

LEON FRANADA, ET AL., COMPLAINANTS, VS. MUN. JUDGE VICENTE M. OBLENA, JR., RESPONDENT.

A.M. No. 32-MJ. July 25, 1975

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-32/>

CONCEPCION, JR., J.:

These are two (2) administrative cases against Vicente M. Oblena, Jr., Municipal Judge of Maria Aurora, Quezon.

In Administrative Matter No. 32-MJ, Judge Oblena, Jr. was charged on August 18, 1972 purportedly by four complainants namely, Leon Franada, Ciriaco Manangan, Huarlito Mallari and Cresencio Espiritu, in a telegram-complaint which reads as follows:

"REPORTING CONTINUED LOGGING OPERATION OF BALER FOREST PRODUCTS INCORPORATED MARIA AURORA QUEZON WITH DIRECT CONNIVANCE OF GOVERNMENT OFFICIALS INCLUDED MUNICIPAL JUDGE VICENTE OBLENA AND PATROLMAN BEN ALATAC AND ALVAREZ."

However, in the ensuing-investigation conducted by Judge Ernesto P. Valencia of the Court of First Instance of Aurora Subprovince, to whom the complaint was referred for inquiry as to the alleged involvement of Judge Oblena, the supposed complainants Leon Franada, Ciriaco Manangan and Warlito ("not Huarlito") Mallari disowned any knowledge of or participation in the sending of the telegram-complaint and likewise denied the truth of the contents thereof. As to the complainant Cresencio Espiritu, the court's process-server failed to contact him for four (4) times (October 25 & 26 and November 2 & 3, 1972) at his residence in Poblacion, Maria Aurora, Quezon; per the returns in the subpoenas, Espiritu had reportedly left for Manila, but without a specific forwarding address in Manila.[1] One Atty. Julio Bautista of Cubao, Quezon City wired the deputy clerk of court informing him that he would appear for Cresencio Espiritu, but on November 2, 1972, one day before the scheduled hearing. Atty. Bautista wired his withdrawal as counsel for "reasons privileged." Upon motion of the respondent Judge Oblena, Judge Valencia ordered the case submitted for resolution; in his report, Judge Valencia recommends that the case be dropped for lack of evidence.

The burden of proof rests upon the complainants,[2] and since no evidence whatsoever was presented to substantiate the telegram-complaint, the complaint in Administrative Matter No. 32 MJ should be dismissed.[3]

In Administrative Matter No. 33 MJ, Veronica P. Ulsa of San Luis, Quezon complained that:

".... while entering in my licensed area under PWR 2588 and 2589 at Sitio Diomulok, Barrio Punglo, Maria Aurora, Quezon way back on January 24, 1972 with my equipments, was stopped by said Judge Vicente Oblena using his authority as a judge. He frightened my laborers in going to the area. He is using some documents. Please send investigator immediately so that justice will prevail. I am ready to testify in any court or investigation that may arise. I have complete evidence."[4]

In his answer, the respondent Judge denied the material allegations of the complaint, and averred that he had

never gone to the barrio of Punglo; that he attended office at Dipaculao, Quezon on January 24, 1972 from eight o'clock in the morning to five o'clock in the afternoon; and that he has no knowledge of any document contradicting the complainant's document, except possibly one that he had notarized for Enrique Mendoza, a document which revoked a special power of attorney which had previously authorized the complainant to cut timber; and that Enrique Mendoza had also executed another special power of attorney in favor of one Elizabeth Trinidad.

At the start of the preliminary inquiry, the counsel for the complainant moved to withdraw the complaint on the ground of lack of witnesses whose testimony would not be hearsay particularly as to the allegation in the complaint that the respondent had prevented the complainant's laborers from entering her logging area, and on the further ground that the complainant could not secure either the proper certification to prove her charge that the respondent had engaged in business without prior permission from the Secretary of Justice, or a certification that "the respondent did not file with the Bureau of Forestry the said special permission preparatory to filing with the said Bureau his certificate of private woodland registration covering his original certificate of title(P-11779)-1818 located at barrio Basal, Maria Aurora, Quezon."

