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on Appeal"[12] deserved commendation and certainly called for the exercise of sound discretion by a summary denial of respondents' motion to dismiss as based on a totally trivial and petty ground.

ACCORDINGLY, respondent appellate court's Resolutions dismissing petitioners' appeal are set aside and the case is remanded to it for further proceedings and disposition of the appeal on its merits. With costs against private respondents.

Makasiar, Esguerra, Muñoz Palma and Martin, JJ., concur.

Costs against respondents.

[Adm. Matter No. 268-MJ. February 27. 1976]

SECOND DIVISION

CECILIO S. LIM, JR. and CANUTO PROVIDO, complainants, *vs.* JUDGE FELIPE L. VACANTE of LAMBUNAO, ILOILO, respondent.

ADMINISTRATIVE COMPLAINT against a municipal judge.

SYNOPSIS

For having tried and decided a cadastral case which some two years earlier, had already been heard and decided

[12] C.A. Record, page 146.

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by a judge of the Court of First Instance, respondent municipal judge was charged with "inexcusable negligence, recklessness and ignorance of law." The investigating judge considered it appropriate that respondent be reprimanded and admonished, in view of his findings that the latter did not bother to scrutinize the records to ascertain whether or not the claimant had filed the corresponding cadastral answers, and said respondent's admission that he was not really the one who prepared the decision in said cadastral case.

The Supreme Court held that respondent has not exercised the requisite circumspection and diligence in the discharge of his official duties or functions required by the attendant circumstance. It thus imposed upon respondent a fine equivalent to his salary for one month and warned him that future shortcomings on his part will be dealt with more severely.

SYLLABUS
of the Ruling of the Court

JUDGES; ADMINISTRATIVE COMPLAINT; INEXCUSABLE NEGLIGENCE.– Where it appears that a municipal judge tried and decided a cadastral case which had already been heard and decided by a judge of the Court of First Instance, that respondent did not bother to scrutinize the records to ascertain whether or not claimant had filed the corresponding cadastral answers and admitted that he did not personally prepare the decision in said cadastral case, said respondent has not exercised the requisite circumspection and diligence in the discharge of his duties.

APPEARANCES OF COUNSEL

Tirso Espeleta for the complainants.
Felipe L. Vacante on his own behalf as respondent.

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RESOLUTION

ANTONIO, *J.:*

For having tried and decided a cadastral case which, some two years earlier, had already been heard and decided by Judge Valerio V. Rovira of the Court of First Instance of Iloilo, respondent Municipal Judge Felipe L. Vacante of Lambunao, Iloilo, is charged with "inexcusable negligence, recklessness and ignorance of law."

Complainants point out that because of the questioned decision of the respondent, titles to the lots adjudicated to them could not be issued, resulting in their damage and prejudice.

The main issue which the Investigating Judge considers as determinative of the administrative liability of the respondent is whether or not the latter had previous knowledge of the decision rendered by Judge Rovira involving the lots afore-mentioned.

According to the findings of the Investigating Judge, (a) neither the previous personnel in charge of the Cadastral Cases Section nor respondent Judge Vacante had knowledge of the proceedings in the sala of Judge Valerio V. Rovira; (b) the Docket Control Book in the Cadastral Cases Section does not show that the case in question has been previously decided; (c) proceedings had before respondent's court were properly recorded in the afore-mentioned control book; (d) the claimant in the cadastral case decided by Judge Rovira was one Gervacio Clemente, while the claimant in the cadastral case heard and decided by the respondent is Teresito L. Castigador who did not file any cadastral answer and that respondent based the hearing on the Deeds of Quitclaim executed by Gervasio Clemente in favor of claimant Teresito L. Castigador; (e) there was some

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confusion as to how the cadastral answers filed by Gervasio Clemente and Canuto Providó found their way to the sala of Judge Rovira. Atty. Fermin Sornito, who assumed duties as the clerk-in-charge of the Cadastral Cases Section on June 1, 1970, testified that he found no trace of any record showing that the cadastral answer in the case in question was ever endorsed to the sala of Judge Rovira; and (f) respondent Municipal Judge heard and decided the cadastral case in question pursuant to Administrative Order No. 2, s. of 1961, issued by then District Judge (Executive Judge) Arsenio Nañawa and approved by the then Secretary of Justice Alejo Mabanag.

The Investigating Judge, however, considered it appropriate that respondent be reprimanded and admonished, in view of his findings that respondent did not bother to scrutinize the records to ascertain whether or not the claimant had filed the corresponding cadastral answers, and said respondent's admission that he was not really the one who prepared the decision in said cadastral case.

Precisely how the two courts happened to hear and decide the cadastral cases involving the same lots has not been made sufficiently clear in the investigation. Nevertheless, it appears manifest that respondent failed to exercise the requisite degree of diligence in the matter. Under Section 9 of Act No. 2599 (Cadastral Law), claimants of lands included in cadastre are required to file an answer which should be subscribed and sworn to by said claimants, or by some persons in their behalf. The respondent Judge heard and decided the cadastral case in question notwithstanding the absence of any cadastral answer by Teresito L. Castigador. Moreover, respondent has admitted that he did not personally prepare the decision in said cadastral case.

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Under the circumstances, respondent has not exercised the requisite circumspection and diligence in the discharge of his official duties or functions required by the attendant circumstances.

Accordingly, respondent Judge Felipe L. Vacante of Lambunao, Iloilo, is hereby fined in an amount equivalent to his salary for one (1) month and warned that future shortcomings on his part will be dealt with more severely.

Fernando, Chairman, Barredo, Aquino and *Concepcion Jr., JJ.*, concur.

Respondent fined in an amount equivalent to his salary for one (1) month.

[Adm. Matter No. 776-MJ. February 27, 1976]

SECOND DIVISION

AURELIO G. FRANCISCO, complainant, *vs.* MUNICIPAL JUDGE BENEDICTO M. RAMOS of Muñoz, Nueva Ecija, respondent.

ADMINISTRATIVE COMPLAINT against a municipal judge.

SYNOPSIS

Respondent was charged with being unjust in that he declared complainant in default in a forcible entry case without notice and hearing and thereafter held him in contempt for having planted corn on the parcel of land in question. The Supreme Court found the accusation to be