

SECOND DIVISION

[A.M. No. RTJ-99-1519, June 27, 2000]

GREGORIO LIMPOT LUMAPAS, COMPLAINANT, VS. JUDGE CAMILO E. TAMIN, REGIONAL TRIAL COURT, MOLAVE, ZAMBOANGA DEL SUR, BRANCH 23, RESPONDENT.

RESOLUTION

QUISUMBING, J.:

Before us is an administrative complaint, for knowingly rendering an unjust judgment, filed against the Honorable Camilo E. Tamin, presiding judge of Branch 23 of the Regional Trial Court, Molave, Zamboanga del Sur. In said complaint, it was also alleged *inter alia* that respondent "displayed an unusual interest, despite of the censure or reproof by the Court of Appeals," such that the decision of the Court of Appeals dated July 7, 1997, in CA-G.R. SP No. 41099 granting the Writ of *Mandamus* prayed for by petitioner and ordering respondent court [presided by Judge Tamin] to issue the writ of execution in petitioner's favor, was not executed by respondent.

The antecedent facts, as summarized by the Office of the Court Administrator, are as follows:

"A certain Guillermo Lumapas died single and intestate on April 8, 1965. He left a parcel of land covered by OCT No. P-157 registered in the Office of the Register of Deeds of Zamboanga del Sur on April 21, 1953. The complainant [Gregorio Limpot Lumapas], claiming to be the only son and heir of the deceased Guillermo Lumapas, succeeded in obtaining OCT No. 06-151 over the same parcel of land on August 20, 1985 by virtue of Cadastral Decree No. 190636, Cad. Case No. N-3, Cad. Record No. N-10 dated October 31, 1984 by substituting his name in the stead of Guillermo Lumapas in the cadastral proceedings.

Complainant filed a complaint for Recovery of Possession/Ownership over the said parcel of land against Alan U. Lumapas, et al., nephews and nieces of the deceased Guillermo, in RTC, Branch 25, Molave, Zamboanga del Sur presided over by the respondent docketed as Civil Case No. 90-20.015(2631). On the other hand, Alan Lumapas and his co-defendants also filed a complaint for Recovery of the same parcel of land against Gregorio Limpot Lumapas, et al., in the same court, docketed as Civil Case No. 90-20,025(2993). These two (2) cases were consolidated, and on February 12, 1991, the respondent rendered a judgment declaring that the complainant is the son of the deceased Guillermo Lumapas and his sole heir, and ordered the Register of Deeds of Zamboanga del Sur to cancel OCT-RP-157 in the name of Guillermo Lumapas and deal with said land as registered only under OCT-0-6-151 in the name of Gregorio Limpot Lumapas.

Alan Lumapas and his co-heirs appealed the decision to the Court of Appeals, and on February 28, 1994, the Court of Appeals promulgated a judgment declaring that Gregorio Lumapas has not sufficiently proved that he is the son of Gregorio Lumapas but he has the right of possession over lot 4329 (subject of Civil Cases Nos. 90-20,015 and 90-20,025)..."

[1]

In its decision promulgated February 28, 1994, in CA G.R. CV No. 31820, the Court of Appeals awarded complainant the conditional right of possession to the land in litigation, dependent upon the validity of his title to be determined in an appropriate proceeding.[2]

On March 13, 1995, the decision of the Court of Appeals in CA G.R. SP No. 31820 became final and executory.[3] Consequently, complainant filed a motion for execution but respondent judge denied the motion in an order dated December 6, 1995, explaining in this wise:

"Gregorio Limpot has been declared by the Honorable Court of Appeals to be not the legal heir of Guillermo Lumapas.

x x x

...Gregorio Limpot has no legal right to use the surname "Lumapas" without the consent of the putative father. "Gregorio Limpot-Lumapas" is therefore, a non-entity in so far as the law is concerned for there is in fact no such person existing.

Inasmuch as Gregorio Limpot, the movant is not a legal heir of Guillermo Lumapas, therefore, he has no legal authority or personality to act for and in behalf of Gregorio Limpot-Lumapas, the non-existing person to whom the Honorable Court of Appeals has awarded the possession of the land in litigation. He is a mere pretender who should not be allowed to benefit from his illegal maneuvers (sic). He is a complete stranger in so far as the estate of Guillermo Lumapas is concerned." [4]

Because of respondent judge's denial to issue a writ of execution on a final and executory judgment, complainant filed a Petition for *Mandamus* docketed as CA G.R. SP No. 41099 with the Court of Appeals, which issued the writ on July 7, 1997. Respondent judge, instead of obeying or implementing the writ, filed a motion for reconsideration before the Court of Appeals. The motion was denied.

Meanwhile, in view of the judgment of the Court of Appeals reversing the decision of the Regional Trial Court, the Lumapas heirs, defendants in the civil cases cited above, filed another case on June 18, 1996, this time, a petition for the cancellation of complainant's OCT. The case was also filed before RTC, Branch 23, presided over by respondent judge. This case was docketed as SPL Case No. 96-50,022. On July 9, 1996, complainant moved for the inhibition of respondent judge, believing him to have already prejudged the case in favor of his opponents. Respondent judge denied the motion.

Complainant then filed a petition for prohibition and/or disqualification before this