The aforesaid motions notwithstanding, the preliminary inquiry proceeded. The complainant testified that she knew of the motion to withdraw the case; that she had no personal knowledge that Judge Oblena went to her logging area to frighten her laborers but that she was merely informed by them; that she filed the administrative complaint out of anger against the respondent judge for his failure to stop the preparation of a document turning over the logging operation from her to Elizabeth Trinidad; that although Judge Oblena was granted Certificate of Private Woodland Registration PWR 2602 over his titled land, he had not actually taken any logs therefrom; and that because he had been given a license she had erroneously assumed that he was engaged in the logging business.

In the course of the inquiry, the respondent manifested that he had indeed obtained a certificate of private woodland registration permit from the Bureau of Forestry but had not taken any logs from his property and that if he was going to, he would first seek the advice of or authority from the District Judge.

The only issue posed is whether the respondent municipal judge may be subject to sanctions for having secured a private woodland registration certificate without prior permission from the District Judge.

The respondent has incurred no administrative liability. Firstly, the Revised Administrative Code, in its section 1829, requires a private owner of land containing timber to register his title to the same with the Director of Forestry.

"Sec. 1829. — Registration of title to private forest land. — Every private owner of land containing timber, firewood and other minor forest products shall register his title to the same with the Director of Forestry. A list of such owners, with a statement of the boundaries of their property, shall be furnished by said Director to the Collector of Internal Revenue, and the same shall be supplemented from the time to time as occasion may require.

"Upon application of the Director of Forestry the fiscal of the province in which any such land lies shall render assistance in the examination of the title thereof with a view to its registration in the Bureau of Forestry."

Under this provision of law the judicial office held by the respondent has no bearing on his ownership of forest land the registration of which he is duty bound to accomplish; this being so, his compliance with the provision by registering his title as a "private owner of land containing timber x x x" needed no prior permission from the District Judge. And, secondly, the respondent has not transgressed Canons 24 and 25 of the Canons of Judicial Ethics which provide as follows:

"24. BUSINESS PROMOTIONS AND SOLICITATIONS FOR CHARITY. — He should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business venture, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest in conflict with the impartial performance of his official duties."

"25. PERSONAL INVESTMENT AND RELATIONS. — A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in his court; and after his accession to the bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties."

There is no evidence that the respondent had made a personal investment or engaged in the logging business which "involves the idea of a continuance or repetition of like acts;"[5] on the contrary, the complainant admitted that the respondent had not actually taken any logs from his woodland.

Accordingly, the complaints in Administrative Matters Nos. 32 MJ and 33 MJ against the respondent judge are hereby dismissed.

Makasiar, Esguerra, Munoz Palma, and Martin, JJ., concur.

Teehankee, J., is on leave.

[1] The respondent Judge Oblena testified that the complainant Cresencio Espiritu had a pending case in his court for illegal possession of firearms, and the last time he appeared was in May, 1972 to ask for postponement of the hearing of this case.

[2] Go vs. Candoy, Adm. Case 736, Oct. 23, 1967, 21 SCRA 439.

[3] Zubiri vs. Jumapao, Adm. Case 830, Jan. 28, 1971, 37 SCRA 53; Manlugon vs. Villabroza, Adm. Case 199 MJ, June 28, 1974, 57 SCRA 462.

[4] On October 23, 1972 the complainant Ulsa filed an amended complaint charging the respondent judge with engaging in business without prior permission from the proper Department Head. On October 30, the counsel for complainant moved to change the original designation of the charge from "abuse of authority" to "acts which would render the respondent unfit for office."

[5] Words & Phrases, Vol. 14A, p. 275, Perm. ed., citing *Farrior v. New England Mortgage Security Co.*, 7 So. 200, 88 Ala. 275.

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.