

THIRD DIVISION

[A.M. No. MTJ-00-1270 (formerly OCA IPI No. 98-516-MTJ), January 23, 2001]

GERMAN WENCESLAO CRUZ, JR., COMPLAINANT, VS. JUDGE DANIEL C. JOVEN, MUNICIPAL CIRCUIT TRIAL COURT, SIPOCOT, CAMARINES SUR, RESPONDENT.

D E C I S I O N

VITUG, J.:

German Wenceslao Cruz lodged an administrative complaint against Judge Daniel C. Joven of the Second Municipal Circuit Trial Court, Sipocot-Lupi, Sipocot, Camarines Sur, for gross negligence, abuse of authority, dereliction of duty and failure to render decision within thirty days as so prescribed in the rules on summary procedure.

Complainant averred that he was the representative of the plaintiff estate in Civil Case No. 548 ("Estate of German Cruz vs. Gregorio Batalla") for unlawful detainer. The complaint was initiated on 22 February 1996 and, although summons and a copy of the complaint were served on the defendant on 28 February 1996, no answer was filed within the reglementary period provided therefor. Instead, counsel for the defendant filed a motion for extension of time within which to answer the complaint and for the inhibition of respondent Judge from further taking cognizance of the case on the ground that said defendant had charged respondent Judge before the Ombudsman. In his order, dated 08 March 1996, respondent Judge denied the motion for extension of time to answer the complaint for being a prohibited pleading under the Revised Rules on Summary Procedure but granted the motion for inhibition so as to assure the parties of the impartiality and cold neutrality of the court. The order of inhibition, however, was later denied by then Executive Judge Salvador G. Cajot of the Regional Trial Court of Libmanan, Camarines Sur, Branch 29, and respondent Judge thereupon proceeded with the case. Complainant filed a number of motions, e.g., for judgment on the pleadings, to present evidence, and for judgment, but the matters remained unresolved. Finally, in his order of 26 March 1997, respondent Judge declared that no answer having been filed by the defendant in the ejectment suit, judgment on the case would be rendered within thirty days in accordance with Section 10 of the Revised Rule on Summary Procedure. Still, no decision came down. Instead, after a new Executive Judge (Hon. Thelma C. Villareal) assumed her post, respondent Judge issued another order, dated 22 April 1997, where he again inhibited himself from presiding over the case.

In his 2nd Indorsement in answer to the complaint, respondent Judge admitted that he had failed to resolve the motion to present evidence filed by complainant because he inadvertently overlooked the same. He justified his second order for inhibition by asseverating that the case filed against him by the defendant might affect his impartiality and cold neutrality as the presiding judge in Civil Case No. 548, and he felt it to be both his right and his duty to excuse himself therefrom. He