

DEMETRIO YU, COMPLAINANT, VS. JUDGE JOSE CONSOLACION-SERRANO, RESPONDENT.

Adm. Matter No. 1059-MJ. April 12, 1982

Ponente: TEEHANKEE, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7329b2af1d9b/>

TEEHANKEE, C.J.

In two separate complaints, dated August 7 and 8, 1975, complainant Demetrio A. Yu charged respondent Municipal Judge Jose Consolacion-Serrano of Catanauan, Quezon with malicious and gross delay in the administration of justice on two counts, specified as follows:

- 1) In Criminal Case No. 3994 (People vs. Yu), where complainant was accused of Serious Oral Defamation before respondent judge's court (the case was transferred to Municipal Judge Procopio Morales of General Luna, Quezon, after respondent judge had inhibited himself from trying it) respondent judge unreasonably and deliberately delayed the promulgation of the decision of acquittal notwithstanding the fact that the decision had already been rendered by Judge Morales as early as May 6, 1974, and the records of the case transmitted to his court for promulgation thereof; (and complainant was to learn of the decision of acquittal only during the investigation of his complaint in 1978); and
- 2) In Criminal Case No. 5015 (People vs. Severino Abelilla, et. al.), for Qualified Theft, filed on September 1973 and where the complainant was the principal complaining witness, respondent judge failed to set the case for hearing without valid excuse for a period of more than two (2) years.

In a 1st Indorsement dated August 26, 1975, respondent judge was required to submit his comments on the complaint, and after complainant's submittal of his reply to respondent's comment, the Court resolved, in its resolution of September 28, 1977, to refer the administrative case to the Executive Judge of Quezon for investigation, report and recommendation.

Judge Juan B. Montecillo, Executive Judge of the Court of First Instance of Quezon, submitted his Report dated December 20, 1978, finding respondent judge delinquent in the performance of his official duties, and recommended that administrative sanctions be imposed on the respondent judge, as follows: "The Court specifically recommends that the respondent Judge is delinquent in his duties as such in the administration of justice and the facts show that it took time before a case is set for hearing and terminated. The issuance of a wrong certification to the auditing team on the court record of the complainant have caused damage to the career and blemished the reputation of the said complainant considering that he is an incumbent member of the Sangguniang Bayan of Catanauan, Quezon. The issuance of an erroneous certification as to the criminal records of a citizen will reflect on the image and integrity of all courts in charge of the administration of justice, considering that the mistake seems to have been committed deliberately. On the third issue of whether the Judge concerned is liable for the approval of a conflicting monthly reports of cases, the false report of which this Court believes that it was deliberate in nature and shifts the responsibility to his clerk must be condemned. Finally, on the loss of the records of docketed Criminal Case No. 3994, this is a grave responsibility of the respondent Judge inasmuch as it may

result to infidelity of public documents and may warrant the filing of a charge if malice can be proven."

The records show that Criminal Case No. 5015 was filed before respondent judge's court on September 29, 1973. Accused Forneste was arrested on November 8, 1973, and the other accused Abelilla, on November 11, 1973. The case was set for arraignment and hearing on February 25, 1974 but the same did not take place for lack of notice to the parties. It was reset for June 11, 1974, after the lapse of four (4) months. Arraignment and hearing again did not take place due to alleged lack of lawyers to be appointed as counsel de oficio, even if there were lawyers in the community such as Atty. Cuvin, the Election Registrar of Catanauan, Atty. Dionisio Baticulon, a practising lawyer, and Atty. Antonio Gonzales, a municipal councilor, all of whom are residents of the municipality. When complainant made inquiries from respondent judge as to when the case would be again set for hearing, respondent judge answered him that, "Marunong ka pa sa akin ay marami kaming trahajo" and "Pilosopo ka. Pahihirapan kita sa kaso." Complainant made a total of eight (8) inquiries from respondent as to when said Criminal Case No. 5015 would be set for hearing. It was only after this administrative case was filed on August 7, 1975 that respondent judge inhibited himself from trying the case and Judge Gil Savedia of the Municipal Court of Macalelon, Quezon, was designated to hear it. From the time that said Criminal Case No. 5015 was filed on September 29, 1973 up to the time respondent inhibited himself from trying it on August 7, 1975, or a period of almost two (2) years, he did not hold a single hearing on said case.

In the other case, Criminal Case No. 3994, which was filed on November 2, 1972 against herein complainant for Serious Oral Defamation, respondent judge inhibited himself from trying the case and Judge Procopio Morales of General Luna, Quezon, was designated to try it. After Judge Morales had terminated trial and rendered his decision on May 6, 1974, he transmitted the records to the Clerk of Court of Catanauan, Quezon, for promulgation. However, the decision of acquittal was never formally promulgated by respondent judge (obviously due to their mutual antagonism) and it was only after this administrative case was filed in August 1975 and during the investigation thereof in 1978 that complainant learned of his acquittal when a copy of the decision was retrieved from and produced by Judge Morales. It was also established during the investigation that the original copy of the decision as well as the records of Criminal Case No. 3994 are missing and could not be located — a cover-up that as observed by the Investigating Judge may result in a charge of infidelity in the custody of public documents.

