

THE SECRETARY OF JUSTICE, COMPLAINANT, VS. JUDGE ALFREDO CATOLICO, RESPONDENT.

A.C. No. 203-J. November 18, 1975

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-203/>

BARREDO, J.:

Two administrative complaints with four charges, the first three of them formulated by the Secretary of Justice, against Judge Alfredo Catolico of Branch III of the Court of First Instance of Cavite charging him with "serious misconduct and gross disregard of law."

It may be mentioned at the outset that the action taken by the Secretary of Justice must have been caused by the following portion of the decision of the Court in the case of *People vs. Judge Alfredo Catolico*, 38 SCRA 389:

"11. In view of the rash and improper actuations of respondent judge, which could have resulted in a serious miscarriage of justice, the Court has resolved that this matter be brought to the attention of the Secretary of Justice for the initiation of appropriate administrative action, as the facts and circumstances warrant. This is in fact the third case involving respondent judge that has thus been resolved to be officially brought to the Secretary's attention the two others being the contempt proceedings in *Barrera vs. Barrera*, supra, and the prohibition proceedings in *Queto vs. Catolico*. (31 SCRA 52 [Jan. 23, 1970.])"

The first complaint arose out of the actuations in October of 1965 of respondent, then acting as Judge of the Court of First Instance of Misamis Occidental, relative to the naturalization cases of over fifty naturalized citizens wherein said respondent not only declared *motu proprio*, without any corresponding petition of the Republic of the Philippines, null and void the oath taking of therein petitioners, with the aggravating circumstance that, without priorly hearing the petitioner concerned, "the respondent delivered in open court a lengthy dissertation reflecting on the honesty and integrity of provincial and city fiscals appearing in naturalization cases, and venting his spleen particularly on Chua Tuan, referred to him as a Chinese who had become a multi-millionaire by making overshipments of copra, who was 'untouchable because he could buy his way out in Malacañang, in the Army, in the Foreign Affairs, in the Immigration, in the Bureau of Internal Revenue and in the Courts of Justice,' of which the respondent said he would take judicial notice. The respondent further castigated Chua Tuan with the following epithets: 'balasubas;' ingrate; 'hambug;' animalistic; a danger and a disgrace to the community; a dishonor to the Filipino people." (Pars. 5 & 6, p. 2 of complaint.)

The second and third complaints relate to the insistence of respondent to consider himself as without jurisdiction to continue trying every case, civil and criminal, which he found had not been tried for more than thirty days since the respective previous hearings therein, for which reason, he ordered their dismissal, with aggravating circumstance, that he refused to recognize not only the authority of the Court to authorize the continuation of the corresponding proceedings but also the personality of the Clerk of this Court to transmit to him the pertinent resolutions of the Court in the usual form in which parties have always been notified in all cases of resolutions of the Court.

The fourth complaint was filed by the widow of the victim, Mrs. Fermina Olaes, in a case of homicide in which the arraignment was held on October 3, 1973 and the hearings were set on October 15, November 23 and 27, December 6, 12, 17, 18, 20, 21 and 26, 1973 and January 2, 3 and 4, 1974 and the decision acquitting the accused was promulgated by respondent on January 10, 1974, two days before he reached the age of 70 years, the complainant charging that respondent hurried, in preference to other cases in his sala which deserved earlier attention, the trial with the intention of being able to finish and decide the same favorably to the accused before he (the judge) could retire, with the aggravating circumstance that:

"2. Respondent during the hearing of December 26, 1973 was so carried away by his emotions that he was, for two hours, the one asking questions to the prosecution's witness; and that in the process, respondent 'bullied, ridiculed, frightened, threatened (there was even an instance when the judge was banging the table with his own fist) and humiliated the witness.'

3. Respondent has the propensity to ridicule the witness manifested in his questions regarding the illness of the witness when he asked the latter if he was examined by a veterinarian.

4. Respondent tried the case with a 'wrapped-up decision - that of acquittal' manifested in his order dated December 26, 1973:

'x x x and in order to disabuse any fear on the part of the prosecution for indeed the prosecution always believes that anybody accused must have to be sentenced to die if necessary and can not admit into their mind that there are doubt that may linger longer in the mind of the Court and can not be explained by any amount of oral testimony because the prosecution cannot present evidence enough for the conviction of the accused beyond any doubt x x x.'" (Pars. 2 to 4, page 2 of Report.)

In his answers, respondent claims that all his impugned actuations were motivated by his desire to comply with the rules and the law and, most of all, the best interests of justice which require the speedy and expeditious disposition of cases. In regard to what he did in the naturalization cases aforementioned, respondent avers that the rulings of this Court sustain him in his view that the petitioners in the said cases had not validly become Filipino citizens because they had taken their oaths of allegiance prematurely, and since this fact was evident in the record, he could act *motu proprio* to require them to validate their said oaths. He denies having improperly castigated Chua Tan. Anent the last complaint, respondent maintains he had nothing to do with the preparation of the calendar and denies having been actuated by any bias or prejudice either in his questioning of the witnesses or in acquitting the accused. And as a general and fundamental defense, respondent pleads that "if at all there was any error committed it is of the mind rather than of the heart".

For the obvious reason that all the facts involved in the first three complaints relate to matters of record in the proceedings in this Court in which respondent had been duly heard, no further administrative proceedings were held after respondent filed his answer. The fourth case was referred to Justice Buenaventura de la Fuente of the Court of Appeals for appropriate investigation. The report was submitted on August 1, 1975.

