

ALFREDO P. TADIAR, COMPLAINANT, VS. MUNICIPAL JUDGE SIMEON CACES OF BAUANG, LA UNION, RESPONDENT.

A.M. No. 89-MJ and Adm. Case No. 1192. October 21, 1974

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-89/>

AQUINO, J.:

On November 6, 1967 two criminal complaints for grave oral defamation were filed by the chief of police in the municipal court of San Fernando, La Union against Consuelo Balanon. The offended parties were Maria F. Tadiar, Alfredo F. Tadiar and Esther Tadiar-Bautista (Exh. A and B, Crim. Cases Nos. 7172-3).

Pedro O. Arciaga, the incumbent municipal judge of San Fernando, inhibited himself. Judge Javier Pabalan of the Court of First Instance of La Union designated Simeon V. Caces, the municipal judge of Bauang, La Union, to try the said cases (Adm. Order No. 101 dated Dec. 9, 1967).

After the prosecution had finished the presentation of its evidence in the two cases which were tried jointly, the accused filed a motion to dismiss (demurrer to the evidence) dated December 23, 1969. The Special Counsel, who acted as prosecutor, opposed the motion. A copy of the motion was mailed to Judge Caces. It was received by him on January 5, 1970 (Exh. C to C-1). A copy of the opposition was also mailed to him (44 tsn). The motion and opposition were deemed submitted for resolution on January 5, 1970.

On February 24, 1970 the transcript of the stenographic notes taken by Rosie Munar was received by Judge Caces. He had requested for the transcript. But he did not bother to request the clerk of court of the municipal court at San Fernando to send to him the records of the two criminal cases. Neither did he go to San Fernando to get those records.

Alfredo F. Tadiar, an offended party and private prosecutor in the two criminal cases (on May 31, 1969 he succeeded Judge Arciaga and became the municipal judge of San Fernando) sent to Judge Caces a letter dated February 19, 1973 calling his attention to the pendency of the motion to dismiss and requesting for a resolution thereof (Exh. D). Apparently, as a reply to that letter, Judge Tadiar received by registered mail on March 13, 1973 from Judge Caces a copy of an order dated July 20, 1971. In that order Judge Caces acquitted Consuelo Balanon in the two aforementioned criminal cases (Exh. E).

However, neither the original nor a copy of the order was filed in the expedientes of the two criminal cases. The order does not form part of the records of the two cases.

The scandalous delay in the resolution of the motion and the fact that the prosecution was not served with a copy of the order of dismissal provoked Judge Tadiar to file an administrative complaint against Judge Caces. He charged Judge Caces with dereliction of duty and with an infraction of section 5 of the Judiciary Law for having falsely certified that during the period from April, 1970 to March, 1973 he had resolved all motions within ninety days after their submission for resolution.

After Judge Caces had filed his answer, the charges were investigated by Judge Antonio G. Bautista of the Court

of First Instance of La Union. The investigator concluded that, for not furnishing the prosecution with a copy of the order exonerating Consuelo Balanon, Judge Caces transgressed an alleged Circular No. 19 of the Secretary of Justice dated February 17, 1968. Judge Bautista also found that Judge Caces was negligent in not getting the records of the two criminal cases from the clerk of Court of the Municipal court at San Fernando. He recommended that Judge Caces be reprimanded.

We are of the opinion that, under the facts of this case and considering his blemished record of service, his separation from the service is justified.

A municipal judge may be removed for not "performing his duties properly" or for being "unfit for the office" (Sec. 97, Judiciary law).

Judge Caces resolved the motion to dismiss after the expiration of more than eighteen months from its submission. His alibi was that the delay was attributable to Judge Tadiar's failure to send to him the records of the two cases. He averred that because he was also acting municipal judge of Caba, La Union, it was "humanly impossible" for him to remember all the cases pending before him in the municipal court of San Fernando, Caba and Bauang. He forgot the Balanon cases (98 tsn). He said that he was afraid of the prevailing situation in San Fernando and, that, although he was not threatened, his friends cautioned him not to go there. He claimed that he sent to Judge Tadiar on March 10, 1973 the original of the order acquitting Consuelo Balanon (61-62, 72, 80 tsn). Complainant Tadiar denied that pretension (114 tsn).

