

SECOND DIVISION

[**A.M. No. MTJ-99-1459 (Formerly OCA IPI No. 97-342-RTJ), February 17, 2000**]

VICTOR D. ONG, COMPLAINANT, VS. JUDGE VOLTAIRE Y. ROSALES REGIONAL TRIAL COURT, BRANCH 83 TANAUAN, BATANGAS, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

In a sworn letter complaint dated March 16, 1997,^[1] complainant Victor D. Ong charged Judge Voltaire Y. Rosales of the Regional Trial Court of Tanauan, Batangas, Branch 83, of Misconduct and Abuse of Authority relative to Civil Case No. C-041 entitled "*Anunciacion Jayin vs. Atty. Virginia Villaluz, et al.*," for annulment of transfer certificates of titles covering parcels of land with a total area of 98 hectares, more or less, situated in Talisay, Batangas.

Complainant Victor D. Ong avers that in connection with the aforesaid civil case, a compromise agreement^[2] was entered into in his behalf by his counsel, Atty. Abraham G. Espejo, and Atty. Gilbert M. Fabella, attorney-in-fact of plaintiff Anunciacion Jayin. Judge Rosales prepared an Order^[3] approving the compromise agreement and signed the same on January 17, 1997, a copy of which was received by the complainant's messenger. Complainant thought that everything was settled. Later, he received word from Atty. Fabella requesting two hundred thousand (P200,000.00) pesos as additional compensation. Subsequently, he received notice from Judge Rosales that the court had not approved the compromise agreement and his order approving the compromise agreement was not effective.

Complainant avers that Judge Rosales and Atty. Fabella conspired with each other to the complainant's prejudice. Complainant inquires why Judge Rosales had allowed Atty. Fabella to repeatedly postpone the hearing of the case. He avers that Judge Rosales abused his authority and made a sham out of court proceedings by rendering inoperative an order that he had signed. Furthermore, complainant wants to know why respondent judge insisted he did not issue the order when the same had his signature. Lastly, complainant claims that respondent judge's actions can only erode the faith in the judicial system of laymen like him. He requests for an investigation of Judge Rosales and then appropriate sanction, if the latter is guilty. He also seeks investigation of Atty. Fabella by the Integrated Bar of the Philippines.

In his comment dated July 14, 1997,^[4] respondent judge denied the allegations in the complaint. He explains that he was in the process of signing the Order dated January 17, 1997 when he decided to call the parties to a hearing before approving the compromise agreement considering that the plaintiff, who was reportedly out of the country, was obligated to pay defendants a rather large amount of money. To ensure that her rights are amply protected, he directed the Acting Clerk of Court to