

CASTRO RAVAL, COMPLAINANT, VS. HON. GUILLERMO ROMERO, RESPONDENT.*A.C. No. 129-J. July 30, 1976*

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-129/>**BARREDO, J.:**

Administrative complaints against respondent as Judge of the Court of First Instance of Isabela, Branch IV, stationed at Roxas, Isabela, the first (in Adm. Case No. 129) charging him with ignorance of the law, obvious partiality and oppression, and the second (in Adm. Case No. 243), with "falsification of certificate of service, dis-honesty, bribery/corruption, serious misconduct, gross partiality, abuse of authority and falsification." The complaint in the first case was referred for investigation and recommendation to Justice Jose Leuterio of the Court of Appeals and the second to Justice Cecilia Muñoz Palma, then a member of that court, both of whom, after proper hearing, have already submitted their respective reports, the former recommending admonition and the latter one (1) year suspension in relation to the charge of delay of respondent beyond the statutory limit in rendering a judgment, but exoneration as regards all the other charges.

The thrust of the first complaint is that although in Civil Case No. 1543, entitled *Maximo Umipig vs. Francisco de los Santos et al.*, an action for recovery of possession of a parcel of land respondent had rendered a summary judgment unqualifiedly dismissing the complaint, he nevertheless issued a writ of execution in favor of the defendant named *Demetrio Castro*, who had been joined as such defendant only in an amended complaint, enjoining the plaintiff to turn over to said, defendant *Castro* the pos-session of the land occupied by said, plaintiff, whom respondent found not only to have no right to the pos-session of the land occupied by the original defendants, *Francisco Santos*, *Alejo Dizon* and *Pascual Dizon*, but to be himself illegally occupying the land in dispute belonging, not to him but to said defendant *Castro*. To be very accurate, respondent caused the execution, not of the final judgment, but of a writ of preliminary injunction which he had earlier issued, and which after being enforced by the sheriff was violated by plaintiff by re-entering the disputed premises. In fact, respondent cited plaintiff for contempt and subsequently had him and his tenants arrested unless they could file bail bonds in the amount of P500.00 each "to secure their presence in court to answer the charge against them."

Upon these premises, although there was a procedural error in the action taken by respondent, there was, how-ever, no injury caused to the rights of complainant. The undeniable fact is that complainant had violated the writ of preliminary injunction issued by respondent, and naturally, it was respondent's duty to impose the corresponding sanction for such contumacious act. After all, the writ of preliminary injunction against plaintiff to vacate the pre-mises in dispute was not lifted in the final judgment of the case. Of course, matters would have been much clearer had respondent expressly made said preliminary injunction final in the dispositive part of his decision. Accordingly, We find that substantially, there was nothing legally erroneous in the actuations of respondent complained of, but since the same did not conform with the more appropriate procedure suitable to the situation, We must express Our disapproval thereof. Considering, however, that respondent is no longer rendering service and has applied for retire-ment under Republic Act 910, for which he is qualified, it would suffice to

spread in respondent's record the said procedural error, so that the same may not be repeated by other members of the bench.

In connection with second complaint, We have gone over and deliberated carefully on the report of the Investigator, and We are satisfied that the evidence on record is insufficient to sustain the charges therein proffered against respondent, except the specification referring to his failure to decide Civil Case No. IV-46, entitled *Cera vs. Cera*, within the 90-day period prescribed by the Judiciary Act and his having continued to collect his salaries in the meantime, upon his certification that he had no pending matters to resolve. We agree with the investigator that the explanation and excuse offered by respondent cannot justify respondent's being freed from any responsibility for the failure of his subordinates to properly take care of the records of said case and to call his attention to the fact that the draft of the decision he had prepared had not yet been finalized, so much so that the same was later on misplaced and forgotten. In other words, it may be true that respondent did not act in bad faith in making his reports to the Department of Justice which did not reflect the pendency of the *Cera* case, but, nonetheless there can be no doubt that he has shown lack of due diligence in the performance of his judicial functions, resulting in the undue delay of the administration of justice. In the public interest, such official dereliction, even if not malicious, deserves proper sanction.

Indeed, it does not appear to Us, that respondent acted with malevolent design in making the inaccurate reports of his judicial actuations and withdrawing his salaries on the basis thereof. In this connection, it may be recalled that in the case of *In re Impeachment of Hon. Tomas Flordeliza*, Judge of First Instance of the Sixteenth Judicial district, the Court held:

"In conclusion, therefore, we have decided to pay no particular attention to the general charges of partiality and negligence which have been filed against Judge Flordeliza. We do find, however, that he has not displayed that interest in his office which stops not at the minimum of the day's labors fixed by law, and which ceases not at the expiration of official sessions, but which proceeds diligently on holidays and by artificial light and even into vacation periods. Only thus can he do his part in the great work of speeding up the administration of justice and of rehabilitating the judiciary in the estimation of the people. The mountain of six or seven hundred pending cases in Sorsogon could be removed by a judge of first instance of alert mind and quick decision, not afraid of work, with the aid of a helpful bar and a sympathetic government.

"As willful and intentional wrongdoing in receiving compensation has not been demonstrated, we are not prepared to find that sufficient cause exists in our judgment involving serious misconduct or inefficiency as warrants us in recommending the removal of the respondent Judge to the Governor-General. We will take such a step if future derelictions of duty of this character recur.

"Correcting, therefore, Judge of First Instance Tomas Flordeliza in his wrong construction of section 129 of the Administrative Code, and admonishing him to proceed more assiduously in the performance of his judicial labors, it is our order that these proceedings be filed without further action." (44 Phils. 608, 617)

In that case, Judge Flordeliza was merely admonished, but We cannot impose such a light penalty on herein respondent because at this stage, there could not be any possibility anymore of misconstruing the provisions of Judiciary Act respondent has violated.

IN VIEW OF ALL THE FOREGOING, in Administrative Case No. 129-J, the complaint is dismissed, but let the record of respondent show his procedural error above referred to, and in Administrative Case No. 243-J, it is hereby ordered that of the amount which would be payable to respondent upon approval of his retirement, a sum equivalent to his salary for three (3) months be forfeited in favor of the government.

Fernando, Teehankee, Makasiar, Antonio, Aquino, Concepcion, Jr., and Martin, JJ., concur.

Castro, C.J., and Muñoz Palma, J., took no part.

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.