

THIRD DIVISION

[A.M. No. RTJ-97-1382, July 17, 1997]

**ATTY. REXEL M. PACURIBOT, COMPLAINANT, VS. JUDGE
RODRIGO F. LIM, JR., RESPONDENT.**

RESOLUTION

FRANCISCO, J.:

This is an administrative complaint against Judge Rodrigo F. Lim, Jr., of Branch 21, Regional Trial Court of Misamis Oriental, Cagayan de Oro City, for gross ignorance of the law, misconduct and oppression filed by Atty. Rexel M. Pacuribot, counsel for the District Office of the Public Attorney's Office in Cagayan de Oro City and officially assigned to Branches 17 and 21 of the RTC of Misamis Oriental, Cagayan de Oro City.

The complaint stemmed from the Orders issued by respondent judge, dated November 23, 1994, citing complaint in contempt of court and ordering him to pay a fine of P200.00 for failure to appear as counsel de oficio for the accused in Criminal Case No. 94-822 at the scheduled arraignment on said date, and subsequently on December 1, 1994, reiterating that complainant pay the fine imposed on him in the previous order within one day from receipt thereof or face graver sanctions. Complainant refused to comply with the aforesaid orders and instead filed a Manifestation alleging that he is not a privy to the aforesaid criminal case as he is not he counsel of any of the accused and assailed the order for being illegal, arbitrary, despotic and not in accordance with Rule 71 of the Rules of Court. Thereafter, complainant proceeded to file the instant administrative complaint arguing that respondent judge acted arbitrarily in citing him for contempt for the following reasons: 1) the order was issued without affording him due process because he was not given an opportunity to show cause why he should not be cited for contempt; 2) he was not privy to the case as he was not the counsel of any of the accused, and 3) none of the grounds provided in Rule 71 for direct and indirect contempt are present.

In answer to the complaint, respondent judge filed his Comment and countered that complainant misled the trial court into believing that he was the counsel for the accused. According to respondent, complainant himself admitted that he is officially assigned to Branch 21 of the RTC of Cagayan de Oro City, respondent judge's sala. The accused in Criminal Case No. 94-822 being detention prisoners, the Notice of Hearing was, as a matter of procedure, sent to the public prosecutor assigned to Branch 21, one of them being herein complainant. Upon receipt of the Notice of Hearing on November 10, 1994, complainant even wrote a request on the return of the notice that the case be called at 10 A.M. because he has other cases already scheduled.^[1] At the scheduled hearing however, complainant failed to appear at all despite accommodating his request. Respondent judge therefore considered this as an affront to the court's dignity as it made a mockery of the proceedings and thus