

**MILAGROS PEÑALOSA, COMPLAINANT, VS. FELIX VISCAYA, JR.,
RESPONDENT.***A.M. No. P-1391. July 31, 1978*

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/63ccf245daf0/>**ANTONIO, J.:**

In her administrative complaint of February 26, 1973, Milagros Peñalosa charges Deputy Sheriff Felix Viscaya, Jr. of the Court of First Instance of Albay with gross discourtesy, in connection with his actuations in Criminal Case No. 326 of the Court of First Instance of Albay. Due to the failure of the accused in said criminal case to appear at the trial of the case, the bond was declared forfeited and a warrant of arrest was issued by the court on January 25, 1973 for the apprehension of the accused. Upon finding that the warrant of arrest remained unserved while the accused was seen free, roaming around the town of Ligao, complainant sought the assistance of the Philippine Constabulary and at the same time requested the respondent sheriff for an explanation of his delay in the service of the warrant.

On February 19, 1973, respondent wrote a letter to the complainant informing her that the warrant of arrest was not served upon the accused because the said warrant "is but one of the numerous court processes (summons, subpoenas, notices, warrants of arrest, court orders, executions, etc.) issued by this court for service to hundreds of people not only within Albay and the nearby provinces but as far as Manila and the provinces of Bulacan, Laguna and Rizal which includes Quezon City", and that complainant "is like a baby who was not given candy right away by her mother, you are impatient and does not have the heart to give allowance to other people. You think it is only your case that is filed with this Court." He further averred that had she "been discreet enough which I expected considering your age, you should have talked this matter with me first. Please bear in mind that service of court process is none of your business but mine and what you are doing contributes an undue interference in the performance of my duties. The time I spent in preparing this letter could have enabled me to serve three or four people but because of your impatience I just wasted my time (the whole morning) * * *".

This case was referred by the Department of Justice to District Judge Jose F. Madara of Albay, for investigation, report and recommendation. On June 2, 1976, the District Judge of Albay submitted his report, finding the foregoing facts substantiated by the evidence and recommending that respondent be reprimanded.

We find such recommendation supported by the evidence.

Public officers, as recipients of a public trust, are under obligation to perform the duties of their offices honestly, faithfully and to the best of their ability.[1] As trustees for the public, they should demonstrate courtesy and civility in their official actuations with the public. Every public officer is bound to use reasonable skill and diligence in the performance of his official duties,[2] particularly where rights of individuals may be jeopardized by his neglect.[3] In sum, he is bound, *virtute officii*, to bring to the discharge of his duties that prudence, caution and attention which careful men usually exercise in the management of their own affairs.[4]

There is no question that it was one of his duties to effect the prompt and effective service of the orders and

warrants issued by the court. When he failed to act, it was certainly the business of the complainant to bring such official inaction to the attention of the appropriate governmental authority. We have previously emphasized that "high strung and belligerent behavior has no place in the government service, where the personnel and employees are enjoined to act with self-restraint and civility at all times * * *".[5]

WHEREFORE, in view of the foregoing, the Court finds respondent Felix Viscaya, Jr. guilty of gross discourtesy and, therefore, is REPRIMANDED, with the warning that repetition of similar acts shall be dealt with more severely.

Fernando, (Chairman), Barredo, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] Tuscan v. Smith, 153 A 289, 73 ALR 1344; Jersey City v. Hagne, 18 N.J. 584, 115 A 2d 8; O'Shields v. Calderon, 35 SE 2d 184; United States v. Thomas; 15 Wall 337, 21 L. ed. 89.

[2] United States v. Knight, 14 Pet. (U .S.) 301, 10 L. ed. 465; State ex rel. St. Louis v. Priest, 152 SW 2d 109; Driscall v. Burlington-Bristol Bridge Co., 8 N.J. 433, 86 A 2d 201.

[3] First Nat. Bank v. Filer, 107 Fla. 526, 145 So. 204, 87 ALR 267.

[4] Topeka v. Independence Indem. Co., 130 Kan. 650, 287 p. 708; Route Use of Overton County v. Copeland, 96 Tenn. 296, 34 SW 427.

[5] Flores v. Ganaden, Adm. Mat. No. P-152, Nov. 29, 1974, 61 SCRA 216, 217.

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.