It is patent that Judge Caces was grossly negligent in not resolving the motion to dismiss within ninety days after its submission for resolution. His failure to go to San Fernando (which is ten kilometers away from Bauang) to get the records of the two cases or to require the clerk of court to send the records to him at Bauang by messenger was inexcusable.

Respondent's queer explanation as to why the resolution was delayed is shown in his revealing testimony which is quoted below:

"Q. When did you finally get tired in waiting for the clerk of court to send you the bound records of the case(s)? – A. After the lapse of one year.

Q. (by Judge Bautista): After being tired, what happened? – A. I made the resolution.

Q. And you made the resolution without the records? – A. With the transcript of the stenographic notes and my notes.

Q. Is it not a fact that the transcript and your notes were with you all the time? – A. Yes, I have.

Q. And in spite of the fact that your notes were with you, you forgot about the case (s)? – A. Because they are separated with the cases in Bauang. It was separated.

Q. So, when the occasion arose and when you were reminded about the case, you decided it with your notes and the transcript? – A. Yes.

Q. So, it was possible that after a few months after the case was submitted with the same reference, the transcript and your notes, you could have decided the case earlier? – A. Yes, I could have decided earlier, but as I said, it is not with the other cases in my court. It is a separate one so I came to forget it.

Q. You forgot it (them) and several years past (passed) do you want to tell the Investigator that it was only when you received a communication from the complainant in this case about the resolution that you thought about it (them)? – A. Yes.

Q. So it was at that time when you resolved the motions? – A. No, I have resolved it before that.

Q. So, you resolved it but you forgot to send a copy to the parties? – A. With the intention that in the event that there are facts of the case which I can gather in my notes then I could have amended the resolution to conform with those notes.

Q. So, the resolution was temporary or provisional because according to you when you made it you were still waiting for the records? – A. made that a permanent one but in the event that there are still necessary evidences which could be included then I have to change that also.

Q. Eventually, you released the order? — A. Yes.

Q. When you released the order, were you able to take hold of the records? – A. No. I was not able to take hold of all the records.

Q. So, you have in mind to take hold of the records but have to release the resolution after all even without the records because you could not hold any longer the resolution? – A. Yes.

Q. Do we understand that the resolution is dated July 20, 1971 and you released the original on March 10, 1973, is that correct? – A. Yes.

Q. So we are made to understand that this length of time was necessary for you to wait for the records that is why you did not release your resolution immediately? – A. Yes.

Q. From the date of the resolution up to the time you released it, did you receive the records? – A. I did not.

Q. What efforts did you make to take hold of the records so that you could adjust your notes to the records? – A. I have not done anything because I think it is the duty of the clerk of court to send the records to me knowing that that case was not yet finished.

Q. You want to tell the Court that the clerk of court should know better than the judge? – A. On the keeping of records, he knows more than I do.

Q. About the incident and actions taken thereon, do you not believe that you should be more concerned rather than the clerk of court on keeping the records and setting the case for hearing? – A. As the case is not with my cases, I was forgetful not to hold on that case that is, why the resolution has been late and also on the sending of the resolution it was also late.

Q. (by complainant Tadiar): You stated that after the motion in question was submitted for your consideration "you forgot all about the case" and it was only after you received my communication dated February 19, 1973 which (is) now marked as Exhibit D that you came to remember again the existence of the case? – A. I remembered before that is why I made a resolution in July, 1971.

Q. (by Judge Bautista): But because you were not in possession of the records you intentionally withheld the resolution without furnishing the parties? – A. Yes.

Q. (by complainant Tadiar): And you have to withhold the resolution from July 20, 1971 to March 10, 1973? – A. Yes.

Q. And were it not for a fact that the private prosecutor did not ask for it, you did not send him a copy of the resolution? – A. Yes.

