Supreme Court E-Library

If after ninety (90) days from notice of the finality of the judgment in this case the judgment against COB Group Marketing has not been satisfied fully, then the mortgages executed by Manahan and Lorenzo should be foreclosed and the proceeds of the sales applied to the obligation of COB Group Marketing. Said mortgage obligations should bear six percent legal interest *per annum* after the expiration of the said 90-day period. Costs against the private respondents.

SO ORDERED.

Concepcion Jr. (Chairman), Escolin, Cuevas, and *Alampay, JJ.*, concur.

Abad Santos, J., took no part.

SECOND DIVISION

[Adm. Matter No. R-298. MTJ. January 17, 1986]

ATTY. GAYDIFREDO T. OCAMPO, *complainant, vs.* **HON. TRISTAN GUERRERO, Municipal Trial Judge, Branch III, General Santos City,** *respondent.*

SYLLABUS

JUDICIAL ETHICS; JUDGES, OWE COURTESY IN DEALING WITH THE PARTIES IN A CASE BEFORE HIM.— There is no question as to the power of a judge to transfer the trial of a case to another date provided that it is based on a good reason. In the instant case no good reason has been shown for the transfer. Moreover, the respondent, in ordering the transfer, failed to accord to the complainant the elementary courtesy to which he was entitled as an officer of the court.

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RESOLUTION

ABAD SANTOS, *J.*:

Judge Tristan Guerrero of the Municipal Trial Court of General Santos City is charged by Atty. Gaydifredo T. Ocampo of serious abuse of discretion, misconduct, oppression and neglect of duty.

The record shows that Atty. Ocampo was the private prosecutor in *People vs. Benjamin Ayop* for malicious mischief pending in the respondent's court. After repeated postponements, the case was set for initial hearing in the morning of November 14, 1984 but at the instance of the defense, trial was moved to the afternoon of the same day. When the case was called in the afternoon, the respondent judge unilaterally ordered the trial postponed to January 7, 1985 and when Atty. Ocampo pleaded that the case be heard right then and there because he was informed proceedings in the case next set for hearing would be short, the respondent judge in an over-bearing and arrogant tone said: "Do not interfere with the discretion of the court; set that case to January 7, 1985."

The respondent claims that he did not commit a serious abuse of discretion nor was he guilty of misconduct, oppression or neglect of duty when he postponed the trial of the case to January 7, 1985. He points to the inherent power of courts to control their proceedings.

There is no question as to the power of a judge to transfer the trial of a case to another date provided that it is based on a good reason. In the instant case no good reason has been shown for the transfer. Moreover, the respondent, in ordering the transfer, failed to accord to the complainant the elementary courtesy to which he was entitled as an officer of the court.

WHEREFORE, Judge Tristan Guerrero is reprimanded and admonished to observe proper judicial decorum and to accord to parties before him all due consideration.

SO ORDERED.

Concepcion, Jr. (Chairman), Escolin, Cuevas, and *Alampay, JJ.*, concur.