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FIRST DIVISION

[A.M. No. 867-CFI. January 31, 1979]

ELIAS V. PACETE, *complainant*, *vs.* **JUDGE PEDRO SON C. ANIMAS**, *respondent.*

SYLLABUS

1. **ADMINISTRATIVE LAW; ADMINISTRATIVE CHARGES; SHALL BE DISMISSED IF THE ACTS COMPLAINED OF ARE NOT IRREGULAR.** — A judge's amendments of his order setting the hearing of a petition for issuance of an Owner's Duplicate of Certificate of Title and his order directing the publication of the petition and the notice of hearing with notice to the Solicitor General, considering the great value of the property embraced in the title sought to be reconstituted, did not constitute irregular acts but may be considered as judicious steps to give every opportunity to all interested parties, especially the government, to assert whatever rights and interest they may have in the property. Likewise in order was the issuance of an order of execution of a judgment that had become final and executory when a motion for reconsideration was filed. An administrative complaint premised on these acts may therefore be dismissed.

2. **JUDICIAL ETHICS; JUDGES; OPPRESSIVE AND TEMPERAMENTAL CONDUCT; SHOULD BE ADMONISHED.** — A judge should be admonished for his oppressive and temperamental conduct of portraying a city attorney as a corrupt public official, even if allegedly provoked by the insistence of said City Attorney in arguing the case and making *innuendoes* of partiality and lack of competence on the part of the judge.

3. **ID.; ID.; BOUND BY RULES OF COURTEOUS DECORUM.** — A judge is bound to observe the rules of courteous decorum in his relations with lawyers, parties and the general public. He should refrain from insulting language and offensive conduct.

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DECISION

FERNANDEZ, *J.*:

In a verified complaint dated January 8, 1975 City Attorney of General Santos City Elias V. Pacete charged Judge Pedro Samson C. Animas of the Court of First Instance of South Cotabato, Branch I, General Santos City, of serious misconduct and inefficiency with prayer for preventive suspension or temporary transfer to other station.

This administrative matter arose from Miscellaneous Case No. 379, a proceeding for the issuance of Owner's Duplicate of Certificate of Title No. (T-4884) (T-414) T-108 filed with the court presided by the respondent judge on February 1, 1974. The complainant, as City Attorney of the City of General Santos where the property is located, filed an opposition to the petition. Notice of the hearing was duly published and the Solicitor General was notified thereof. After hearing, the respondent rendered a decision on October 14, 1974 granting the petition for the annulment of the lost title and directing the Register of Deeds of General Santos City to issue a new Owner's Duplicate of Transfer Certificate of Title in the name of the petitioner. The complainant filed a motion for reconsideration on November 25, 1974 which was opposed by petitioner. The motion was set for hearing on November 29, 1974. The petitioner filed also on November 29, 1974 but before the hearing a Motion for Immediate Execution of the Judgment rendered on October 14, 1974.

The acts complained of were allegedly committed by the respondent during the hearing held on November 29, 1974 and subsequently thereafter.

The complainant asserted that the respondent judge committed (1) gross partiality and/or undue interest by the outright denial of complainant's verbal motion to file a reply to the opposition to the motion for reconsideration; (2) gross irregularity by taking the cudgels for the petitioner during the hearing and granting the motion for immediate execution of the judgment which motion is a mere scrap of paper because there was no service thereof on the oppositor, the same was not set for hearing and the said

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motion was filed only a few minutes before the hearing set on November 29, 1974; that moreover, the order of execution did not contain any good reason for the immediate execution of the judgment; and (3) improper, temperamental, unjust and oppressive acts in that during the hearing of November 29, 1974, the respondent shouted at, berated, humiliated and defamed the complainant who was called a corrupt public official who should resign as City Attorney in the presence of lawyers, litigants and court personnel simply because the complainant refused to receive the motion for immediate execution tendered to him prior to the said hearing. The complainant also assailed the allegedly grossly irregular actuations of respondent, amounting to serious misconduct, in amending the order dated February 8, 1974 setting the petition for hearing several times and branding the opposition to the petition as unmeritorious and allowing the petitioner to submit his evidence *ex-parte* before the Deputy Clerk of Court. The said order of February 8, 1974 was amended by an order dated February 15, 1974 directing that the hearing and presentation of evidence be held before the Court on March 15, 1974, with copy furnished the Solicitor General. Another order dated March 10, 1974 re-set the hearing to June 10, 1974. Subsequently an order dated June 10, 1974 was again issued directing the publication of the petition and order for three (3) consecutive weeks in a newspaper of general circulation in General Santos City with the hearing set on June 25, 1974 at 8:00 o'clock in the morning. It was only on August 8, 1974 when the evidence of the petitioner was ultimately presented.