In connection with respondent's actuations involved in the first charge of the Secretary of Justice, the Court has in a way already admonished respondent. In the decision in *Queto vs. Catolico*, 31 SCRA 52, Chief Justice Makalintal spoke for the Court thus:

"Judges, in their zeal to uphold the law, should not lose the proper judicial perspective, and should see to it that in the execution of their sworn duties they do not overstep the limitations of their power as laid down by statute and by the rules of procedure. If they arrogate unto themselves the authority allocated to other officials, there can be no consequence but confusion in the administration of justice and, in many instances, oppressive disregard of the basic requirements of due process."

With reference to the second and third charges of the Secretary, the Court has already reprimanded respondent in its decision in *Barrera vs. Barrera*, 34 SCRA 98, and thru Justice Fernando, We therein stated:

"Given the opportunity to explain both in a memorandum and in an oral argument, he remained adamant and obdurate. It was apparent he was not averse to disciplinary action being visited on his conduct. x x x

What calls for disciplinary action is the recklessness with which respondent judge did hurl the baseless allegation that the Clerk of this Court was permitted to exercise an authority which appertained to the Chief Justice. He did speak with all the valor of ignorance. Nor did he retreat from such an indefensible stand in the face of his being informed that what the Clerk did was solely in accordance with what was previously decided by this Court, which certainly will not tolerate, anybody else, much less a subordinate, to speak and act for itself. This gross disrespect shown to this Court has no justification. The misdeed of respondent judge is compounded by such an accusation apparently arising from his adamant conviction that a doctrine of this Court that fails to meet his approval need not be applied. x x x"

In *People vs. Catolico*, 38 SCRA 389, Justice Teehankee added the following strictures:

"9. Respondent judge's capricious dismissal of cases in his court in Cavite, based on his own unique appreciation of the provisions of Rule 22, section 3 of the Revised Rules of Court to the effect 'that upon the lapse of three months from the first day of trial on the merits, the trial judge lost control of the same, and may not continue trying the same [when there is no written authority from the Chief Justice of the Supreme Court] for the only thing possible to be done is to dismiss the case,' (Respondent judge's comments to the contempt charge against him, notes in brackets supplied, in *Barrera vs. Barrera*, 34 SCRA 98) notwithstanding his awareness of this Court's contrary ruling in *Barrueco*, supra, was already noted by the Court in *Barrera vs. Barrera* (Supra, fn. 17) decided on July 31, 1970. In said case, where respondent judge was held in contempt of this Court and reprimanded, he was reminded of his duty to apply the law as interpreted by this Court 'as the final arbiter of any justiciable controversy' and of the great mischief and prejudice to the administration of justice, and unnecessary inconvenience, delay and expenses to litigants, that would be needlessly caused, should judges of lower courts dispose of cases in accordance with their personal views contrary to the final authoritative pronouncements of this Court. The Court has noted that the inconsistency of respondent judge's present posture that he loses control of a case upon the lapse of three months from the first day of trial on the merits and has only to dismiss the case was brought out at the contempt hearing in said case when he admitted that he did not follow such a course of action in the other trial courts presided by him, viz, the Courts of First Instance of Misamis Occidental and of Ilocos Norte, prior to his appointment to the Cavite court.

"10. In the same case of *Barrera*, this Court, per Mr. Justice Enrique M. Fernando, already found respondent judge in contempt for recklessly 'hurling the baseless allegation that the Clerk of this Court was permitted to exercise an authority which appertained to the Chief Justice. He did speak with all the valor of ignorance. Nor did he retreat from such an indefensible stand in the face of his being informed that what the Clerk did was solely in accordance with what was previously decided by this Court, which certainly will not tolerate, anybody else, much less a subordinate, to speak and act for itself. This gross disrespect shown to this Court has no justification.'

"In his present order of denial of the People's motion for reconsideration, respondent judge committed the same reckless act of making it appear in his Order that it was the Clerk of this Court who 'informs the presiding judge that he is extending authority to continue hearing and trying, until finished all criminal cases pending . . .,' notwithstanding that the Clerk of this Court signed the communication expressly 'By authority of the Chief Justice.'

"Such action of respondent judge, aside from being grossly disrespectful of the Court, exposes his lack of appreciation or disregard of the time-honored usage of the Court that minute resolutions, summons, and processes of the Court as well as official actions of the Chief Justice, upon being duly adopted and recorded are

transmitted to the interested parties by and upon the signature of the Clerk of Court who is duly authorized to do so. With the thousands of resolutions approved monthly by the Court, it would unduly tax the time and attention of the Chief Justice and members of the Court to the prejudice of the administration of justice if all such papers, other than decisions, could be released only upon their own signatures. The situation is analogous to administrative decisions signed by the Executive Secretary 'by authority of the President,' which decisions are given full faith and credit by our courts as decisions of the President, 'unless disapproved or reprobated by the Chief Executive.' (Lacson-Magallanes Co., Inc. vs. Paño, 21 SCRA 895 [Nov. 17, 1967].)"

Anent the fourth charge, the report of the investigator is to the effect that the actuations of respondent complained of by Mrs. Olaes were not due to any improper or personal motive and were just the result of the innocuous eccentricities and odd ways and ideas of respondent which could not be categorized as serious misconduct nor deserving of any heavier sanction than admonition.

While the Court was awaiting said report, however, in a letter dated April 17, 1975, respondent informed the Court that His Excellency, President Ferdinand E. Marcos had accepted his resignation effective January 11, 1974, "without prejudice to his receiving whatever rights he may be entitled to under the retirement and other existing laws."

Premises considered, and in line with the established policy regarding similar situations wherein the President has accepted resignations without prejudice to the grant of legally possible retirement benefits thus rendering administrative cases pending against the official concerned, moot and academic, the Court resolved to DISMISS above-entitled cases.

Makalintal, C.J., Antonio, Esguerra, Aquino, Concepcion, Jr., and Martin, JJ., concur.

Castro, Teehankee, Makasiar, and Muñoz Palma, JJ., took no part.

Fernando, J., concurs in the result.

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.