Q. It is now clear that you intentionally withheld furnishing a copy of your resolution or order for the complainant until after you received my communication dated (marked) Exhibit D? – A. Yes.

Q. Therefore, to whom did you furnish a copy of your resolution after you made your resolution allegedly on July 20, 1971? – A. I sent it to you.

Q. But you said you only sent it to me after you received my communication on March 10, 1973. The question is at the time when you made your resolution on July 20, 1971, did you furnish any one concerned a copy of your resolution or order? – A. I did not except the accused.

Q. (by Judge Bautista): When did you send a copy to the accused? – A. I could not remember but after I made it.

Q. You want to tell that immediately after you made the resolution, you sent a copy to the accused? – A. After about a month.

Q. Did they write you a letter or requested you personally that you furnish them a copy of your resolution? – A. They came there and ask for the copy of the resolution, the messenger came there.

Q. That was after one month after you made it? – A. Yes.

Q. Why did you furnish them a copy when according to you when you have to take hold of the record as you have to make amendments to conform with the records? – A. Because they asked for it and they asked me whether I have finished it.

Q. After furnishing the accused with a copy of the resolution and you withheld the resolution to the prosecution simply because you were not yet in possession of the records, did you still believe that you can amend the resolution? – A. Within 15 days I think I can amend but after 15 days I believe I can not amend my resolution and within that period I have to place again the records of the case that I am holding separate from other cases.

Q. Do you want to tell the Investigator that 15 days after you have furnished a copy of the resolution you can still amend your resolution? – A. I think so.

Q. Are you sure of that? Do you think that is the law? – A. I think it is the law that it is not final within 15 days.

Q. Is it not a fact that in your resolution, don't you know that after signing it, it has become final? – A. It has become final.

Q. How can you amend it when the law (order) has become final? – A. This is what happened. (The respondent took some time to gather some thoughts and is now making a reply to the Investigator). When I have furnished the resolution of the case, I think a month thereafter, a messenger of the accused or the attorney of the accused came to me to ask for the resolution of the case. Then I told them I have finished and I will give them the resolution of that case. I gave them a resolution of the case and I remember I told them that I have acquitted the accused because they have not proven beyond reasonable doubt the guilt of the accused thereby dismissing the case then after that I just again get the records of the case I placed in separate folder from the other cases. That is the last time that I have seen the case. Thereafter as I have told you, I did not get any records so I have to get hold of the records so I have been waiting that the clerk of court will apprise me of the case. I did never have received the note from the clerk of court that the case is still pending.

Q. Do you want to tell the Investigator that you have to wait for the clerk to tell you that the case is finished or not? – A. Because the clerk of court has more knowledge on the operation of the case or the dismissal of the case. I think the Clerk of Court should remind the Judge to act on the case.

Q. Being aware that you have acquitted the accused, did you not know that the case is terminated? – A. I know.

Q. At that time, what is the idea of waiting for the records from the clerk of court? – A. As I have said, I separated my case from my other cases until the complainant asked me about the resolution of the case.

Q. When you furnished a copy of your resolution and the messenger got the copy, did it not occur to you that

you have to furnish the prosecution in this case? – A. It occurred to me but I think at that time there is something that have called my attention in such a way that this case was laid behind.

Q. So after delivering a copy of the resolution you again forget the case and that is the reason why you did not furnish the prosecution? – A. Until I received a letter from the prosecution.

Q. So it is no longer true that after making the resolution you were still waiting for the clerk of court to send you the records of the case? – A. No, it is not true because I have already acquitted the accused.

Q. (by complainant Tadiar): It is now clear the only party that you furnished a copy of the order dated July 20, 1971 is the accused is that not so? – A. Yes.

Q. You did not furnish a copy of the order to the clerk of court? – A. Yes.

Q. You did not also furnish a copy to the Fiscal or the Special Counsel that handled the prosecution of this case? – A. I did not.