In his comment the respondent asserted that the charges of alleged gross partiality and/or undue influence in dismissing the complainant's verbal motion to file a reply to the opposition to his motion for reconsideration, the alleged actuation of the respondent in taking the cudgels for the petitioner's cause in arguing the opposition to complainant's motion for reconsideration during the hearing on November 29, 1974, and the granting of the uncalendared last minute motion for immediate execution of the judgment are all without factual basis. The respondent submitted that said charges were not substantiated and were only made to harass and embarrass him. The motion for reconsideration is not only moot and academic but also *pro-*

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forma for it was filed on November 25, 1974 after the lapse of forty (40) days when the complainant received the decision on October 15, 1974 and said motion discussed the same issues raised in complainant's memorandum.

On the charge of gross denial of equal protection of the law amounting to serious misconduct in granting the immediate execution of the judgment based on a motion that is *pro-forma* without notice of hearing and proof of service, the respondent, among other things, said that as far as the oppositor City of General Santos is concerned, the judgment had long become final. Anent the lack of good reasons for the issuance of the order of execution the respondent averred that the good reasons were the requirement of the posting of a bond and the statement that the judgment had become final. Moreover, the appeal was merely to prolong and delay the proceedings.

On the charge of gross irregularity in the performance of duty amounting to serious misconduct by constantly amending his orders, the explanation of the respondent reads:

"It will be sufficient to state that the various postponements were made at the instance of the complainant and the court in the interest of justice pursuant to its power 'to amend and control its processes and orders so as to make them conformable to law and justice' (Sec. 5, par. (g). Rule 135, Rules of Court). If we erred in our orders, it was made in good faith and could not be the subject matter of an administrative action." (pp. 39-40, *Rollo*).

The comment submitted by the respondent traversing each and every specification of the complaint appears plausible. It is to be noted that the case from which the charges stemmed is only for the issuance of a duplicate copy of a lost transfer certificate of title. The order of the respondent for the publication of the petition and the notice of hearing with notice to the Solicitor General cannot be considered gross partiality and irregularity considering the great value of the property embraced in the title. The amendments of the respondent's orders may be considered as a judicious step taken by respondent to give every opportunity to all interested parties, especially the government, to assert whatever rights and interest they may have in the property the title to which was sought to be reconstituted.

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The respondent did not err in issuing the order of execution of its judgment which had become final and executory when the motion for reconsideration was filed by the complainant. In the order of execution the respondent even required the posting of a bond that will protect the interest of the government for unpaid taxes due on the property in question.

As regards the charge of oppression and temperamental conduct of respondent by allegedly shouting at the complainant and portraying the latter as a corrupt public official, the respondent explained that he was provoked by the insistence of the complainant in arguing the case and making innuendoes of partiality and lack of competence on the part of respondent.

The alleged insistence of the complainant to argue the case is not sufficient provocation. The respondent is bound to observe the rules of courteous decorum in his relations with lawyers, parties and the general public. He should refrain from insulting language and offensive conduct.

In *Jugueta vs. Boncaros*,[1] this Court said:

"One who occupies an exalted position in the administration of justice must pay a high price for the honor bestowed upon him, for his private as well as his official conduct must at all times be free from the appearance of impropriety."

There is no basis for taking any administrative action against the respondent as regards the other charges.

WHEREFORE, the administrative complaint is dismissed but the respondent, Judge Pedro Samson C. Animas, is hereby admonished to refrain from resorting to insulting language in his future judicial actuations.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, de Castro, and *Melencio-Herrera, JJ.*, concur.

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[1] 60 SCRA 27, 31.