

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ATTY. MANUEL B. GADON, CLERK OF COURT VI, RTC, ODIONGAN, BR. 82, ROMBLON, RESPONDENT.

A.M. No. P-95-1142. June 16, 1995

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9b514d054039/>

PER CURIAM:

This administrative case is an offshoot of a criminal case for kidnapping with murder pending before the sala of Judge Cezar R. Maravilla, Regional Trial Court of Odiongan, Br. 82, Romblon.[1]

In a letter to this Court dated 20 October 1992, Alexander G. Leaño requested for the transfer of venue of the case from the RTC of Odiongan, Romblon, to the RTC of Romblon, Romblon. He averred that his father, Salvador Fabella Leaño, a former soldier and retired Chief of Police, was kidnapped and murdered on 7 February 1986 at the height of the Presidential Snap Elections by a group of men alleged to be bodyguards of former Assemblyman Nemesio V. Ganan, Jr., the accused in the criminal case. Alexander G. Leaño claimed that grave injustice would result if the case was tried before the RTC of Odiongan due to the irregularities committed by the Clerk of Court, Atty. Manuel B. Gadon, as follows: (a) that on 18 and 19 April 1992 (a Saturday and a Sunday, respectively), the prosecution witnesses were made to sign an Affidavit of Retraction by Atty. Gadon; (b) that Atty. Gadon summoned to his office Liwanag G. Leaño, mother of Alexander G. Leaño, and tried to persuade her to have the criminal case settled amicably because they were "on the losing side;" and, (c) that Atty. Gadon reset to 20 May 1992[2] the hearing on the motion for cancellation of bail filed by the prosecution, which was originally scheduled on 21 May 1992, without prior notice to the parties resulting in the absence of the prosecution witnesses at the proceedings conducted thereon.[3]

The letter of Alexander G. Leaño was referred to Judge Cezar R. Maravilla and accused Ganan, Jr. and/or his counsel for comment.[4]

On 4 November 1994, the Provincial Prosecutor of Romblon, Romblon, Pedro M. Victoriano, Jr., filed a motion for the inhibition of Judge Maravilla stating that "considering the long intimacy between the Presiding Judge and accused Atty. Nemesio V. Ganan, Jr., and the loss of trust and confidence of the private complainant in the proceedings, the judge should inhibit himself from hearing the case in order to preserve his honor and integrity."

In his letter dated 19 November 1992, Judge Maravilla stated that he required Atty. Manuel Gadon to comment on the imputations against him by Alexander G. Leaño. Judge Maravilla also verified the records relative to said criminal case and found that "neither the Clerk of Court nor any of the personnel of the Court of which he is the presiding judge has committed any irregularities relative to the case x x x contrary to the claims of the Provincial Prosecutor, Mrs. Liwanag G. Leaño, and his son Alexander G. Leaño." Judge Maravilla manifested that accused Ganan, Jr., and his counsel could not be reached for comment in due time because they were both residing in Manila.[5]

On 15 December 1992, Judge Maravilla issued an order granting the motion for inhibition stating that although said motion was not completely substantiated nor based on legal grounds, he decided to voluntarily inhibit himself

from trying the case to avoid being misunderstood and to preserve his probity and objectivity. He requested this Court to designate another judge to hear and decide Crim. Case No. OD-203.

On 15 January 1993, accused Ganan, Jr., acceded to the decision of Judge Maravilla to inhibit himself from the criminal case. However, he vehemently opposed the request for change of venue of Crim. Case No. OD-203 averring that such transfer would entail undue hardship and great expense on the part of the defense witnesses, most of whom resided in Odiongan, Romblon.

In our Resolution of 16 March 1993, the Court denied the request for change of venue, designated Judge Placido C. Marquez, RTC of Romblon, Br. 81, to try and decide the case in view of the inhibition of Judge Cezar R. Maravilla and directed the Office of the Court Administrator to investigate Atty. Manuel B. Gadon and to report thereon.

In a Memorandum to the Chief Justice dated 28 May 1993, the Office of the Court Administrator through Deputy Court Administrator Reynaldo L. Suarez, in compliance with the Resolution directing the OCA to conduct an investigation on the alleged anomalies, reported these findings -

While there is no direct proof that respondent indeed prepared the affidavits of retraction to be signed by the 3 vital prosecution witnesses, circumstances have shown some irregularities and misconduct on the part of the respondent. First, his act of subscribing the said affidavits at his residence and on a Saturday and Sunday constitutes irregularity in the performance of duties, if not indiscretion.

