

SECOND DIVISION

[A.M. No. MTJ-00-1314, September 07, 2000]

**ATTY. CLODUALDO C. DE JESUS, COMPLAINANT, VS. JUDGE
RODOLFO D. OBNAMIA, JR., RESPONDENT.**

D E C I S I O N

MENDOZA, J.:

This is a complaint against respondent Judge Rodolfo D. Obnamia, Jr., Acting Presiding Judge of the Municipal Circuit Trial Court, Lucban-Sampaloc, Quezon Province, for gross ignorance of the law, partiality, incompetence, and knowingly rendering an unjust judgment.

Complainant, Atty. Clodualdo C. De Jesus, is the counsel of spouses Hilario and Felicitas Baldovino, the defendants in an ejectment case filed by Daniel Pineda and spouses Ziegfredo and Estrella P. Cabungcal in the MCTC of Lucban-Sampaloc, Quezon Province, then presided over by Judge Domingo M. Nantes.

It appears that on April 14, 1969, plaintiff Daniel Pineda and his wife Asuncion Voloro had leased to the defendants two parcels of land on which the latter constructed a movie house that extended to the adjacent property owned by them (the defendants). The lease was for 25 years with option to renew for another 25 years, provided that the defendants notify the lessors of their intention to renew the lease sixty (60) days prior to its expiration. Claiming that the failure of the defendants to notify them of their intention to renew the lease caused its expiration, the plaintiffs filed an ejectment suit against them.

On December 5, 1994, Judge Nantes rendered a decision, the dispositive portion of which reads:

IN VIEW OF ALL THE FOREGOING FACTS, the spouses Hilario Baldovino and Felicitas Flacia are hereby ordered to vacate the 246 square meters of land, being occupied by a portion of the cinema house which is owned and operated by the aforementioned spouses, which is presently owned by the plaintiffs, within three (3) months from the date of this decision.

Considering that the land in question is a commercial lot and is located at the center of the poblacion of the Municipality of Lucban, Province of Quezon, adjacent to the block occupied by the municipal building, and considering further the prevailing price of real estate in the said locality and the concomitant rentals of lots and houses therein, the [defendant] spouses Hilario Baldovino and Felicitas Flacia are hereby ordered to pay the plaintiffs the amount of Four Thousand (P4,000.00) Pesos, as reasonable rental per month for the 246 square meters being occupied by the [defendants] beginning on the 14th of April 1994 up to the time that the said lot had been vacated and physically placed under the

possession and control of the herein plaintiffs.

It had also been established that the [defendant] spouses had introduced improvements and/or repair on the cinema house without the knowledge or consent of the plaintiffs while this case is pending before this court; the [defendant] spouses are considered builders in bad faith as far as such improvements and/or repairs are concerned.

The [defendant] spouses are likewise ordered to pay the herein plaintiffs the amount of Ten Thousand (P10,000.00) Pesos as attorney's fees and other litigation expenses.

On plaintiffs' motion, Judge Nantes ordered the execution of his decision on the ground that it had become final and executory. Accordingly, a writ was issued on March 3, 1995, and the defendants were given notice to vacate the subject premises within ten days.

Defendants filed a petition for certiorari in the RTC, Branch 60, Lucena City questioning the order of execution, but their petition was dismissed. They then filed a petition for certiorari in the Court of Appeals.

On motion of the plaintiffs, Judge Nantes issued on June 15, 1995 an alias writ of execution, as a result of which, film equipment and supplies belonging to the defendants were levied upon by the sheriff and sold at public auction. The sheriff also closed down the defendants' movie house.

On February 29, 1996, the Court of Appeals rendered its decision, affirming the decision of Judge Nantes, with the modifications that the order to vacate had been limited to the 220 square meters of land belonging to the plaintiffs and the defendants' movie house had been allowed to reopen. The appellate court explained that "the theater had a floor area of 500 square meters in a 600 square meter lot and only 220 square meters belonged to [the plaintiffs]." A motion for reconsideration was denied on February 10, 1997.

