

SILVESTRE SEVA, COMPLAINANT, VS. HON. FELIPE R. REDOBLADO, MUNICIPAL JUDGE OF POLANGUI, ALBAY, RESPONDENT.

Adm. Matter No. 212-MJ. November 29, 1973

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a3b13a922af8/>

ANTONIO, J.:

This is an administrative case filed by Silvestre Seva against Municipal Judge Felipe R. Redoblado of Polangui, Albay, for negligence in the performance of official duties and/or ignorance of law.

In his complaint, Silvestre Seva alleged that he and his father Amando Seva were the defendants in Criminal Case No. 3262 (for estafa) filed with respondent's court; that upon the issuance of the warrants for their arrest, he and his father forthwith presented a bond for their provisional liberty, which bond respondent refused to approve, in violation of the latter's verbal assurance that he would so approve it; that on January 31, 1970, when the case was called for preliminary investigation, defendants failed to appear, but respondent, instead of confiscating the bond which defendants offered to post, issued an order forwarding the records of the case to the Court of First Instance for further proceedings, stating that the defendants were out on bail; that in the belief that he was indeed out on bail, he (Silvestre Seva) resisted the officer who came to arrest him in his house at Iriga City in connection with the estafa case, as a result of which the arresting officer charged him with resisting arrest and assaulting an agent of a person in authority, while he charged the arresting officer with arbitrary detention and physical injuries.

In his answer, respondent admitted the filing in his court of the complaint for estafa on October 21, 1969, but averred that the amount involved therein (P11,286.26) placed the case beyond the jurisdiction of his court. After the preliminary examination at which he found a prima facie case against defendants, he issued a warrant for the arrest of Amando Seva, which warrant had to be forwarded to Libon, Albay, where Amando Seva was residing, and another warrant for the arrest of Silvestre Seva, which had to be certified by the Judge of the Court of First Instance of Albay because Silvestre Seva was living in Iriga City, Camarines Sur.

On January 8, 1970, Amando Seva, accompanied by Patrolman Pedro Vasquez of the Libon Police Department, appeared before respondent with two surety bonds posted by the Belfast Surety and Insurance Company for the provisional liberty of Amando Seva and Silvestre Seva, as defendants in the estafa case. Respondent approved the bond for Amando Seva and forthwith issued an order for the latter's release, whereas he did not approve the bond for Silvestre Seva not only because Silvestre was not present but also because Amando Seva and Pat. Vasquez had assured him (respondent) that Silvestre's bond had already been approved by the Court of First Instance of Albay, although it turned out later that such representation was untrue.

According to respondent, when on January 31, 1970 both defendants failed to appear for the second stage of the preliminary investigation "in spite of the notice to them and their bondsmen," he construed their absence to mean that defendants were waiving their right to the investigation; he thereafter forwarded the records of the case to the Circuit Criminal Court at Legaspi City. Respondent claims that he did not recall the warrant for the arrest of Silvestre Seva because he thought that Silvestre Seva was really out on bail.

Respondent learned later that Amando Seva and Patrolman Vas-quez had misrepresented to him about Silvestre Seva's having been bonded before the Albay Court of First Instance when sometime in August, 1970 he (respondent) received the warrant of arrest and the bond for the provisional liberty of Silvestre Seva which was filed and approved by Judge Gregorio Turiano of Iriga City, Camarines Sur, after the arrest of Silvestre on August 3, 1970.

Executive Judge Roberto Zurbano who investigated this case did not see his way clear into finding respondent guilty of negligence and merely recommended that respondent be warned to be more careful in the performance of his duties.

The Honorable Secretary of Justice, who had referred the case to the Executive Judge, and to whom the latter submitted his report, disagreed with the findings and recommendation contained in the report, and found that respondent judge was guilty of negligence. He accordingly recommended respondent judge's removal from office. The penultimate paragraph of Secretary Abad Santos' letter dated November 21, 1972, addressed to His Excellency the President of the Philippines, reads:

"We do not agree with the Investigator's findings and recommendation. We believe that upon the facts proved respondent is clearly guilty of negligence; and considering that this case is the latest in a series of administrative cases against respondent, in at least one of which (Jose Napay vs. Felipe Redoblado) respondent was reprimanded for violating Section 1, Rule 126 of the former Rules of Court (Sec. 1, Rule 137 of the Revised Rules of Court), we recommend that respondent be removed from office."

The records of the other administrative case adverted to by the Secretary of Justice are not however before Us, and in the absence of such records, We cannot ascertain the justification of his recommendation. We shall therefore confine our resolution solely on this case. The question posed in this case is whether or not respondent judge can be held administratively liable for negligence and/or ignorance of law (a) in issuing an order forwarding the record of Criminal Case No. 3262 for estafa involving an amount of P11,286.26 to the Court of First Instance for further proceedings after the accused failed to appear despite due notice in the preliminary investigation set for January 31, 1970; and (b) in not verifying from the records whether or not Silvestre Seva was already released on bail before issuing his order of January 31, 1970.

The Order of January 31, 1970 issued by respondent judge reads:

"When the above-entitled case was called for the second stage of the preliminary investigation the prosecution appeared ready for hearing. On the other hand the accused failed to appear in spite of the fact that their bondsmen were notified of the hearing set for today. The private prosecutor, Atty. Gregorio Consulta, moved for the confiscation of the bond; however, this court informed the private prosecutor that instead of the confiscation of the bond, this court now is of the opinion that for failure of the accused to appear in spite of the fact that their bondsmen were notified, this court shall consider their non-appearance as a waiver of their right to the second stage of the preliminary investigation.

"WHEREFORE, in view of the foregoing, let the records of this case consisting of fifteen (15) pages including this order be forwarded to the Court of First Instance of Albay, for further proceedings. The accused are out of bail."

The above-quoted order is explicit that herein complainant and his father Amando Seva, the accused in the estafa case, were absent at the preliminary investigation set by respondent judge on January 31, 1970 despite the fact that their bondsmen were duly notified of the hearing. Their failure to appear after due notice constituted a waiver of their right to the preliminary investigation and justified the order of respondent judge, forwarding the record of the criminal case to the Court of First Instance of Albay for further proceedings (*Doce v. Branch II, Court of First Instance of Quezon, et al., G.R. No. L-26437, March 13, 1968, 22 SCRA 1028, 1032*).

On the question of respondent judge's failure to verify the status of the warrant for the arrest of herein complainant Sil-vestre Seva, it would seem logical for respondent judge, before stating in his order that "the accused are out on bail," to ascertain from the records of the case whether or not said defend-ant was already discharged by the court upon acceptance of his bail.

Lack of circumspection and due care must under the circum-stances be therefore imputed to respondent judge when he merely relied upon the word of mouth of complainant's father and Pat. Vasquez that "there is already an approved bond in the CFI" for complainant's provisional liberty considering that such repre-sentation was in itself inconsistent with the fact that Amando Seva and Pat. Vasquez were on that occasion submitting to res-pondent for approval a surety bond for said complainant. This de-monstrable lack of due care, although not justifying the more se-vere penalty of removal, warrants however an admonition to said res-pondent to be more careful in the performance of his duties.

WHEREFORE, respondent Municipal Judge Felipe R. Redoblado of Polangui, Albay, is hereby admonished and warned that a repetition of similar conduct will be dealt with more severely by this Court.

Zaldivar, (Chairman), Fernando, Fernandez, and Aquino, JJ., concur.

Barredo, J., concurs in the result.

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.