Prudence dictates that respondent Clerk of Court should have exercised his sound judgment of not having the affidavits subscribed by him as he knew very well that these affidavits would greatly affect the outcome of the criminal case that is pending in their court. Besides, there are other administering officials such as Fiscal Pedro Victoriano, Fiscal Morte, Judge Job Fabello as well as other Judges and he could have persuaded these 3 witnesses to just wait for Monday to have their affidavits subscribed by these persons. But as if in a hurry, which is inexplicable, respondent readily administered the oath on the affiants regarding their retraction at his residence and in an unusual day naturally creating doubt in the mind of herein complainants, more so because these affidavits would bear heavily on the outcome of the case pending in the sala where respondent is the Clerk of Court.

x x x x x x x x

Secondly, with respect to the 2nd notice of hearing on the motion for cancellation of bailbond, we find respondent to have committed the act complained of. Records readily reveal and as admitted by the respondent himself, the 2nd notice of hearing dated 17 June 1992 on the motion for cancellation of bailbond, which abruptly reset the hearing to July 20-21, 1992, was issued without prior order from Judge Maravilla nor was there any motion to that effect filed by either the prosecution or the defense.[6] Rather, he issued the said notice out of his own decision and without prior authority clearly to favor the defense counsel (Atty. Millora) upon a mere verbal request and at the instance of the accused former Assemblyman Nemesio Ganan, Jr. In this case, he had shown not only irregularity in the performance of his duties but likewise his partiality on the accused. It is important to note that because of the abrupt resetting of the case, without prior notice to the prosecution witness(es), the prosecution witnesses failed to appear at the hearing on July 20, 1992 and it is on this very day that the respondent testified as to the authenticity of the affidavits of retraction. With the absence of the prosecution witnesses, there is no way to confirm whether the affidavits of retraction (were) voluntarily and freely executed by the 3 prosecution witnesses.

These irregularities did not only occur once but were repeated when the notice of hearing scheduling the trial of the case to October 13-15, 1992, was sent and received by the Provincial Prosecutor Victoriano. However, the

notice sent to the other parties and the defense counsel scheduled the trial on October 12-15, 1992. Respondent's claim that the notice sent to Provincial Prosecutor Victoriano was the duplicate copy of the original can be hardly believed. A closer scrutiny of the two notices obviously reveals that the dates of the scheduled trial are (truly) different and it is clear that the notice received by Provincial Prosecutor Victoriano sets the date of trial on October 13-15, 1992.[7]

The OCA recommended that respondent Clerk of Court Manuel B. Gadon be fined an amount equivalent to one month salary with warning that a repetition of the same or similar act in the future would be dealt with more severely.

We adopt the findings of the Office of the Court Administrator but take exception to the recommended penalty. Records of the OCA investigation reveal that Atty. Gadon undeniably committed such irregularities as charged. Worthy of note is that respondent Atty. Gadon does not refute, much less deny, the allegations that he notarized the affidavits on a weekend and that he advanced the scheduled hearings a day earlier at his own discretion without prior notice to the prosecution witnesses who thus failed to appear on the rescheduled dates. Clearly, Atty. Gadon had absolutely no authority to reset the hearing without prior notice to the interested parties, much less an order from his presiding judge. That he did so is a flagrant disregard of established rules amounting to grave misconduct and gross ignorance of duties. He voluntarily testified as witness for the defense that he actually administered the oath to the affiants in their affidavits of retraction.[8] Respondent's claim that he took no part in the preparation of the affidavits of retraction but merely notarized the same does not exculpate him from any liability. This is further aggravated by the fact that he administered the oath to the affiants outside office hours, at his residence, on 18 and 19 April 1992, a Saturday and Sunday, respectively, thus heightening the suspicion of bias on his part. In the instant case, respondent had no business accommodating the request of interested parties which could have compromised the integrity of the judiciary.

