

JUAN BARTOLAY, COMPLAINANT, VS. JUDGE LEODEGARIO A. BELARMINO, RESPONDENT.

Adm. Matter No. R-14-MTJ. November 14, 1985

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a34e30f0cef3/>

ABAD SANTOS, J.:

This is an administrative complaint against Judge Leodegario A. Belarmino of the Municipal Circuit Court of San Jacinto-Monreal, Masbate, for nonfeasance in office.

In a verified complaint dated January 21, 1983, Juan Bartolay made the following allegations:

"1. That sometime on August 2, 1982, I filed a case of Forcible Entry with Preliminary Mandatory Injunction with the Municipal Circuit Court of San Jacinto-Monreal, province of Masbate, and same had been docketed as Civil Case No. 192; (Xerox copy attached as Annex "A" and made part hereof)

"2. That for failure of the defendants to file their written answer within the period designated or specified in the summons issued by the respondent Judge, I filed a motion to declare defendants in default, which was received by the Court on September 27, 1982; (Xerox copy as Annex "B" and made part hereof)

"3. That up to this writing, respondent Judge for reasons only known to him, has not acted upon, nor resolved the said motion for default;

"4. That the summary nature of the injunction which is alleged in the complaint, the court is given thirty (30) days within which to decide the same; likewise the court is given three (3) months period within which a case or matter shall be decided;

"5. That the above-mentioned periods had already lapsed and up to the present, respondent Judge has not resolved or decided the motion to declare defendants in default;

"6. That for failure of the respondent Judge to perform a legal duty . . . that is to act on a simple motion to declare defendants in default, the inescapable conclusion is that, the respondent Judge is either ignorant of, or has culpably violated the pertinent laws on the matter, and specifically Article X, Section 11 of the constitution."

Annex A, the complaint for forcible entry was filed in respondent's court on August 2, 1982. Annex B, the motion to declare the defendants in default was filed on September 27, 1982.

Asked to comment on the complaint, respondent judge said:

"I am not aware of said motion being alleged by the complainant. If there is a motion it is maybe due to the advertence of my clerical force at San Jacinto, Masbate that the same has not been brought to my attention or it is through voluminous work being then the only judge of the whole Ticao Island that I overlooked the same.

"I believe and I recall it wise that I have not set for hearing any motion alleged in the complaint. If there is any motion, I believe the presiding Judge could not be blamed if the same has not been acted upon.

"It is not my intention to delay any decision nor any motion that is brought to my calendar for what-ever reason. If the said motion has not been acted upon, it is maybe due to the failure of the personnel to bring the same to my attention that the same has not been acted upon.

"That I hope that the above explanation will suffice the actuation of the herein respondent taking into consideration that he is the only Judge then presiding in the entire Ticao Island.

"I believe that the said motion is not prejudicial to the interested parties if the same has not been acted upon, for the simple reason that it is not the disposition of the case at bar being only a motion in Court.

"Please, as directed by your Office, consider this complaint as a pure harassment because of the unwavering stand of the then presiding judge. Hoping that this complaint be dismissed outright."

Upon the other hand, the complainant replied to the comment in the following language:

"That respondent's claim that he is unaware of my motion to declare defendants in default, as it was not brought to his attention by the clerical force of the lower court is flimsy, and devoid of any factual and legal basis.

"On several occasions, after I filed said motion for default, I inquired from the personnel of the court, and they told me that the motion had long been brought and presented to the attention of the respondent but that they were also told by respondent that he will act on it later.

"To give weight and credit to this flimsy claim would one to conclude that either the court personnel or respondent is not telling the truth. But the naked fact remains that, up to respondent's appointment to his position in the Municipal Circuit Court of San Fernando-Batuan, Masbate, my motion has been and is still gathering cobwebs in the files in the Municipal Circuit Court of San Jacinto-Monreal, also of the same province, and of which respondent was then the presiding judge. Likewise respondent can not profess ignorance of my pending motion, because I personally called and asked him why the decision on my motion was delayed. He told me to just wait. And so who is blaming who? This is a clear case of action delayed is action denied.

"That right after I received the respondent's explanation, I let the court personnel read the same, and all are also washing their hands, because according to them, every time they presented my motion to the respondent, they were told to wait.

"That the actuation of the respondent does not inspire confidence in the manner he dispenses justice. I would not mind deciding the case or motion adversely, what is important to me is, that he should have acted within the reglementary period as mandated by the fundamental law, so that I could also act accordingly. I respectfully submit that, his unwarranted failure to perform a legal duty within his competence, makes him unfit for the position he now holds.

"That the allegation of the respondent that, due to the volume of work he must have overlooked the motion is, to say the least unbelievable, and can not and will not happen. First, I called the attention of the court personnel, second I personally asked him about the status of my motion. Besides, the Honorable Investigator will please take judicial notice of the volume or number of cases filed, received, and disposed of based on the monthly report submitted by respondent during the months of September to December 1982. If only the respondent was conscientious and diligent enough of the duties reposed upon him as dispenser of justice, he could have easily and with dispatch disposed my motion for default. Without being tautologous, respondent must be either ignorant of, or has culpably violated the law on the matter of deciding cases, otherwise he could have acted without much ado the motion or matter brought to his attention.

"That contrary to the allegations of the respondent in the second to the last paragraph of the explanation, I most respectfully state that, I was gravely prejudiced by his actuations. I sustained sleepless nights, serious anxiety,

and wounded feelings up to the present. If respondent were in my shoes, no doubt he will experience the same feelings that I suffered. I never thought that he is that heartless. No wonder he is immune of the longings of party litigant like myself crying for justice in the court of law.

"That contrary to the allegations in the last paragraph of the explanation, it is highly inconceivable that I should harass him. I respectfully submit that, comparatively speaking there is a whale of difference between my situation and that of respondent's. His station in life, position, and education is very much higher than mine. I am only a poor farmer trying to seek justice. The situation should have been that, those who have less in life should have more in law.

"In view of all the foregoing, it is most respectfully prayed that, the explanation be denied for lack of merit, and respondent be dismissed from the service."

It is clear from the foregoing that respondent failed to act timely on the complainant's motion which the former cavalierly regarded as follows:

"I believe that the said motion is not prejudicial to the interested parties if the same has not been acted upon, for the simple reason that it is not the disposition of the case at bar being only a motion in Court."

As charged by the complainant, respondent is guilty of serious nonfeasance or dereliction of duty.

Respondent has a history of administrative charges.

In AM No. 967-MJ, Serra vs. Belarmino, March 24, 1981, 103 SCRA 421, he was found guilty of culpable dereliction of duty for delay in deciding an ejectment case. He was severely censured, reprimanded and warned.

In AM No. 2563-MJ, Rejuso vs. Belarmino, October 8, 1981, respondent was reprimanded and admonished for ignorance of law and jurisprudence. He verified and received a complaint for frustrated murder despite the fact the complainant sustained absolutely no injury, not even a scratch.

Respondent is manifestly unfit to be a judge.

WHEREFORE, respondent is considered separated from government service effective upon receipt hereof, with forfeiture of retirement privileges and with prejudice to reinstatement in any government office or agency.

SO ORDERED.

Makasiar, C.J., Teehankee, Melencio-Herrera, Plana, Escolin, Gutierrez, Jr., De La Fuente, Cuevas, Alampay, and Patajo, JJ., concur.

Aquino, J., he concur. Note that the delay in acting on this case is due to the fact that the Court Administrator, instead of this Court, asked the respondent to comment on the complaint. Although the reply was submitted in 1983, this case was brought to this Court's attention only in 1985.

Concepcion, Jr., and Relova, JJ., on leave.

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.