Q. And I myself, you did not furnish me as complainant and private prosecutor? – A. At that time, yes.

Q. And the only time that you furnished me with the copies of the order is when you furnished me a copy of that order after I have communicated to you? – A. Yes and I included also the original which I believe and I have the motion that you being the Judge and the Chief of the office, you will give the original to the clerk of court, I have that in mind.

Q. So you also did not up to the present time furnish a copy of your order to the public prosecutor, namely the Special Counsel of San Fernando who handled the prosecution of the case? – A. yes.

Q. (by Judge Bautista): You only furnished to the private prosecutor because he asked for it? – A. I furnished the private prosecutor with the intention that he will deliver it to the clerk of court for the records of the case.

Q. Did it not occur to you that when you furnished the accused with a copy that it is necessary that you give the original to the clerk of court so that he could attach to the records so that anybody could look at it? – A. On July 20, 1971, I was not able to send to the clerk of court but when the complainant asked for it, knowing that he was the Judge and the chief of office, I sent the original with the intention and with the belief that the original will be attached to the records of the case and the duplicate original will be his copy.

Q. What was your purpose in furnishing only the accused considering that the resolution was favorable to her without furnishing copy to the prosecution? – A. I have no intention whatsoever but only when I have delivered already and this is what I can remember. The other copy were attached to the stenographic notes and again placed in a separate place of cases not included in my branch and thereafter I have forgotten also the case, only when I was apprised by the complainant.

(By judge Bautista): Proceed.

Q. (by complainant Tadiar): You are aware that before an order of the Court or a decision of the court is official, it must be included in the docket and the one who make this entry is the clerk of court? – A. Yes.

Q. And for the clerk of court to make that entry, the original of the order must be given to the clerk of court? – A. Yes.

Q. As a matter of fact that is the most important part of your duty aside from giving copies to the interested parties who are the public prosecutor and the private prosecutor? – A. Yes.

Q. In spite of your awareness you forgot your duties? – A. On time as I said I was not able to do it but when I was apprised by the complainant and knowing that the complainant was the chief of the office with confidence that the original will be delivered to the clerk of court, I sent the original and duplicate original to him.

Q. But you only furnished a copy of the order on March 10, 1973 or a period of 1 year and 8 months after you have allegedly sent the order? – A. Yes.

Q. And you stated that you delayed and intentionally withheld those copies because you were under the belief that after the records of these cases will be given to you, you may still modify your order to suit the evidence which you did not find? – A. I have explained it already that I have no intention of deliberately withholding the resolution of the case.

Q. Then what was your reason for not furnishing a copy of the resolution for 1 year and 8 months? – A. As I have said when I have furnished that, maybe another thing has called my attention and that was the time when I placed again as I have said the records of that case from the records in my court and because of that I forgot the complaint and continued forgetting it after I received a letter from the complainant.

Q. (by Judge Bautista): Don't you know as Municipal Judge that for a long time without furnishing a copy, the original to the clerk of court, it appears all the time that case is still pending when more than one year that you have delivered the copy to the defense whereby the accused was acquitted? – A. I know.

Q. (by Judge Tadiar): There is a saying that a cluttered records speaks for a cluttered mind? – A. That is what I do not know.

Q. And like a cluttered record of yours in that respect which should speak of your cluttered mind, possibly should not belong to the Judiciary because the Judiciary should require a systematic mind which can apparently speak for your office? – A. I do not believe on that.

Q. Do you believe that you are capable of discharging your functions as Municipal Judge? – A. Yes, as far as my 24 years in the service of the Judiciary, I have no other administrative case filed against me except this one.

Q. (by Judge Bautista): When you forgot the case for 3 years, do you not believe that that affects your efficiency and performance in the public service notwithstanding the fact that no administrative case was filed against you? – A. In cases within my court but this case is outside of my court.

Q. Don't you not believe that cases outside of your court should be given preferential attention? – A. They must be attended to as much as possible.

