

THE PHILIPPINE TRIAL LAWYERS ASSOCIATION, INC., COMPLAINANT, VS. SIMEON I. GARCIA, RESPONDENT.

A.M. No. 2356-CTJ. October 30, 1980

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-2356/>

MAKASIAR, J.:

In a formal complaint dated December 6, 1979 and filed on December 26, 1979, the complainant, The Philippine Trial Lawyers Association, Inc., through its President, Procopio S. Beltran, Jr., charged respondent Judge Simeon I. Garcia of the City Court of Manila, Branch I with gross misconduct by falsifying public documents.

Specifically, the charges are: that the respondent Judge "has been certifying that all special proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for decision or termination for a period of 90 days or more have been determined and decided by him; that respondent has been issuing and signing such certifications every month as per records of the Leave Section of the Supreme Court, knowing fully well that his certifications are false in view of the fact that there are many cases pending for decisions and resolutions in his sala, to wit:

"a.

Singer Sewing Machine Co., Inc. vs. Francisca Corpuz and Rogelio Corpuz (Civil Case No. 026310) -- submitted for decision by the plaintiff's counsel on February 16, 1978. No decision received by plaintiff's counsel as of December 10, 1979. Note: The defendants were declared in default in this case and evidence for the plaintiff were adduced ex-parte by plaintiff's counsel on February 16, 1978.

"b.

Cogasco, Inc. vs. Armando Baquiran (Civil Case No. 019766) -- Motion for the Issuance of a Writ of Execution submitted for Resolution on May 22, 1979. No resolution received by plaintiff's counsel as of December 10, 1979.

"c.

Federal Construction Supply Corp. vs. Maris Construction, Inc. (Civil Case No. 038852) -- Motion for Judgment on the Pleadings submitted for Resolution on May 17, 1979. No resolution received by plaintiff's counsel as of December 10, 1979."

and "that furthermore, by falsifying such public records, respondent was able to draw his salary from the government and caused undue delay and undermined the faith of the plaintiff in particular and the public in general in the administration of justice" (pp. 1-2, rec.).

The administrative complaint was referred to City Judge Simeon I. Garcia for comment/explanation.

In a second indorsement dated January 14, 1980, the respondent Judge offered the following explanation:

"1. As regards Civil Case No. 019766 (Cogasco, Inc. vs. Armando Baquiran) -- The decision was rendered on

Nov. 14, 1977. On Aug. 17, 1978, plaintiff filed an Ex-Parte Motion to Allow said plaintiff to serve the decision to defendant whose address was Rosario, Cavite, in view of the fact that a copy of the judgment sent by the Court via registered mail had not been then returned yet. The Court granted said motion on Aug. 21, 1978. On April 20, 1979, plaintiff submitted a 'Verified Return of the Decision' showing proof of service of the decision upon defendant. The writ of execution was prepared on May 2, 1979; the same is still attached to the records of the case, waiting for plaintiff to claim the same for transmittal to the Sheriff's Office.

"2. As regards Civil Case No. 038852 (Federal Construction Supply Corp. vs. Maris Construction, Inc.) -- A Judgment on the Pleadings was rendered by the Court on December 3, 1979. There is no return as of this date on the service of the same upon the parties in the case.

"3. As regards Case No. 026310 (Singer Sewing Machine Co. vs. Francisca Corpuz, et al.) -- This case was submitted for decision by plaintiff on Feb. 16, 1978, as our dockets reveal. Apparently, as our said dockets also show, no decision has as yet been rendered as of this date.

"After the unfortunate incident that occurred sometime in 1978 wherein the mezzanine floor of the City Court utilized by the Office of the Clerk of Court as a storeroom gave way and crushed down upon the Sala of Branch I over which the undersigned presides, some carpenters were hired by the City of Manila to repair and reconstruct the damaged portion of the building. They used my Sala as their main base of work, with all construction materials piled therein, hence for some months or so court sessions were held in Chambers. Preparatory to the repair work, the carpenters, without so much as a by-your-leave, and believing perhaps that they were of help in doing so, moved out court records bundled and piled in our cabinets, to another place left untouched by the accident. In the process, the records got all mixed up -- the civil with the criminal cases, the terminated with the pending ones. It is for this reason that since months ago, the undersigned has designated one employee, Leonardo Moreno, to the exclusive and sole duty of sorting out, arranging and segregating the records of these cases. He has been doing this assigned task of his painstakingly well but considering the voluminous records involved, it necessarily would take quite a time before the same is finally done" (pp. 6-7, rec.).

On April 14, 1980, We referred the complaint against the respondent Judge to Executive Judge Jose Colayco of the Court of First Instance of Manila for investigation, report and recommendation (p. 8, rec.).