Moreover, his voluntary testimony as defense witness with regard to his act of administering the oath to the affiants in their affidavits of retraction is suspect of his judiciousness as a court officer. Aside from the foregoing, his crude attempt to dissuade the wife of the victim and mother of complainant from pursuing the kidnapping with murder charge because they were on "the losing side" is a blatant violation of the Court's policy to maintain fair play and neutrality in the administration of justice. Employees of a court should not act in favor of either of the parties involved in the proceedings in their sala except in an official capacity. While there is no showing that respondent benefited pecuniarily from the acts imputed to him, we find that the preponderance of evidence proves that respondent unduly interfered in the proceedings beyond the scope of his authority as a clerk of court and casts aspersion on the integrity of the judicial process. As Clerk of Court of Br. 82 of the RTC of Odiongan, Romblon, respondent is an important official of the court next only to the presiding judge. The acts of respondent indeed corrode the dignity and honor of the courts and shake the people's faith and trust in the judiciary.

We have often said, and we say it again, that a public office is a public trust. A public servant must at all times exhibit utmost candor and rectitude in the performance of his duties. The administration of justice being a sacred task,[9] conduct required of a court employee as a public servant must be characterized with propriety and decorum and must always be free from any taint of suspicion that may be impressed on their actions, official or private.[10] The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility and public accountability.[11] This Court cannot countenance nor condone transgressions of duty by any court personnel which though unintended could have been avoided with the exercise of prudence and extra precaution. Certainly, an officer of the court should be a model of integrity, uprightness and honesty.

As an officer of the court, Atty. Gadon should have maintained a high degree of professionalism, particularly in

his official dealings. His infractions, especially when viewed together instead of as separate and isolated acts, raise grave concern on his fitness as a clerk of court. For this reason, we feel that the recommended penalty of imposing a fine on Atty. Gadon is too light.

WHEREFORE, we find Clerk of Court Manuel B. Gadon GUILTY of grave misconduct and gross ignorance of the duties pertaining to his office which are detrimental to the best interests of the service. Accordingly, Atty. Manuel B. Gadon, Clerk of Court VI, RTC, Odiongan, Br. 82, Romblon, is DISMISSED from the service effective upon receipt of this Resolution with forfeiture of all retirement benefits, with prejudice to reinstatement or re-employment in any branch or instrumentality of the government including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Quiason, J., on official leave.

[1] *People v. Ganan, Jr.*, docketed as Crim. Case No. OD-203, involving the killing of Salvador Leño, a UNIDO pollwatcher and retired Chief of Police, during the February 1986 Presidential Snap Elections.

[2] The exact date of the scheduled hearing was 21 July 1992 which was reset to 20 and 21 July 1992.

[3] Letter of Alexander G. Leño, dated 20 October 1992, Rollo, p. 9.

[4] First Indorsement, 5 November 1992, prepared by Deputy Court Administrator Reynaldo L. Suarez, Rollo, p. 7.

[5] Second Indorsement dated 19 November 1992, submitted by Presiding Judge Cezar R. Maravilla, RTC of Odiongan, Romblon, Br. 82, Rollo, pp. 5-6.

[6] The Order of Presiding Judge Cezar R. Maravilla dated 4 June 1992 served as a notice that the hearing was scheduled on 21 July 1992.

[7] OCA Memorandum, through Deputy Court Administrator Reynaldo L. Suarez, dated 28 May 1993, Rollo, pp. 4-6.

The investigation was conducted relative to the request for change of venue of Crim. Case No. 93-3-1003. In the same proceeding, Atty. Ganan, Jr., was made to understand that he was being called upon as a respondent on the charges imputed against him. He was given the opportunity to answer the charges in a full-blown investigation where he was afforded his right to cross-examine the witnesses which he actually did. Hence, the OCA opined that it was unnecessary to file a separate administrative complaint against him.

[8] TSN, 9 November 1992, p. 18; see also Motion for Inhibition dated 4 November 1992 filed by Provincial Prosecutor Pedro M. Victoriano, Jr., Annex "D," Rollo, p. 46.

[9] *Mirano v. Saavedra*, A.M. No. P-89-383, 04 August 1993, 225 SCRA 77, 85.

[10] *Re: Josefina V. Palon*, an employee of this Court, regarding her active intervention in RTC Case No. 90-55019 relative to A.M. No. RTJ-90-629 and A.M. No. 92-8-027-SC, 02 September 1992, 213 SCRA 219, 221.

[11] Jereos, Jr. v. Reblando, Sr., Adm. Matter No. P-141, 31 May 1976, 71 SCRA 126, 132.

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.