Q. You said you have to attend to cases and other cases assigned to you? – A. Yes.

Q. During the 3 years that the case was pending, was there any other case pending in your court? – A. None.

Q. So you admit that? – A. It is outside my court.

Q. (by Judge Tadiar:) As you mentioned earlier, you were designated to try other cases in Caba and other cases in San Fernando, in Burgos and in Naguilian? – A. Yes.

Q. In those times when you were designated not only as trial Judge of Bauang but also as acting Judge of other municipalities, did you have occasion to forget any case that was submitted to you? – A. I do not remember to have forgotten any.

Q. So to the best of your recollection, this particular case which you have forgotten is more than 3 years? – A. I think so.

Q. So was there any consideration that made you comfortably forget the decision of the case for more than 3 years? – A. There was no consideration whatsoever in any manner.

Q. Then, what made you single out to forget this particular case? – A. That is what I can not picture why I was forgetful in these particular cases.

Q. (by Judge Bautista): Where there cases in your court and the other courts which you were assigned as acting that you forgot? – A. Only in this case that I forgot it and I will even swear to it that there were no threats but that I forgot the case.

Q. But actually you should agree that you did not actually forget for three years because the truth is on July 20, 1971 you already resolved the case and you furnished a copy to the messenger of the defense? – A. Yes.

Q. What you forgot is you did not furnish a copy to the prosecution and the Clerk of Court? – A. Yes.

Q. (by Judge Tadiar): Would you re-affirm that you are thankful to the filing of this administrative case because it will teach you a lesson? – A. Yes.

That is all for the witness.

Judge Caces: No re-direct.

Judge Tadiar: I will make a short rebuttal.

On my oath as a lawyer, I would like to rebut the testimony of the witness that the original of the questioned order dated July 20, 1971, Exhibit E, was enclosed in the envelope marked Exhibit E-1. However, I state under oath that the only contents of Exhibit E-1 is Exhibit E which is a carbon original of the questioned order.

I would also state that in the Court of San Fernando, I as presiding Judge, ordinarily dispose of 360 to 400 cases a year in contrast to the disposition of the respondent of an average of 60 cases and in spite of the volume of cases handled by this representation as Municipal Judge of San Fernando, La Union, there is no case in which the decision was rendered after 2 weeks after the submission. With that manifestation I conclude my rebuttal. We are submitting the case for resolution.

Judge Caces: I am also submitting my case." (p. 99-114 tsn).

The foregoing testimony of the respondent is a sort of mea culpa to the charge of negligence or dereliction of duty.

Also censurable was respondent's failure to file the original and copies of the order in the office of the municipal court of San Fernando so as to enable the clerk of court to make the proper service upon the parties. He admitted that he sent a copy of the order to the accused in August, 1971 but he did not send the original order itself to the municipal court and he furnished the prosecution with a copy thereof only on March 10, 1973. Thus, the grave anomaly is that the two criminal cases were supposed to have been dismissed but the order dismissing them is not on file in the records of the two cases. Judge Caces made a mockery of the adjudication process. His conduct impaired public confidence in the fair and honest administration of justice.

Respondent Judge, who was born in 1916 (his name does not appear in the Law List), passed the bar examinations in December, 1941. He became a justice of the peace of Bauang in 1950. His service record reveals that charges had been filed against him in other administrative cases. His claim during the investigation that the instant case was the only administrative case filed against him during his twenty-four years' service (112 tsn) is not true.

In 1956 Mauro Mabalay charged respondent Caces with undue delay in the transmittal to the Court of First Instance of an appeal in two criminal cases. He was found negligent and lacking in "conscientious dedication" to his duties. He was reprimanded and warned that more drastic measures would be taken against him for similar acts in the future (See Letter dated January 31, 1957 to the District Judge of La Union of Undersecretary of Justice Jesus G. Barrera, wherein it was also found that Judge Caces had not submitted any monthly report since February, 1956 in violation of the Department's Circular No. 3, series of 1956). Judge Caces admitted that in one instance he was warned "not to commit another mistake."