In accordance with the referral, Executive Judge Jose Colayco conducted several hearings and on the basis of the documentary and testimonial evidence of the parties, submitted his report and recommendation quoted as follows:

"The record shows that the respondent presiding judge of Branch I of the City Court of Manila filed the monthly certificates required under section 5 of Rep. Act No. 296, also known as the Judiciary Act of 1948, as amended, for the months of June, 1978 to December, 1979, attesting that there were no cases or motions pending decision or resolution by him for more than ninety (90) days prior to the date of his certification (Exh. E, E-1 to E-18). The complaint alleges that these certifications are false with respect to the following civil cases:

"1. Civil Case No. 026310, 'Singer Sewing Machine Co., Inc. vs. Francisca Corpuz, et al.' -- The plaintiff submitted the case for decision on February 18, 1978. The respondent assumed office on June 13, 1978 as presiding judge of Branch I, but failed to order an inventory of the pending cases in his sala at the time. Mrs. Sales, his branch clerk, testified that a portion of the mezzanine-floor occupied by the office of the clerk of court collapsed on January 29, 1979, and that as a result, some records of branch I were mixed up with the records kept in the mezzanine-floor. The record of Civil Case No. 026310 is one of them. The record has not been retrieved from the alleged wreckage up to the present.

"The respondent judge should probably not be held accountable for not deciding the case within the ninety (90) days after he assumed his office. But he can be faulted for his failure to take stock of the cases pending in his branch as soon as he took over. If he had done this, he would have known of the pendency of the case, and

could have asked the Supreme Court for a reasonable extension to decide it. He can ill allege the collapse of the mezzanine-floor as an excuse, because this happened more than six (6) months after he assumed office. His failure to locate the record until now -- more than a year and a half later -- betrays gross negligence.

"2. Civil Case No. 019766, 'Cogasco, Inc. vs. Armando Baquiran -- The plaintiff filed the motion for execution on March 27, 1978. The notation on the left-hand margin of the motion shows that it was granted on April 30, 1979, more than ten (10) months after he took over (Exh. 1, 1-A; t.s.n. p. 15, hearing on May 20, 1980; t.s.n. p. 12, hearing on May 22, 1980). This is a clear violation of sec. 5 of Rep. Act No. 296.

"But there is more here than meets the eye. The record shows that a second motion for the issuance of the writ of execution was filed by Atty. Beltran on May 22, 1979, after the order granting his first motion was purportedly issued on April 30, 1979 (Exh. B; 1, 1-A). He was not notified of the alleged order of April 30, 1979. He received the writ of execution on February 4, 1980. There is here a strong indication that the order granting the motion may have been antedated.

"3. Civil Case No. 038852, 'Federal Construction Supply Corp. vs. Maris Construction, Inc.' -- The plaintiff filed a motion for judgment on the pleadings on May 10, 1979, and set it for hearing for May 17, 1979. On June 25, 1979, Atty. Beltran filed a motion to resolve his motion for judgment on the pleadings, and filed a second motion for the same purpose on January 11, 1980. The record of Civil Case No. 038852 shows, however, that the respondent rendered a decision, dated December 3, 1979, which was received by Atty. Beltran on January 12, 1980. The date 'JAN 7 1980' is rubber-stamped at the top of the original of the decision (p. 9, record of Civil Case No. 038852). There is here again a clear violation of the regulation" (pp. 81-84, rec.).

The investigating Judge found that "the falsehood committed by the respondent judge in connection with his monthly certificates of service resulted from gross negligence, and cannot be characterized as fraudulent. Nonetheless, it constituted a serious violation of the regulations intended to expedite the administration of justice."

On the basis of his findings, the investigating Judge recommended that a "fine of P500.00, with reprimand, will be sufficient to remind him to be more careful in the future."

The penalty recommended by the investigating Judge is too light for the falsehood committed by the respondent judge.

A close examination of the records show that there was a dismal failure on the part of the respondent judge to contradict the substantial evidence of the charge levelled against him, specifically, in making untruthful statements in his monthly certificates of service.

The respondent judge's explanation that the delay in the disposition of Civil Case No. 026310 (Singer Sewing Machine Co. vs. Francisca Corpuz, et al.), was due to the collapse of the mezzanine floor of the City Court which resulted in the records being mixed up, is not worthy of credence. As noted by the investigating Judge, this incident happened more than six (6) months after the respondent assumed office. The failure of the respondent judge to take stock of the cases pending in his sale after he assumed office amounts to gross negligence and does violence to the principle that a public office is a public trust.

But what concerns Us most is the admitted failure of the respondent judge in retrieving or locating the records of the aforesaid civil case for quite a long period of time. Apparently, such failure bespeaks of respondent's gross negligence, if not gross irresponsibility, in exercising his official duties.

The respondent judge ought to be reminded that under Section 1 of Article XIII of the present Constitution, it is therein explicitly mandated that public officers and employees shall serve with the highest degree of

responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.

In the administration of justice, it is expected that men who wield authority should be the paragon of honesty and efficiency if only to preserve sacred and inviolate the trust and confidence of the people.

WHEREFORE, FINDING THE RESPONDENT JUDGE OF BRANCH I OF THE CITY COURT OF MANILA GUILTY OF SERIOUS MISCONDUCT, HE IS HEREBY ORDERED TO PAY A FINE EQUIVALENT TO THREE MONTHS SALARY WITH A WARNING THAT A REPETITION OF THE SAME OR ANALOGOUS ACTS WILL BE DEALT WITH MORE SEVERELY.

SO ORDERED.

Teehankee, Acting C.J., Fernandez, Guerrero, and Melencio-Herrera, 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.