

## **PEDRO ODAYAT, COMPLAINANT, VS. DEMETRIO AMANTE, RESPONDENT.**

*A.M. No. P-58. June 02, 1977*

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2ec0c5e9d849/>

---

### **ANTONIO, J.:**

In a verified amended letter-complaint dated March 10, 1973,[1] Pedro Odayat charged Atty. Demetrio Z. Amante Clerk of Court, Court of First Instance, Branch IX, Basey, Samar; with oppression, immorality and falsification of a public document.[2]

Briefly stated, complainants basic allegations are: (1) that respondent grabbed a portion of complainant's land, and, when the latter resented, the former arrogantly challenged the complainant to bring the matter to court; (2) that respondent is cohabiting with one Beatriz Jornada, with whom he begot many children, even while his spouse Filomena Abella is still alive; and (3) that respondent, although married, falsely represented his status as single in the information sheet he submitted in connection with his appointment to his present position as Clerk of Court.

After respondent Demetrio Amante had submitted his letter-comment dated April 24, 1973,[3] which was considered as his answer to the amended complaint, this Court, in its minute resolution of July 16, 1974,[4] referred this Administrative Matter No. P-58 to the Executive Judge of the Court of First Instance, Branch I, Catbalogan, Samar, for investigation, report and recommendation, and the matter was docketed therein as Administrative Case No. 264. The charges were investigated by District Judge Segundo M. Zosa of said Court. After appropriate proceedings, Judge Zosa submitted to this Court his Report and Recommendation dated December 3, 1974.[5]

1. Oppression. - In the course of formal investigation on August 26, 1974 before Judge Zosa, complainant, acquiesced to the dropping of this charge of oppression against respondent, inasmuch as the issue involved therein refers to a boundary dispute between the complainant and the respondent and admittedly being more properly a cause for a civil action.[6]

Hence, the scope of the investigation by Judge Zosa is limited to the other two charges.

2. Immorality. - To prove this charge of immorality against respondent, complainant Pedro Odayat testified and presented Exhibits "A" to "E", to the effect that respondent and Filomena Abella were married in Tacloban City on October 16, 1948 before Judge Eugenio Brillo (then Justice of the Peace of Tacloban, Leyte;[7] that they had one son, who was born on August 23, 1949 and baptized on October 1, 1949 by the name of Romeo Amante, in the Sto. Niño Church, Tacloban City, by Rev. Fr. Magdaleno Agnes;[8] that he came to know Filomena Abella, who is a native of Sta. Rita, Samar, only after her marriage to the respondent when they took up their residence for five years in Basey, Samar; that he did not know if Filomena Abella was still single when she married the respondent; that long before he filed his complaint against respondent on March 10, 1973, he came to know that the respondent and one Beatriz Jornada were living as husband and wife in Basey, Samar; that they had several children, two of whom are Maria Felisa J. Amante, who was born on April 12, 1967, as per certified true copy of

the Certificate of Birth of said child,[9] duly signed and issued on May 7, 1973 by Perfecto Cabuquit, the Local Civil Registrar,[10] and Alma Amante y Jornada, who was born on April 8, 1965 and baptized on July 5, 1965, as per Certificate of Baptism, duly signed and issued on March 6, 1973 by the Parish Priest, Rev. Fr. Jose M. Lentejas;[11] and that one of the reasons why he filed his complaint against respondent was because of their land dispute.

On the other hand, respondent Demetrio Amante testified, in his behalf, and presented Atty. Demosthenes Duquilla, as well as Exhibits "1" and "2". Respondent admits his marriage with Filomena Abella on October 16, 1948.[12] He also admits that he has been living with Beatriz Jornada, whom he married on April 4, 1964 during a religious revival in Almagro, Samar, before Rev. Fr. John Belly, a Franciscan Missionary,[13] and with whom he begot six (6) children.[14] Respondent, however, claims he was coerced into marrying Filomena Abella, unaware that she was already married to another man, and that they separated in 1949 after Filomena Abella told him of her previous marriage; that from 1949 to 1964, the respondent did not hear or receive any communication from Filomena Abella, much less knew of her whereabouts.

To rebut the charge of immorality, respondent presented in evidence the certification dated September 12, 1974 of David C. Jacobo, the Local Civil Registrar of Pateros, Rizal[15] attesting that, in accordance with the Register of Marriages in his office, Filomena Abella was married to one Eliseo Portales on February 16, 1948. Respondent's contention is that his marriage with Filomena Abella was void ab initio, because of her previous marriage with said Eliseo Portales.

The Investigator finds for the respondent and recommends his exoneration from this charge. Indeed, there is no question that Filomena Abella's marriage with the respondent was void ab initio under Article 80[4] of the New Civil Code, and no judicial decree is necessary to establish the invalidity of void marriages.[16]

3. Falsification of a public document. - The Investigator found that the complainant failed to prove this charge. Contrary to the allegation of the complainant, the document in question,[17] shows that the respondent actually placed in "Item 6. Civil Status" therein the word "Married".[18]

In view of the foregoing, We find that the recommendation of the Investigator is in accordance with law and the evidence on record.

WHEREFORE, respondent Demetrio Amante is hereby exonerated from the charges filed against him by complainant. Let a copy of this decision be attached to his personal record.

Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Muñoz Palma, Aquino, and Martin, JJ., concur.  
Concepcion, Jr. J., on leave.

---

[1] This amended letter-complaint was addressed to the Secretary of Justice, Manila, and the latter forwarded the same to this Court, pursuant to Presidential Decree No. 185.

[2] Exhibit "A", p. 1, Folder of Exhibits.

[3] SC Rollo, pp. 7-8.

[4] Ibid., p. 17.

[5] Ibid., pp. 38-46.

[6] T.s.n.-Rojas, Session of August 26, 1974, pp. 3-4.

[7] Exhibit "B", certified true copy of the Marriage Contract, duly signed and issued on December 13, 1972 by Dr. Hermilo Quintero, City Health Officer and Local Civil Registrar (Exhibit "B-1").

[8] Exhibit "C", certified true copy of the Baptismal Certificate of Romeo Amante, duly signed and issued on August 6, 1974 by Rev. Fr. Honorio Ayuyao Pastor (Exhibit "C-2") and by Gil Ramon J. Abug, Parish Clerk (Exhibit "C-3").

[9] Exhibit "D".

[10] Exhibit "D-1".

[11] Exhibit "E".

[12] Exhibit "B", p. 3, Folder of Exhibits; Respondent's Comment, p. 7, SC Rollo; t.s.n.-Cabelis, Session of October 28, 1974, p. 28.

[13] T.s.n.-Cabelis, Session of October 28, 1974, pp. 21-24.

[14] Ibid., p. 30.

[15] Exhibit "2", p. 10, Folder of Exhibits.

[16] *People v. Aragon*, 100 Phil. 1033; *People v. Mendoza*, 95 Phil. 845.

[17] Exhibit "1-b".

[18] Exhibit "1-a".

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.