

ATTY. ROMEO S. GEOCADIN, COMPLAINANT, VS. HON. REMEGIO M. PEÑA, RESPONDENT.

Adm. Matter No. 1092-MJ. October 30, 1981

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4bcce8ca611c/>

BARREDO, J.:

Administrative charges of (1) knowingly rendering manifestly unjust orders; (2) partiality; (3) pretending to possess influence on one who pretends to be "malakas" with the higher authorities; (4) drunkenness, inefficiency and laxity in supervision of court personnel; and (5) oppression against respondent Judge Remegio Peña, Municipal Judge of Binalbagan, Negros Occidental.

After respondent had filed his comment on said charges and the complainant, Atty. Romeo S. Geocadin, his reply thereto, We referred the case for investigation, report and recommendation to the Executive Judge, Hon. Ostervaldo Emilia of the Court of First Instance of Negros Occidental.

On February 2, 1981, Judge Emilia filed his report, which, however, is based exclusively on the evidence of the complainant which was closed on January 19, 1979, because by the time respondent was to present his evidence serious illness overcame him. As certified to by Dr. Antonio L. Corral, he suffered from "massive cerebral infarction with paralysis of the left half of the body due to accelerated hypertension; lobar pneumonia, bilateral, and diabetes mellitus and emergency tracheotomy was performed to save his life from cardio-respiratory arrest. Prognosis is serious. Patient confined at the Our Lady of Mercy Hospital" where he is up to the present.

The recommendation of the Investigator reads as follows:

"Carefully appreciating the evidence on record presented by complainant Romeo Geocadin, and in the absence of proof to the contrary, there is indubitable proof to support a finding of guilty under the first listed charge - that of knowingly rendering manifestly unjust orders and partiality.

"The first of such orders is that one issued on August 11, 1975 (Exhibit "A-1"), reconsidering, lifting and setting aside the decision rendered on July 26, 1974 (Exhibit "A-2"). It is a manifestly unjust order because it was issued long after the decision had become final. More so is this conclusion bolstered by the fact that a series of acts implementing the decision had already been accomplished. First, a writ of execution dated November 12, 1974 (Exhibit "A-3"), was issued to enforce the decision. Second, a notice of auction sale dated January 24, 1975 (Exhibit "A-4"), was also issued by the Provincial Sheriff, followed by the issuance of a certificate of sale dated April 14, 1975 (Exhibit "A-5"). And third, the lifting and setting aside of the decision by virtue of a motion for reconsideration dated May 30, 1975 (Exhibit "A-6"), filed by Atty. Jose Presquito, respondent's close friend and counsel, should not have been entertained as it was not under oath, and not accompanied by an affidavit of merit, as so provided by the Rules of Court. Two other orders, one denying the motion for reconsideration dated September 6, 1975 (Exhibit "A-7"), filed by complainant Romeo Geocadin in an Order of September 10, 1975 (Exhibit "A-8"), and the other, an order issued on same date directing the arrest of complainant Romeo Geocadin (Exhibit "A-12"). These orders are manifestly unjust and knowingly issued for the following reasons. First, from the unimpeached testimony of Romeo Geocadin, the

evidence is undisputed that the two orders in question were prepared by Atty. Jose Presquito, the very opposing counsel of Atty. Geocadin in Civil Case No. 228 where the said orders were issued. In an occasion sometimes in October-November, 1974, in the presence of Colonel Meliton Goyena, Provincial Commander, Judge Peña admitted having allowed Atty. Presquito to make and prepare some orders for him and which he thereafter signed. An argument between Geocadin and respondent ensued but the latter stated it does not make any difference if Atty. Presquito prepared the orders for as long as he signs them, they are considered as his own. This disclosure of Judge Peña prompted Atty. Geocadin to gather pleadings belonging to Atty. Presquito in other cases of which the former was the opposing counsel, and discovered that, indeed, the admission of Judge Peña that Atty. Presquito prepared some of his orders is corroborated by the appearance and style in which Atty. Presquito prepared his pleadings. In four cases (Exhibits "A-9", "A-10", "A-11" and "A-13"), the uniformity in style of the way Atty. Presquito prepared his pleadings is demonstrated in the following manner: (1) just below the heading, there appears a continuous dash (Exhibits "A-9-B", "A-10-B", "A-11-B" and "A-13-A"), (2) in the title for either complainants, claimants, plaintiffs or defendants, the phrase "ET. ALS." appears (emphasis on the letter "S") (Exhibits "A-9-C", "A-10-C", "A-11-C" and "A-13-B"), (3) the title is underlined continuously and all written in capital letters (Exhibits "A-9-F", "A-10-D", "A-11-D" and "A-13-C"), and (4) in the prayer the phrase "IN VIEW OF ALL THE FOREGOING" are all written in capital letters (Exhibits "A-9-D", "A-10-E" and "A-11-E"). The above-enumerated examples of the style of Atty. Jose Presquito follow the same pattern as contained in the two disputed orders both dated September 10, 1975, and marked as Exhibits "A-8", and "A-12" (Exhibits "A-8-A", "A-8-B", "A-8-C", "A-8-D", "A-8-E", "A-12-A", "A-12-B", "A-12-C", "A-12-D", and "A-12-E"), indicative of the inescapable conclusion that Exhibits "A-8" and "A-12" were both prepared by Atty. Presquito. Additionally, the fact that when the orders of August 11, 1975, and September 10, 1975 (Exhibits "A-1", "A-8" and "A-12") issued by Judge Peña in Civil Case 228 in favor of Atty. Presquito became the subject of review on certiorari and mandamus before the Court of First Instance (Exhibit "A") the same were annulled and set aside, and more importantly, sustained and affirmed by the highest tribunal of the land (Exhibit "D"), clinches the view that the aforesaid orders were manifestly unjust and knowingly issued.

