

**ELIAS JEREOS, JR., COMPLAINANT, VS. SEVERIANO REBLANDO, SR.
CLERK OF COURT, CITY COURT OF GENERAL SANTOS AND
EX-OFFICIO CITY SHERIFF, RESPONDENT.**

A.M. No. P-141. May 31, 1976

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

This is an administrative case against Severiano Reblando, Sr., Clerk of the City Court of the City of General Santos and Ex-Officio City Sheriff of the same, arising from a letter-complaint filed by Elias Jereos, Jr. dated March 30, 1973.

The complaint charges that the herein respondent allowed THE WHIP and the MINDANAO TIMES, among those denounced by complainant Elias Jereos, Jr. as "newspapers who are either fly-by-night or who are not circulated on the streets or bookstands and magazine stores in the city . . .," to participate in the raffle of legal notices on February 17 and 19 and in the March 24, 1973, distribution of legal notices by lot, respectively, when these papers were not of general circulation in the City of General Santos. The complaint likewise alleged that the respondent failed to perform his duty when he did not charge the publishers of THE WHIP and the MINDANAO CRUSADER before the proper court "for breach of contract, misrepresentation, falsification of public documents and for having violated the Anti-Graft and Corrupt Practices Law . . ." Jereos strongly insinuated in his complaint of kickbacks in the distribution of legal notices to respondents. These, according to the complainant, constitute violation of Presidential Decree No. 19 and the provisions of R.A. No. 4569, as amended.[1]

In answer to these charges, respondent Severiano Reblando, Sr. put up as his defense the following:

1. The newspaper MINDANAO MIRROR, of which the complainant was its alleged representative for General Santos City, has no complaint against the herein respondent for it is aware of the fact that among all the participating newspapers, it was awarded most of the publications by the office of the respondent. The complaint and the evidence presented betray the selfish motivations that are geared towards the monopolization of the publications of public and judicial notices which complainant intended to attain by means of harassing tactics;^[2]
2. Before the proclamation of Martial Law, R.A. No. 4569, as amended by R.A. No. 4883, specifically Sections 1 and 2 thereof, regulated the publication of judicial notices, advertisements for public bidding, notices of auction sales and other similar notices.

With the proclamation of Martial Law there followed a paralyzation of the normal transactions of the government and private sectors, giving rise to the issuance of Presidential Decree No. 19, designed to give the necessary adjustments under the new order on the aforementioned transactions as regulated by R.A. No. 4569, as amended.

Presidential Decree No. 19, issued on October 11, 1972, reads as follows:

"NOW, THEREFORE, I, FERDINAND E. MARCOS, Commander-in-Chief of the Armed Forces of the

Philippines, pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, and in order to effect the desired changes and reforms in the social, economic and political structures of our society, do hereby decree that the publication of notices mentioned in Section 1 of Republic Act No. 4569, as amended by Republic Act No. 4883, may be made in a newspaper with a nation-wide circulation, published regularly, by a government agency or entity, in any newspaper published and edited in any part of the country which is in operation during the existence of the present national emergency; and that the distribution of the said notices by lot as required by Section 2 of the aforesaid Act shall be dispensed with in case only one newspaper is in operation in a particular area or region. These amendments are hereby adopted and approved and made part of the law of the land."

This Presidential Decree No. 19 liberalized the strict requirements on the qualifications of participating newspapers in the raffles for publications of legal notices.[3]

The only issue raised by complainant Elias Jereos was that respondent allowed the participation of allegedly unqualified newspapers in the raffles conducted by him. These so called unqualified newspapers are: (1) MINDANAO TIMES, (2) MINDANAO NEWS BULLETIN, (3) MINDANAO MAIL, (4) DAVAO STAR, (5) THE WHIP, (6) SOUTHERN REVIEW, and (7) THE MINDANAO CRUSADER. During the investigation, however, complainant mentioned only THE WHIP and MINDANAO TIMES as being disqualified. He did not present any kind of evidence except his own testimony to prove the disqualifications of these two newspapers. He alleged that there was a violation of Presidential Decree No. 19 but did not specify which section or sections thereof had been violated.

The foregoing, in a nutshell, constitute the defense of respondent Severiano Reblando, Sr. against the charges of Elias Jereos, Jr. and to exculpate himself from the same.

On March 31, 1973, the Hon. Emigdio H. Lopez, the Executive Judge of the City Court of General Santos City transmitted the letter-complaint to Judge Andres O. Lorenzo of the same City Court for appropriate action. Consequently, Judge Lorenzo conducted an investigation of the charges and on October 9, 1975, submitted his "Report and Recommendation".

