

THIRD DIVISION

[A.M. No. MTJ-97-1119, July 09, 1998]

PAULITO AND MA. TERESA GOMEZ, COMPLAINANTS, VS. JUDGE ESTANISLAO S. BELAN, MUNICIPAL TRIAL COURT, BIÑAN, LAGUNA AND ATTY. ARLINDO S. ANGELES, RESPONDENTS.

RESOLUTION

NARVASA, C.J.:

In an ejectment case then pending before the Municipal Trial Court of Biñan, presided over by respondent Judge, Atty. Arlindo S. Angeles -- counsel of the plaintiffs (the Arandia Spouses) -- filed a "Motion to Enter Premises and Render Judgment" dated October 11, 1996. The motion alleged that the defendants (the Gomez Spouses) had "moved of the litigated premises without informing ** plaintiffs, and that the same was abandoned and left open except for the gate which is locked ** (but) the door to the house itself ** (was) open;" and that when located at their new residence, the defendant spouses "refused to surrender the keys to plaintiffs." On these grounds, Atty. Angeles prayed that his clients (plaintiffs) be allowed to enter the subject premises "with the assistance of proper officers," and break or cut such padlocks or bars as might be necessary to effect entry.

Acting thereon, Judge Belan issued an Order ex parte on October 16, 1996, granting plaintiff spouses permission "to cause the breaking of the padlock at the gate of the premises at No. 9, Block 10, Stage, Macaria Subdivision , Biñan, Laguna," and declaring the case "submitted for decision."

Pursuant to this Order, the Sheriff proceeded to the house in question on October 22, 1996, together with a police officer, Mrs. Erlinda Arandia, and Atty. Angeles. On reaching the place, they immediately confirmed that defendant spouses had indeed abandoned the premises, padlocking the front gate, but leaving the front door of the house open. Only a few a personal belongings were found "at the receiving room and outside the house" -- i.e. an electric fan, a thermos bottle, a small radio, a small table, a sofa -- all of which were left as they were. The house was then locked up, including the gates.

The Gomez Spouses thereupon instituted administrative proceedings on November 7, 1997 against (i) Judge Belan -- charging him with "gross ignorance of the law" -- and (ii) Atty. Angeles -- accusing him of "deliberately misleading the Court **." They alleged that Judge Belan did not give them the benefit of hearing before acting on Atty. Angeles' motion to enter premises, etc., and virtually directed execution against them at a time when the ejectment case was still pending decision. As regards Atty. Angeles, they asserted that he had not given them notice of his motion to enter premises, and had fed the Judge wrong information.

This Court required both respondents to file their comments on the complaint, which