

FELICIDAD GUERRA VDA. DE LAPEÑA, COMPLAINANT, VS. MUNICIPAL JUDGE JOSE L. COLLADO, RESPONDENT.

A.M. No. 480-MJ. March 22, 1977

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-480/>

ANTONIO, J.:

Respondent Municipal Judge was charged with falsely certifying, on two occasions, that all petitions and motions which had been submitted to him for determination for a period of ninety (90) days had been determined by him on or before the respective dates of the certifications.

Pursuant to the Resolution of this Court dated July 9, 1974, the verified complaint filed by complainant Felicidad Guerra Vda. de Lapeña was forwarded to the District Judge of the Court of First Instance of Pangasinan for investigation, report and recommendation. The District Judge submitted his Report to this Court, with the following findings of fact:

"The respondent Jose L. Collado is the incumbent Municipal Judge of Bautista, Pangasinan. Two verified complaints for forcible entry, one dated March 5, and another, March 12, 1973, were filed in his Court by the herein complainant against several persons, which were docketed as Civil Cases Nos. 382 and 383 (Exhs. 3, 3-E, 4 and 4-A). Embodied in the complaints were petitions for the issuance of writs of preliminary injunction against the defendants therein to en-join them from further committing acts of dis-possession against the herein complainant and disturbing her peaceful possession or the parcels of land subject matter of the complaints. In due time, answers dated March 26 and May 2, 1973 were filed by the defendants therein (Exhibits 3-B, 3-C, 4-B and 4-C).

"In Civil Case No. 382, the herein complainant further filed a motion dated April 12 and an amended motion dated April 23, 1973, praying that during the pendency of the hearing of the case on the merits, the corn and tobacco crops harvested from the parcel of land in question be deposited with the nearest bonded warehouse and sold at the prevailing price in the locality, the proceeds to be deposited with the Municipal Court (Exhibits 5, 5-A, 5-B and 5-C).

"On July 2 and August 1, 1973, the herein respondent certified, among others, that all petitions and motions which had been under submission or determination for a period of ninety days or more had been determined by him on or before those dates (Exhibits A, A-1, 1 and 1-A), which enabled him to collect his salary for those months.

"The complainant now claims that the respondent had committed multiple falsification of public documents in making the certifications (Exhibits A, A-1, 1 and 1-A) because in truth and in fact, on those dates, July 2 and August 1, 1973, he had not yet resolved the pending petitions for issuance of writs of preliminary injunction in Civil Cases Nos. 382 and 383 and the motion and amended motion to deposit the tobacco and corn crops in Civil Case No. 382 (Exhibit B)."

As per the Investigator's Report, respondent denied having falsified his certifications on the given dates, alleging that the petitions for preliminary injunction had been denied by him in open court in the presence of the parties,

and that the resolution of the motion and amended motion for the deposit of the tobacco and corn crops had been deferred by him pending final determination of whether the defendants involved were really squatters. Furthermore, respondent alleged that since the Municipal Court of Bautista, Pangasinan was not yet a court of record, no written order resolving the foregoing petitions and motions was issued by him.

As found by the Investigating Judge, respondent properly deferred the resolution of the motion and amended motion for the deposit of the tobacco and corn crops, pending the determination of a vital issue involved in the corresponding civil case. Furthermore, land transfer certificates had been issued by the Secretary of Agrarian Reform in favor of the 128 tenants of the Philippine National Bank on the property in question, now owned by the Bank, which formerly belonged to the complainant and was the subject matter of the civil case before respondent's court. However, with respect to the petitions for the issuance of writs of preliminary injunction, the findings are as follows:

"* * * it appears that the complaint with prayer for issuance of writ of preliminary injunction in Civil Case No. 382 was received in the Municipal Court on March 11, 1973 (Exhibit 4); that defendants' answer thereto was received on March 26, 1973 (Exhibit 4-B); and that the plaintiff's reply was dated April 3, 1973 (Exhibit 4-D). While there is no showing when the incident was considered submitted for resolution, yet it may be safely assumed it was submitted as of the filing of the last pleading, that is on April 3, 1973. The ninety day period, therefore, must have commenced therefrom and ended July 2, 1973. Hence, in certifying on August 1, 1973, that he had already resolved all petitions and motions which had been submitted to him for a period of ninety days or more, when in truth and in fact he had not, as he had not yet resolved the petition for injunction in the case, the respondent had committed a falsehood.

"This may not, however, he said in Case No. 383 where it appears that the complaint with prayer for issuance of a writ of preliminary injunction was received in the Municipal Court on April 18, 1973 (Exhibits 3 and 3-A); that the answer thereto was dated May 2, 1973 (Exhibits 3-B and 3-C); and that an amended complaint with the same prayer was received in the same Court on May 22, 1973 (Exhibit 3-D). Hence, at the time of the certification on July 2, 1973 and August 1, 1973, the ninety day period within which the respondent should have resolved the petition for injunction had not yet expired."

Respondent's allegation that no written order was issued by him for the reason that his court was not yet a court of record is not tenable. As found by the Investigating Judge, the Municipal Court of Bautista, Pangasinan was already court of record with an official stenographer who took down the proceedings therein, pursuant to Republic Act No. 6031. Indeed, as observed by the Investigating Judge, if respondent had denied the petition for injunction in open Court on April 25, 1973, it would not have been necessary for him to assure complainant that he will issue the preliminary injunction should the same be necessary during the course of the trial.

It is however, obvious that this single aberration was not due to malice or bad faith of respondent. Rather, it was due to his carelessness, negligence or reliance upon his employee. In the environment of the attendant facts, such false statement could not be classified as a serious misconduct.

Thus, in *Secretary of Justice v. Bullecer*,^[1] We stated:

"* * * It is desirable that a judge should at all times manifest fidelity to the trust reposed in him. Necessarily, an adequate grasp of the codal and statutory provisions, not to mention the Constitution, as well as of legal doctrines is of the essence. That he should be impartial is likewise a truism. Of equal importance, however, is the promptness with which cases in his Sala are disposed of. The people's faith in the administration of justice, especially those who belong to the low income group, would be greatly impaired if decisions are long in coming, more so from trial courts, which unlike collegiate tribunals where there is need for extended deliberation, could be expected to act with dispatch. Unfortunately, it cannot be denied that delay still attends the performance of the judicial task. It could amount to serious inefficiency, arising either from lack of skill in

the handling of authoritative legal materials or the lack of a proper system in the handling of court business.
For that matter, negligence, if reckless in character, could amount to serious inefficiency. * * *

WHEREFORE, respondent Municipal Judge Jose L. Collado is hereby exonerated of the charges against him, but he is admonished to act with due care in executing his Certificates of Service.

Fernando, (Chairman), Barredo, Aquino, and Concepcion, Jr., JJ., concur.

[1] 56 SCRA 25.

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.