

**LUISA GAMELONG, LUIS GAMELONG & PETRONILO
GAMELONG, COMPLAINANTS, VS. MUNICIPAL JUDGE SILVESTRE
TAYSON, SAN ENRIQUE, NEGROS OCCIDENTAL, RESPONDENT.**

A.M. No. (11-MJ) 498-MJ. July 31, 1974

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/860604dbd962/>

ESGUERRA, J.:

Respondent Municipal Judge Silvestre Tayson of San Enrique, Negros Occidental was charged in an administrative complaint (Administrative Case No. 88, of the Court of First Instance of Negros Occidental, Branch II, Bacolod City) by Luisa, Luis and Petronilo, all surnamed Gamelong, "with gross ignorance of the law and/or with using his high office of trust as an instrument of illegally ejecting and turning complainants out of their tenancy landholding whom respondent knew fully well to be agrarian tenants and therefore under the protective mantle of the tenancy laws." The complaint was supported by the joint affidavit of complainants who alleged that in the early part of May, 1968, before Civil Case No. 214, for forcible entry, was filed against the Gamelongs by one Ciriaco Talam, respondent summoned complainants to his office; that upon arrival in respondent's office, complainants saw Ciriaco Talam with the judge; that respondent, upon seeing complainants inquired from Petronilo Gamelong where he was staying and the latter replied that he, together with Luisa, and Luis, were all staying on the land of Pacita Lorenzo Infante, as agricultural tenants of Pedro Florentino, the lessee of the land owned by Pacita Infante; that complainants had already prepared their seedlings and in truth for four years (1964 to 1968) complainants had been agrarian tenants; that when complainants refused respondent's proposal for them to surrender one hectare of their respective landholdings, the latter in an angry voice told complainants that if they did not agree they must quit all their landholdings and give them to Ciriaco Talam; and that subsequently when Civil Case No. 214, for forcible entry, was actually filed in the court of respondent, the latter using his high office caused and ordered the ejectment of complainants from their tenancy landholdings in violation of Sections 21, 27 and 49, in relation to Section 57 of Republic Act 1199.

Respondent in his answer, dated August 17, 1968, explained that complainants voluntarily surrendered their tenancy rights for a consideration since February of 1964; that when Civil Case No. 214, for forcible entry, was filed in respondent's court, the complaint was sufficient in form and substance to cause the respondent, upon motion of plaintiff therein, to issue a writ of preliminary mandatory injunction and that writ was only provisional in nature and did not end the case; that he never told complainants to quit their landholdings nor threatened them in an angry manner in the incident of May, 1968; that it was the honest opinion of the respondent, in his exercise of judicial discretion in Civil Case No. 214, that the mere allegation of tenancy relationship by complainants (although they voluntarily surrendered possession of their landholdings in 1964 as evidenced by Annexes "A", "B" and "C" to respondent's answer) did not divest respondent's court of its original exclusive jurisdiction in the forcible entry case because of the well settled rule in such cases that even a claim of title will not divest a municipal court of its jurisdiction, on the ground that "where the principle is otherwise, the ends of justice would be frustrated by making the efficacy of this kind of actions depend upon the defendant in all cases (Zapanta vs.

Bartolome, 46 O.G. No. 11 p. 5447)"; that the proper remedy for complainants should have been to elevate the case by "certiorari" to the proper court and not to file an administrative case against the respondent.

The record of this case shows that positive action for its investigation was taken on November 21, 1972, after the counsel for complainants had asked for postponement of the hearing of the case on October 21, 1971. On the former date, complainants, thru counsel, filed a written motion asking for the withdrawal of the complaint on the strength of the affidavit of desistance jointly executed by complainants on November 22, 1971, stating that they had been restored to the possession of the land in question, for which reason they were no longer interested in the prosecution of the administrative case and were, therefore, withdrawing the same.

When the Hon. Oscar R. Victoriano, Judge of the Court of First Instance of Negros Occidental, Branch II, who was then the Executive Judge, scheduled the case for hearing on March 28, 1972, counsel for the complainants reiterated the former motion to withdraw the complaint. The Investigator, instead of dismissing the complaint, ordered the respondent to present evidence supporting the explanations contained in his answer. The respondent did as directed and testified in his behalf to explain the incidents that culminated in the filing of the administrative case against him.

