent Judge ordered the issuance of a writ of preliminary injunction enjoining and restraining RENE from "harassing, intimidating and threatening his minor children and the school officials of International School and the International Montessori School and other persons who may be looking after the welfare of said minors."<sup>[3]</sup> RENE assailed the order before the Court of Appeals via a petition for *certiorari*, which was, however, dismissed on the ground of forum-shopping. Thus, he filed a petition for review with this Court, which was docketed as G.R. No. 124724. In our decision of 22 December 1997,<sup>[4]</sup> we ruled that there was no forum-shopping, but we upheld the propriety of the issuance of the writ of preliminary injunction.

On 19 May 1997 and 17 September 1999, RENE filed with the trial court motions to lift the writ of preliminary injunction. He alleged that the criminal case for slight physical injuries, which arose out of the alleged violence he inflicted on his son and which

served as the basis for the issuance of the writ of preliminary injunction, had already been dismissed for insufficiency of evidence.<sup>[5]</sup>

On 10 January 2000, respondent Judge denied the motion to lift the writ of preliminary injunction on the ground of absence of any allegation under oath or assurance supported by a bond that in the event the writ were dissolved, the alleged harassment, intimidation or threats upon the parties' children would not occur again.<sup>[6]</sup>

On 3 October 2000, Rene again filed a motion to lift the writ of injunction and manifested his desire to comply with the requirements laid down by the Rules of Court. This motion was strongly opposed by LUCIA.

On 20 November 2000, RENE submitted, in support of said motion, his Compliance, as well as his affidavit assuring the court that he would never harass, intimidate or threaten his children.

On 29 November 2000 and 6 February 2001, RENE filed motions to immediately resolve the motion for the dissolution of the writ of preliminary injunction.

Alleging, among other things, the inaction on his motions by respondent Judge, RENE wrote the Office of the Court Administrator several times. Later, he asked that his 16 March 2001 letter be treated as his complaint.

In his Comment dated 17 April 2001, respondent Judge stated that since the presentation of evidence by both parties had been completed, the matter of custody would better be resolved in the decision in the main case. If such matter would be resolved ahead of the decision in the main case, the aggrieved party would most probably elevate it again by *certiorari* to the Court of Appeals. This could further delay the rendition of the decision in the main case as what happened when the Orders of 21 July 1994 and 4 October 1995 were elevated by *certiorari* to the Court of Appeals and to the Supreme Court, which necessitated the elevation of the entire records to the said appellate courts and which resulted in the suspension of proceedings.

Likewise, the Report and Recommendation of the Office of the Court Administrator discloses that, in a phone inquiry, respondent Judge admitted that he did not resolve RENE's third motion to lift the writ of preliminary injunction because he believed that the custody of the children, which was the subject of such motion, should be determined in the main case for the declaration of nullity of the marriage.

The Office of the Court Administrator, through then Acting Court Administrator Zenaida N. Elepaño, found unacceptable the excuse proffered by the respondent Judge for not resolving the motion to lift the writ of injunction. It recommended the filing of an administrative case against respondent Judge and the imposition of a fine in the amount of ₱1,000 for his failure to resolve the motion within the reglementary period.

In our resolution of 3 September 2001, RENE's letter-complaint was docketed as a regular administrative matter.

On 26 November 2001, respondent Judge submitted his decision dated 16 November 2001 in Civil Case No. 92-3647, which, among other things, denied RENE's motion to lift the writ of preliminary injunction and made permanent the writ issued against RENE.