In the meantime, on November 29, 1995, the plaintiffs asked the MCTC for a writ of demolition. They alleged that despite repeated demands, a portion of defendants' movie house still stood on the subject premises, and that as a result of damage sustained in a recent typhoon, the structure was in danger of collapsing and causing injuries to the public.

On December 22, 1995, Judge Nantes denied the motion on the ground that demolition was not provided for in his decision of December 5, 1994. On January 15, 1996, the plaintiffs filed a motion for reconsideration which the defendants opposed. Then, on April 1, 1997, the defendants filed a supplemental opposition, citing the resolution dated February 10, 1997 of the Court of Appeals denying the plaintiffs' motion for reconsideration which prayed that the Court of Appeals include in its decision a directive to demolish the defendants' movie house.

Pending their motion for reconsideration of the denial of their motion for a writ of demolition, the plaintiffs filed in the MCTC a motion for an alias writ of execution to evict the defendants. Plaintiffs asked the court to hear their motion on August 6, 1997.

This was the situation faced by respondent Judge Rodolfo D. Obnamia, Jr. who took over the MCTC on July 14, 1997, after Judge Nantes retired from the service. Judge Obnamia, Jr. heard the plaintiffs' motion for execution on August 6, 1997, the day set for the hearing. It appears, however, that complainant, as counsel for the defendants, received a copy of the motion only on said date. Consequently, the defendants were not represented at the hearing. On the following day, August 7, 1997, respondent judge issued an order considering the plaintiffs' motion for an alias writ of execution submitted for resolution. At the same time, he set the hearing on the plaintiffs' motion for reconsideration of the order denying their motion for a writ of demolition on September 25, 1997.

On August 14, 1997, respondent judge granted the plaintiffs' motion for an alias writ of execution. The defendants moved for reconsideration of said order.

On September 25, 1997, respondent judge granted the plaintiffs' motion for "a period of fifteen (15) days from today within which to file [their] supplemental pleadings respecting the motion for reconsideration for issuance of an alias writ of execution and supplemental pleadings on the motion for reconsideration of [Judge Nantes'] denial of the motion for issuance of a writ of demolition."

On October 23, 1997, respondent judge granted the plaintiffs' motion for reconsideration of the denial of their motion for a writ of demolition and directed the sheriff "to demolish the structure standing on the two hundred forty-six (246) square meter lot owned by the plaintiffs within one (1) month from receipt of this resolution, otherwise, a writ of demolition shall issue. . ." In the same resolution, he also denied the defendants' motion for reconsideration of his order granting the plaintiffs' motion for an alias writ of execution.

Defendants then filed a notice of appeal from respondent judge's resolution of October 23, 1997. However, the notice was denied by respondent judge in his order of November 13, 1997. Later, in his order of November 28, 1997, he denied defendants' motion for reconsideration on the ground that the October 23, 1997 resolution granting a writ of demolition was not appealable.

As a result of respondent judge's refusal to give due course to the defendants' notice of appeal, complainant filed a petition for certiorari and mandamus, docketed as SCA 97-180 in the RTC, Branch 60, Lucena City. In addition, he filed the present administrative case, alleging that respondent judge's resolution of October 23, 1997 (granting a writ of demolition) amended the December 22, 1995 order of Judge Nantes which denied plaintiffs' motion for a writ of demolition and contravened the final decision of the Court of Appeals limiting the ejectment to 220 square meters of the land in question. He argues that respondent judge acted with gross ignorance of the law and incompetence and knowingly rendered an unjust judgment. Complainant also charges respondent judge with partiality for the plaintiffs, citing as instances (1) respondent judge's order of September 25, 1997 granting the plaintiffs 15 days to supplement their motion for reconsideration of the denial of their motion for a writ of demolition which had been filed by plaintiffs nearly two years earlier; (2) his order dated November 13, 1997 denying due course to defendants' notice of appeal; and (3) his hearing of plaintiffs' motion for an alias writ of execution on August 6, 1997 in disregard of the three-day notice rule. Complainant prays that respondent judge be meted the corresponding penalty.