

## THIRD DIVISION

[ A.M. No. RTJ-99-1487, October 04, 1999 ]

**PEDRO G. PERALTA, COMPLAINANT, VS. JUDGE ALFREDO A. CAJIGAL, RESPONDENT.**

### DECISION

#### **PURISIMA, J.:**

At bar is an administrative complaint for serious misconduct lodged by Pedro G. Peralta against Judge Alfredo A. Cajigal, Presiding Judge of Branch 26 of the Regional Trial Court in San Fernando, La Union. Considering that respondent Judge is due to retire from the service this year, the case calls for speedy disposition.

The case stemmed from Civil Case No. 2936, entitled "*Roman R. Villalon, Jr. vs. Pedro Peralta, et al.*", which was assigned by raffle to the sala of respondent Judge.

In 1978, Atty. Roman R. Villalon, Jr. instituted subject civil case for Annulment and/or Rescission of Deed of Sale and Damages against Pedro G. Peralta (*herein complainant*) and Esther Ricablanca. Although the Original Complaint was amended twice, both the Original Complaint and the Second Amended Complaint contained no prayer for damages. On February 5, 1979, defendant Pedro G. Peralta filed his Answer with Counterclaim, praying for moral damages of One Million (*P1,000,000.00*) Pesos.

On November 2, 1994, the plaintiff, Atty. Roman R. Villalon, Jr., amended the Complaint for the third time, to pray for moral damages in the amount of Five Hundred Thousand (*P500,000.00*) Pesos.

On October 4, 1995, Pedro G. Peralta manifested in open court that he was adopting his Answer to the Original Complaint as the Answer to the Third Amended Complaint. After setting the case for pre-trial, the trial court required Pedro G. Peralta to pay the prescribed docket fee for his Counterclaim of *P1,000,000.00*.

However, on August 6, 1996, instead of paying the required filing fees, Pedro G. Peralta sent in a new Answer to the Third Amended Complaint, sans any counterclaim for damages. The trial court admitted the new Answer and ordered the latter to submit a pre-trial brief.<sup>[1]</sup>

On August 14, 1996, after filing the new Answer aforesaid, Pedro G. Peralta presented a motion asking the trial court to require the plaintiff, Atty. Roman R. Villalon, Jr., to pay the docket fee for the amount of moral damages prayed for in the Third Amended Complaint, upon noticing that the docket fee therefor was not yet paid.

During the hearing on September 16, 1996, the plaintiff, Atty. Villalon, Jr., manifested that he was going to file a motion to reduce his claim for damages from *P500,000.00* to *P100,000.00* because of his inability to pay the docket fee for the