Refusing to make any recommendation on the ground, according to him, that his objectivity and integrity as an investigator had been questioned by the respondent, Judge Lorenzo, in his Report, submitted the following findings:

1) On February 17 and 19, 1973, despite the objection of complainant Jereos, Jr., respondent Reblando, Sr., Clerk of Court of the City Court of General Santos City and ex-officio City Sheriff, awarded to the WHIP, a newspaper published in General Santos City, two legal notices for publication. Apparently unable to comply with the conditions of the award, the publisher of THE WHIP passed on the two advertisements to the MINDANAO CRUSADER, a newspaper published and edited in Martel, Koronadal, South Cotabato, where the same were published;[4]

2) In the lottery for legal notices conducted on March 24, 1973, respondent allowed Tito Domantay, representative of the MINDANAO TIMES, to participate therein over the objection of complainant. The reason for the objection being that the said MINDANAO TIMES was not circulated in General Santos City. Copies thereof as were found in the City were only complimentary copies.[5]

3) Respondent only posted in the bulletin board of the City Hall notices for the distribution of legal notices, which is a violation of Section 2 of R.A. No. 4569;[6]

4) Respondent violated Presidential Decree No. 19 when he conducted the raffle of legal notices on February 17 and 19, 1973, despite the fact that THE WHIP, then the only newspaper published and edited in General Santos City, under said Presidential Decree, should have been awarded all legal notices for publication.[7]

This "Report and Recommendation" of Hon. Andres O. Lorenzo of the City Court of General Santos City was evaluated by the Judicial Consultant of this Court who in turn submitted a memorandum to the Honorable Chief Justice, dated November 11, 1975. The Judicial Consultant has recommended that respondent Severiano Reblando, Sr. be reprimanded for the following "acts and omissions", to wit:

- 1) For allowing the Mindanao Mirror to participate in the raffle of legal notices, and not allowing the Mindanao Crusader, which is similarly situated to do the same;
- 2) For violating Sec. 2 of RA 4569 when he stopped sending notices to the editors of the newspapers and merely posted said notices in the bulletin board of the City Hall;
- 3) For violating Presidential Decree No. 19 by continuing to distribute notices by lot despite the fact that there was only one newspaper published and edited in said area, contrary to the provision of said Presidential Decree No. 19.

We have examined the charges made by complainant Elias Jereos, Jr. as well as the answer thereto filed by respondent Severiano Reblando, Sr. We have also weighed the findings of facts submitted by investigator Judge Andres Lorenzo. From these, We have arrived at the sincere belief that the acts and omissions, as crystallized and specified by the Judicial Consultant in his Memorandum to the Chief Justice, were truly and in fact committed by the herein respondent although the same were somewhat mitigated by the fact that there had been no showing that respondent had committed them by reason of and in consideration of certain personal benefit or reward. For this reason, We are minded to consider the recommendation of the Honorable Judicial Consultant to merely reprimand the herein respondent by way of penalty. On the other hand, this Court cannot escape the fact that Severiano Reblando, Sr. is or was, an important official of the judiciary when the acts and omissions were committed. These acts and omissions are the very acts or omissions which corrode the dignity and honor of the courts of the land because they lay open to suspicion the official conduct of the officials of these last bastions of our people's faith and confidence in the government. Their stability and that of our legal institutions rest on the respect which the citizens repose in them. It is for this reason that courts and judges are to be accorded and regarded with the deepest respect by those seeking legal remedies and by the general public. Shake this faith and you shake the foundation of our temples of justice. To the community these courts of justice stand as the symbol of the law. Hence, judges are enjoined, and required, to comport themselves in such manner as to avoid any taint of suspicion being cast on their actuations, official or private. This severe injunction does not, however, apply only to judges but to all other officials and personnel of the judiciary. The respect so vital to preserve this stability should be preserved at all cost.

When the herein respondent, the Clerk of Court of the City Court of General Santos City and Ex-Oficio City Sheriff, an important official of the court next only to the presiding judge, by his incontinent acts and behavior cast aspersion or suspicion on the integrity of the official acts of the said court, he cannot escape responsibility for this. The complainant, a representative of the print media, insinuated very clearly in his complaint that the respondent must have been motivated by some personal consideration when he awarded or distributed the legal notices to publications which were allegedly not qualified. Though not established or proven during the investigation, this Court, however, takes these insinuations and suspicions with grave concern. It is the feeling of this Tribunal that the conduct and behavior of every one connected with an office charged with the dispensation of justice, like the courts below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized with propriety and decorum but above all else must be above suspicion. For this reason, We feel that the recommended penalty of reprimand is too light for the potential evil to the judiciary and to the courts which may be produced or generated by the acts and omissions of the herein respondent, however innocent his actuations and intentions may have

been. It is Our hope that the imposition of heavier penalty for this kind of misfeasance or nonfeasance will give a lesson and warning to all concerned.

WHEREFORE, the penalty of three (3) months suspension without pay is hereby imposed on respondent Severiano Reblando, Sr., Clerk of Court of the City Court of General Santos City and Ex-Oficio Sheriff of the same City, for the irregularities he committed, with a warning that a repetition of the same or similar act will be more severely dealt with.

SO ORDERED .

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Martin, JJ., concur.

[1] Letter-complaint of Elias Jereos, Jr., representative of the "Mindanao Mirror" for Gen. Santos City, dated March 30, 1973; Rollo, pp. 1-3.

[2] Memorandum for Respondent, pp. 3-4; Rollo, pp. 52-53.

[3] Ibid., pp. 1-3; Ibid., pp. 50-52.

[4] Report & Recommendation of Investigator, pp. 11-12; Rollo, p. 60.

[5] Ibid., p. 13.

[6] Ibid., p. 17.

[7] Ibid., pp. 18-19.

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