According to complainant's testimony, he asked Judge Morales as early as June, 1974, when the decision in Criminal Case No. 3994 would be promulgated and Judge Morales told him that the decision was already with respondent's Clerk of Court. Complainant then approached respondent judge to inquire about the status of the case and the latter replied that he had not yet received the decision from Judge Morales. Complainant then went back to Judge Morales and informed him about what the respondent judge told him but Judge Morales insisted that the decision was already with the Clerk of Court of Catanauan. Complainant then went back to the respondent judge who this time told him that "he (respondent judge) is in charge of the case and it is up for him when to promulgate the decision." [1]

The foregoing established facts show that respondent judge had deliberately and maliciously delayed for years the disposition of Criminal Case Nos. 3994 and 5015 and the promulgation of the decision of acquittal in the latter case notwithstanding the reglementary 90-day period for him to do so.

The record also amply supports the Investigating Judge's finding that the false certification to the effect that complainant Demetrio Yu still had a pending criminal case against him (Criminal Case No. 3994), when in fact, the said case had long been decided by Judge Procopio Morales to whom the case was assigned and said decision duly submitted for promulgation by respondent judge, was issued knowingly and deliberately by respondent judge. The fact that Criminal Case No. 3994 was no longer included in the monthly report of pending cases for

October, 1974, shows that said case was already terminated when the respondent judge issued his false certification in June, 1975.

It also appears that respondent judge signed and submitted to this Court conflicting monthly reports of pending cases. When the attention of the respondent judge was called to the inconsistencies in his reports, he contended that he signed the same without reviewing them as he relied solely on the reports of pending cases prepared by his clerk of court. This fact as well as the loss of the original copy of the decision in Criminal Case No. 3994 and the records thereof show at the very least respondent judge's gross neglect or inefficiency in the performance of his duties as municipal judge. As stated by the Court in the analogous case of *Tadiar vs. Cases*[2] "respondent could not use the clerk of court as the scapegoat for his remissness and slothfulness."

In the cited case of *Tadiar vs. Cases*, the Court dismissed the respondent judge for gross negligence in not resolving a motion to dismiss within ninety days after its submission for resolution, and for his failure to file the original or a copy of his order acquitting an accused in two criminal cases in the office of the Municipal Court of San Fernando, La Union so as to enable the clerk of court to make the proper service upon the parties. Thus, it appeared that although the cases were supposed to have been dismissed, the order dismissing them was not on file in the records of the two cases. The Court, in ordering his dismissal from office, held that he "made a mockery of the adjudication process. His conduct impaired public confidence in the fair and honest administration of justice."

The records of this Court further show that respondent judge had been twice given warning by the Court in two previous administrative cases, Administrative Matter No. 128-MJ, entitled *Coral vs. Consolacion-Serrano*[3] and in Administrative Matter No. 998-MJ, entitled *Rosario vs. Judge Consolacion-Serrano*. [4] In Administrative Matter No. 128-MJ, this Court, after considering the facts of the case, found that respondent judge "betrayed a deficiency in prudence, discretion and judgment which a member of the judiciary must profess to a high degree if he is to be a symbol of law and justice in the community which he serves," pointing out that:

"x x x What disturbs or rather shocks US is the action of respondent in taking advantage as admitted by him of the martial law and asking the military authorities to summon Segundina Coral and secure from the latter a retraction of her complaint. The falsity of the complaint of Segundina Coral is beside the point, for even if the complaint were unfounded and "fishy" to use respondent's own words, nonetheless, it was highly improper to say the least, for respondent judge to have gone to the military and asked the latter to call the herein complainant and interrogate her in connection with the complaint filed with the Department of Justice. Undoubtedly, the only possible reason for the recourse to the military was to instill apprehension and fear in the heart and mind of Segundina Coral which respondent succeeded to do as shown by the fact that Segundina signed an affidavit of retraction prepared by PC Sgt. Anonuevo, which, she, however, subsequently disowned before the proper officials in the Department of Justice."

Respondent judge was severely reprimanded and warned that more drastic action would be taken should such deficiency in prudence and judgment be manifested in the exercise of his judicial functions.

In Administrative Matter No. 998-MJ, respondent judge was likewise admonished for having incurred too much delay in forwarding the records of a criminal case to the Court of First Instance after the accused therein waived the second stage of the preliminary investigation and warned that a repetition of the same or other infractions will be more severely dealt with.

It is clear, therefore, that respondent judge had been given sufficient warnings in connection with the performance of his judicial functions. Notwithstanding such admonitions and warnings, respondent judge is again found to have been remiss in the performance of his duties. Respondent judge, having shown himself not to be a fitting example of official integrity, responsibility and efficiency, must now be separated from the service, as recommended by the Court Administrator.

ACCORDINGLY, the Court finds respondent Municipal Judge Jose Consolacion-Serrano guilty of malicious and gross delay in the administration of justice, prejudicial to the public interest, and he is hereby dismissed from the service, with forfeiture of all retirement benefits and pay and with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities. This decision is immediately executory.

Barredo, Makasiar, Concepcion, Jr., Fernandez, Guerrero, De Castro, Melencio-Herrera, Ericta, Plana, and Escolin, JJ., concur.

Fernando, C.J., and Abad Santos, J., on official leave.

Aquino, J., no part.

[1] Transcript of Stenographic notes, rollo, pp. 368-371.

[2] 60 SCRA 215, (1974), per Aquino, J.

[3] 60 SCRA 1, Sept. 18, 1974.

[4] Resolution dated July 29, 1977.

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.