What incontrovertibly appears as facts from the obstinate refusal of the complainants to present evidence to substantiate the complaint and from respondent's willingness to substantiate his explanations, are that sometime in the first week of May, 1968, respondent, upon the request of counsel of Ciriaco Talam, asked the latter to meet the complainants in a conference designed to prevent a brewing up of litigation between Talam and the complainants; that the respondent showed the complainants a contract of lease in favor of Ciriaco Talam and explained to them that one of the conditions in that contract was that the leased land was being received by the lessee Ciriaco Talam from the lessor without tenants and that the lessee promised the lessor that upon the expiration of the period of lease, the land should be returned without tenants; that Ciriaco Talam showed complainants the copies of the agreement on voluntary surrender of the land executed by the Gamelongs way back in 1964 when that land was still leased to Atty. Pedro Florentino; that respondent never spoke in an angry voice to complainants to prevail upon them to agree with the demands of Ciriaco Talam; that when Civil Case No. 214 for forcible entry was filed on May 25, 1968, in respondent's court, the questioned preliminary mandatory injunction was issued after the plaintiff had filed a bond and the respondent did his best to expedite the disposition of the case; that before proceedings in Civil Case No. 214 could go further, the present administrative case was filed against respondent on July 18, 1968, and as a result respondent requested the C.F.I. judge to be allowed to inhibit himself in said case, which was granted on August 12, 1968, with City Judge Mario Lachica of La Carlota designated to hear Civil Case No. 214; that when Civil Case No. 214 was being heard before Judge Lachica, the plaintiff Ciriaco Talam admitted in his testimony that the defendants Gamelongs (complainants in this administrative case) had been in possession of the land as tenants, so that the defendants, thru counsel, filed a certiorari case, with prayer for a writ of injunction against judge Lachica, questioning his jurisdiction over the case, before the Court of First Instance of Negros Occidental (Case No. 8727), and an order issued from the Court of First Instance to hold in abeyance the hearing of Civil Case No. 214; that on June 19, 1968, the Gamelongs filed Court of Agrarian Relations (CAR) Case No. 2622 against Ciriaco Talam and while the CAR case was in progress, Ciriaco Talam through counsel went to the Court of Appeals by certiorari (G.R. No. 42912-R); that on March 13, 1970, the Court of Appeals rendered a decision in favor of the Gamelongs, ordering the dismissal of Civil Case No. 214 and the continuance of CAR Case 2622.

On the charge that respondent tried to prevail upon complainants to surrender their landholding to Ciriaco Talam, the Investigator-Judge concluded that "there is nothing to indicate that respondent haughtily and in an angry voice reprimanded complainants for their alleged refusal to come to a settlement," and that there is no evidence to show

that respondent used "his high office of trust as an instrument of illegally ejecting and turning complainants out of their tenancy landholdings". Hence this charge is unfounded. On the contrary, it appears that what respondent did during the conference between Ciriaco Talam and the Gamelongs was that he tried to advise both parties as to their rights so as to prevent a brewing litigation. There is nothing wrong for a municipal judge to make efforts to enlighten prospective litigants so as to maintain peace among them by impartial advice or exhortation.

On the charge of "gross ignorance of the law," while it is true that the Court of Appeals in G.R. No. 42912-R, finally ruled that Civil Case No. 214 for forcible entry should be dismissed and C.A.R. Case No. 2622 continued, that final disposition of Civil Case No. 214 could not be construed to mean that respondent was ignorant of the law when he assumed jurisdiction over the forcible entry case based on the allegations of the complaint filed with his court and issued a writ of preliminary mandatory injunction upon motion of the plaintiff.

But the respondent's grant of the writ of preliminary mandatory injunction in Civil Case No. 214 was rather precipitate. In the circumstances of the case he should have been more careful in granting it ex-parte and done so only after due hearing to determine the existence of grave or irreparable injury to the plaintiff-applicant or injustice to the defendant. While We believe that the error was committed in good faith and in the exercise of judicial discretion in a case apparently falling within his jurisdiction, the respondent cannot be held blameless for taking cognizance of a case properly pertaining to the Court of Agrarian Relations. There is, therefore, need for impressing upon the respondent greater care and deliberation in the performance of his functions.

WHEREFORE, the respondent is hereby reprimanded and admonished to be more careful and diligent in the exercise of his jurisdiction.

Makalintal, C.J., Zaldivar, Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, Fernandez, Muñoz Palma, and Aquino, 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.