

JUDGE EDILBERTO S. RAMOS, COMPLAINANT, VS. ATTY. DAMASO GREGORIO, BRANCH CLERK OF COURT, RTC, BRANCH 41, PINAMALAYAN, ORIENTAL MINDORO, RESPONDENT.

A.M. No. P-91-600. July 21, 1993

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/902f1d5bd25a/>

NOCON, J.:

In a letter to the Court Administrator dated November 28, 1990, Judge Edilberto S. Ramos complained of several acts of his Branch Clerk of Court, Atty. Damaso Gregorio, such as failing to transmit the records of two (2) cases on appeal and for coming to work drunk on November 27, 1990 and on several other occasions. Aside from this letter, the Court has received other complaints regarding respondent's inefficiency. The letter of Judge Ramos was considered an administrative complaint against respondent, who was directed to comment thereon.

In his comment, respondent averred that his failure to transmit the records of cases on appeal to the Court of Appeals was due to the heavy workload and the lack of office equipment. As to his alleged drunkenness on November 27, 1990, respondent contends that he had attended a wedding dance party the night before and that he had very little sleep. Respondent further contends that Judge Ramos may have mistaken his lack of sleep as a sign of drunkenness.

The Court referred the case to the Court Administrator for evaluation. In a memorandum dated September 8, 1992, Deputy Court Administrator Reynaldo L. Suarez found the excuses proffered by respondent as weak and lame, and recommended that the respondent be suspended for one (1) month without pay with a warning that repetition of this lapse and other administrative lapses would be dealt with more severely.

On September 30, 1992, the Court referred the case to the Executive Judge Manuel A. Roman of the Regional Trial Court of Pinamalayan, Oriental Mindoro for investigation, report and recommendation.

During the hearing of January 20, 1993, Judge Ramos manifested that respondent had apologized to him with regard to his act of drunkenness, and that because of said apology he was not interested in pursuing the administrative complaint, provided that respondent will improve his services to the court. As to his failure to transmit the records of cases on appeal, respondent manifested that he will submit the case on the basis of the records and did not submit any other evidence in his behalf.

Judge Ramos formally manifested his disinterest in pursuing the case in a letter dated February 16, 1993.

On the other hand, Judge Roman informed the Court Administrator in his letter of January 16, 1993, that based on the records, respondent should be meted out the penalty recommended by the Court Administrator in his memorandum of September 8, 1992. However, in view of the lack of interest of Judge Ramos in pursuing the complaint, Judge Roman recommended that the instant complaint be dismissed to give respondent another chance.

The recommendation of Judge Roman is not well-taken. The mere fact that Judge Ramos had expressed his desire not to pursue the complaint is not a ground for the dismissal of the instant complaint, where the basis thereof had

been duly established. Besides, Judge Ramos' desistance was only with regard to the charge of drunkenness, and not to the negligent acts of respondent, such as his failure to immediately transmit the records of cases on appeal.

Inasmuch as no further evidence was adduced by respondent in his behalf, the Court adopts the findings and conclusions made by Deputy Court Administrator Suarez in his memorandum dated September 8, 1992, which are supported by the evidence, as follows:

"From the facts on record, it is clear that respondent Clerk of Court was guilty of negligence for his failure to transmit to the Court of Appeals, as of May 8, 1991, the records of Criminal Cases Nos. P-3276 and 3277 despite the fact that the notice of appeal was filed as early as February 12, 1990. Respondent's explanation that the delay was caused by pressure of work and lack of office equipments cannot be considered a ground for exoneration, at best, it may be considered as a valid ground for mitigation of liability. Moreover, the records disclosed that respondent did not make any attempt whatsoever to request for an extension of time within which to transmit the records of the appeal cases upon the former's failure to forward the same to the Court of Appeals during the prescribed period of time as provided for under the Rules of Court."^[1]

WHEREFORE, respondent Atty. Damaso Gregorio is hereby **SUSPENDED** for one (1) month without pay with a warning that repetition of the acts complained of and other administrative lapses will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Regalado, JJ., concur.
Puno, J., no part.

[1] Memorandum of Deputy Court Administrator Reynaldo L. Suarez, p. 2; Rollo, p. 20.

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.