"On partiality, the evidence of complainant is likewise clear on the culpability of respondent judge. As testified to by complainant, he met respondent judge in Isabela in the house of Jesus Moises. In that meeting, Judge Peña informed Atty. Geocadin that his case of contempt and motion for reconsideration in Civil Case No. 228 have been referred to his lawyer, Atty. Jose Presquito. Geocadin was further told to leave a copy as same will be sent to Atty. Presquito for the latter to study. This disclosure irked Atty. Geocadin who said, 'You mean to tell me that your orders are prepared by Atty. Presquito', to which Judge Peña replied, 'It does not make any difference who prepared the order, as long as I sign it, that is my order.' In another occasion, in the presence of Colonel Goyena, Provincial Commander, where Judge Peña was present, Atty. Geocadin, complained of the actuation of Judge Peña in allowing Atty. Presquito to prepare his orders and further said what chance has he to win when his opposing counsel, Atty. Presquito, is the one who prepared the orders of contempt and arrest against him. The above facts are admitted by Judge Peña in his very own comment and/or answer to the charges filed against him. (Exhibit "G-1", page 10 of Exhibit "G").

"Under the charge of pretending to possess influence or one who pretends to be 'malakas' with the higher authorities, this investigator believes that the language used by respondent judge is highly offensive, and thus deserving of severe reprimand and condemnation.

"On the charge of drunkenness, the evidence of complainant is likewise amply sufficient to induce a finding of guilty against the respondent judge. Being heavily drunk while in the process of holding court sessions cannot be anything less than a very unbecoming and reprehensible act of a judge, placing the honor and integrity of the bench in disrepute and shame.

"Regarding the remaining charges of in-efficiency and laxity in the supervision of court employees as well as oppression, this investigator is of the considered view that respondent deserves only to be censured and

admonished.

"In summation, taking into account the nature and gravity of the charges as well as the long years of service rendered by respondent Judge Remegio Peña in the judiciary, it is respectfully recommended that justice be tempered with mercy and that a penalty of forfeiture of salary for a period of THREE months be imposed upon said respondent Judge Remegio Peña."

While on its face, the report presents a picture not only of grave misconduct but of acts unbefitting an occupant of a judicial office, the Court cannot overlook the fact that due to no fault of his own, but because of the serious illnesses that have overcome him, respondent was not able to present his evidence. True it is that some of the facts found by Judge Emilia seem to be borne by admissions in the comment/answer of respondent to the charges against him, but conventional wisdom tells Us that even those admissions could have been probably explained by respondent so as to at least mitigate his liability. In any event, there being a presumption of innocence in his favor, We are not inclined to give full weight to the report under consideration. Besides, as may be noted, Judge Emilia himself recommends benignity, considering the unfortunate condition of respondent. We agree that respondent is deserving of compassion and humanitarian consideration.

IN VIEW OF THE FOREGOING, the Court hereby approves the recommendation of the Investigator that on the basis of a prima facie finding of acts unbecoming of a judicial officer, without any opportunity on his part to present evidence, the respondent be, as he is hereby reprimanded and made to suffer the forfeiture of three (3) months of his salary, to be deducted from whatever retirement benefits he may be entitled to under existing laws.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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.