In 1954 Feliciano Caras and others charged him with having been motivated by personal hatred, and having acted with ignorance of the law and abuse of position, in ordering their arrest for violation of a municipal ordinance instead of simply issuing summons for their appearance.

In 1955 Jose Supsup and Camilo Supsup charged him with favoritism, partiality and abuse of discretion in a criminal case.

After due investigation, Undersecretary of Justice Jesus G. Barrera, in an indorsement to the President of the Philippines dated July 14, 1958, covering the two complaints, found that, in the Caras case, Judge Caces "not only neglected his duty to inquire into the existence of probable cause for the arrest but also showed ignorance of the law." And in the Supsup case, Undersecretary Barrera found that Judge Caces should have instructed the chief of police to revise the criminal complaint by including the necessary allegations based on the available evidence, or, if the chief of police failed to do so, the offended party could have been assisted by Judge Caces in filing the proper complaint with the necessary allegations.

In the Caras and Supsup cases, Judge Juan O. Reyes, the investigator, recommended that respondent Caces "be suspended from office for at least two months without pay" and warned "that a repetition of a similar offense may cause his separation from the service".

Undersecretary Barrera, in his aforesaid indorsement to the President, recommended that Judge Caces be suspended from office without pay for one month and that he be "reprimanded and warned that a repetition of his irregularities" would be more severely dealt with.

Judge Caces said that he was not aware of Undersecretary Barrera's recommendation in the Caras and Supsup cases. It is possible that the President did not act on that recommendation. But Judge Caces was aware that he was investigated by Judge Reyes in those two cases.*

In this Court's resolution of November 20, 1973 Judge Caces was required to show cause why he should not be dismissed from the service, considering his actuations in the Balanon cases and the prior disciplinary actions taken against him. In his compliance dated December 5, 1973 he blamed the clerk of court of the municipal court at San Fernando for not reminding him that the motion to dismiss in the Balanon cases was pending and for not sending to him the records. We have already stated that the respondent could not use the clerk of court as the scapegoat for his remissness and slothfulness in resolving the motion to dismiss.

Premises considered, the respondent is adjudged to have performed improperly his duties as municipal judge and to have shown himself to be unfit for that office.

WHEREFORE, the respondent is dismissed from the office of municipal judge of Bauang, La Union.**

SO ORDERED.

Makalintal, C.J., Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Fernandez, and Muñoz Palma, JJ., concur.

* There is a pending case against the respondent, Administrative Matter No. 67-MJ, Patricio Gundran vs. Municipal Judge Simeon Caces, for incompetence and ignorance of the law.

In 1956 Jerson Rimando charged him before the Presidential Action and Complaints Committee in connection with People vs. Guillermo Lomboy, Criminal Case No. 2032 of the justice of the peace court of Bauang, with having changed to homicide the qualification for the crime of murder which was charged by the chief of police;

allowing the father of the accused to tag along with him wherever he went; motu proprio postponing the hearing of the criminal case even if no one asked for postponement and all the witnesses were present, and circulating the news "that along as he was the justice of the peace, the assailant would not go to jail." After investigation, Judge Caces was exonerated.

In 1966 the Provincial Commander of La Union sent a telegram to the Secretary of Justice. He complained that Judge Caces dismissed without hearing a case for illegal possession of a firearm. Judge Caces gave a satisfactory explanation for his order of dismissal.

** For cases regarding removal of municipal judges, see Administrative Order No. 248 re Pedro R. Rabago, 66 O.G. 10698; Administrative Order No. 253 re Ildefonso R. Brocay, 66 O.G. 10843; Administrative Order No. 155 re Eligio C. Dajao, 65 O.G. 1758; Administrative Order No. 188 re Dionisio Marfil, 65 O.G. 12993; Administrative Order No. 190 re Felix Sanial, 65 O.G. 12996; Administrative Order No. 191 re Cesar Zayas, 65 O.G. 12998; Administrative Order No. 340 re Wenceslao L. Cornejo, 68 O.G. 7776-11.

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.