

THIRD DIVISION

[A.M. No. RTJ-97-1393, October 20, 1997]

**ALAN SUASIN, PETITIONER, VS. ERNESTO DINOPOL,
RESPONDENT. IN RE: HON. IBARRA B JACULBE JR., JUDGE,
BRANCH 42, REGIONAL TRIAL COURT DUMAGUETE CITY.
R E S O L U T I O N**

NARVASA, C.J.:

The record of the undocketed case at bar disclose that on November 29, 1996, the Municipal Trial Court of Sibulan, Negros Oriental, rendered judgment in Civil Case No. 351 sentencing Alan Suasin to pay Ernesto S. Dinopol, sr. sums of money aggregating P 12,339.00.

Suasin's appeal to the Regional Trial Court was docketed as Civil Case No. 11811, and assigned to Hon. Judge Ibarra B. Jaculbe, Jr., presiding Judge of Branch 42. After due proceedings, Judge Jaculbe affirmed in toto the municipal Trial Court's judgment, in a one-page decision handed down on April 4, 1997.

Now it appears that notice of the RTC judgement was received by Suasin on April 15, 1997 (return card [receipt] attached to dorsal side of p.77, rollo). Twenty-nine (29) days later, or more precisely on May 14, 1997, Alan Suasin, personally and in his own behalf, filed a "Notice for Petition for Review" advising that he was "(t)hereby filing a petition for review to the Honorable Supreme Court of ** (said) decision."

Acting on the petition, and remarking that in his view the same had been filed "within the reglamentary period." Judge Jaculbe "granted" the petition and ordered "the entire records of ** (the) case ** accordingly forwarded to the Supreme Court, Manila."

By Resolution of this Court dated August 6, 1997, Judge Jaculbe was directed to explain his acts "which do not appear to be in accord with applicable law and established procedure."

In response, Judge Jaculbe submitted a "Compliance" dated September 5, 1997 alleging that he "entertained the honest belief that it would be serving substantial justice to grant the substantive right of the appellant of his desire to elevate the case but at his own risk in filing it before the improper forum which will outright dismiss the petition;" and that anyway, the records to be sent up to this Court consisted "only of few pages, although this is unprocedural." In the same pleading, he apologized "for his errors;" and promised to be "more prudent and judicious in his future actions."

The facts speaks for themselves. They reveal a distressingly lamentable unfamiliarity on the part of the Judge with quite elementary procedural rules