

THIRD DIVISION

[**A.M. No. RTJ-00-1582 (formerly A.M. OCA IPI No. 98-487-RTJ), September 04, 2000**]

COB C. DE LA CRUZ, COMPLAINANT, VS. JUDGE RODOLFO M. SERRANO, RTC-BR. 17 KIDAPAWAN, NORTH COTABATO, RESPONDENT.

RESOLUTION

GONZAGA-REYES, J.:

In the present administrative case, complainant Cob C. de la Cruz charges respondent Judge Rodolfo M. Serrano of the Regional Trial Court of Kidapawan, North Cotabato, Branch 17 with dishonesty, falsehood and negligence in the disposition of Civil Case No. 908, for recovery of possession, removal of improvement and damages.

Complainant alleges, inter alia, that respondent, with partiality decided Civil Case No. 908 by suppressing evidence which is Municipal Resolution No. 83, series of 1964; that respondent "invented" Municipal Resolution series of 1966 which purports to be legal and valid when in fact it does not exist and was never introduced by complainant as his exhibit in court; that respondent intentionally misread and misconstrued Exhibit 4 which is the Tax Declaration of Real Property No. 5802; that the decision did not conform with the facts and contents of the exhibit; that respondent did not dig deeper to find the truth; that it took respondent Judge one (1) year and five (5) months, instead of three (3) months, to render a decision in said Civil Case No. 908 which was submitted for decision last April 1996 but the decision thereon was promulgated only on October 8, 1997. Complainant prays for the removal of respondent Judge from public service and such other relief as may be just and fair.

In his Comment, respondent Judge prays for the dismissal of the complaint claiming that the charges are baseless, frivolous and unmeritorious; that the grounds for the charges are proper for appeal; and that complainant acted with malice, hatred and revenge. He further avers that the delay in the disposition of Civil Case No. 908 was attributable to complainant who sought several postponements of the hearing of the case. He further argues that he gave preferential attention to criminal cases involving detention prisoners and those who were accused of heinous crimes.

In the Resolution dated April 12, 2000, this Court required the parties to manifest if they are willing to submit case on the basis of the pleadings/records already filed and submitted. Both parties filed their separate Manifestations stating that they are submitting the case for decision/resolution on the basis of the pleadings/records filed.

The Court Administrator recommended that respondent Judge be fined in the