

**CELERINO YU, COMPLAINANT, VS. JUDGE CLEMENTE D. PAREDES,
PRESIDING JUDGE OF BRANCH, VII, REGIONAL TRIAL COURT OF
BULACAN, RESPONDENT.***Adm. Matter No. R-148-RTJ. April 29, 1987*

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a60571fac37e/>**NARVASA, J.:**

By a verified complaint[1] filed on April 25, 1984, Celerino Yu charged Judge Clemente D. Paredes[2] with (1) serious misconduct, inefficiency, gross ignorance of the law and patent bias and partiality; and (2) a violation of Article 206 of the Revised Penal Code and Section 3(f) of the Anti-Graft and Corrupt Practices Act.

Pending in the sala of Judge Paredes is Civil Case No. 1395-B,[3] which has given rise to the administrative charges against him. That suit was commenced by herein complainant Yu against Emilio Samson and Amalio Sarmiento, for the accounting and liquidation of alleged partnership assets and profits involving nearly two million pesos. Yu's claim is that he and defendant Samson embarked on a partnership to carry out the construction work on a government infrastructure project, which the other defendant, Sarmiento, had subcontracted to Samson. This claim Samson flatly denies, asserting that Yu was no more than an employee of his and therefore not entitled to any share in the earnings realized in the execution of the subcontract.

Two initial incidents immediately set Yu at odds with respondent Judge Paredes. In an Order dated July 19, 1983,[4] the Judge decreed the total and unconditional lifting of the writ of preliminary attachment — issued by the Court's former incumbent, Judge Oscar Fernandez — over defendant Samson's properties, including all previously garnished credits owned by Samson by virtue of the construction project in the hands of defendant Sarmiento.[5] The unexpected move, in Yu's view, left him without any security for his claims, and was contrary to the compromise earlier arrived at by the litigants[6] to continue the garnishment of credits in Sarmiento's favor, up to the total value of P500,000.00 or stated otherwise, to have the writ "quashed (only) insofar as it exceeds P500,000.00,"[7] as respondent Judge Paredes himself put it, in remarking on the parties' declarations at the hearing of July 3, 1983. Worse, in the Order, Yu is misrepresented to have "manifested . . . the withdrawal of his opposition to the lifting" of the writ and that his "Manifestation . . . (is) for (a lifting which is) complete and unqualified." [8] Yu lost no time in moving for the reconsideration of the Order. But the motion remained unresolved for several months — as also another motion, requesting a joint survey of the construction project. It was not until charges were filed against him, almost a year later, that Judge Paredes finally acted on the motions.

One other matter was not resolved by Judge Paredes to the liking of Yu and his counsel, Atty. Plaridel Jose. On July 25, 1983, after futile attempts to forge a settlement,[9] the respondent Judge declared pre-trial proceedings terminated,[10] over the objections of Atty. Jose, who was trying, without much success, to secure admissions of the authenticity of certain documents from the defendants. Judge Paredes then proceeded to hold trial on the merits, neglecting to issue any pre-trial order as required by the Rules of Court.[11]

Many instances thereafter, arose when the plaintiff and his counsel felt impelled to take exception to Judge

Paredes' conduct of the trial. In the course of the hearing of February 12, 1984, while Yu's witness was testifying on direct examination, the respondent Judge, unjustly, according to Yu: (1) ordered the deletion of the word "partnership" in the testimony of the witness;[12] (2) required the production of documents presented and identified at a prior hearing but subsequently destroyed by fire;[13] (3) did not allow the witness to testify on matters tending to disprove a defense raised in Samson's answer and prohibited Yu's counsel from making an offer of proof thereon;[14] and (4) did not permit the witness to clarify his "yes" and "no" answers.[15] Yu was also convinced that certain statements made by the respondent Judge during several hearings betrayed said Judge's patent partiality to the defendants' cause, specifically: (1) the Judge's query posed to Atty. Jose on the possibility of the writ of preliminary attachment being a "midnight" order of Judge Fernandez before his transfer to another court;[16] (2) his observation on the incompetence of Yu's witness to testify on a certain fact, although the opposing party failed to register his timely objection;[17] (3) the statement of the Judge that "the Court cannot swallow such testimony, "referring to the declarations of Yu's witness on the witness stand;[18] (4) the opinion expressed by the Judge that certain documents which Atty. Jose was at the time requesting the witness to identify "might even be spurious" and that the Court "cannot be deceived";[19] and (5) the Judge's opinion that issuing the writ of attachment "is practically taking the life out of the other party." [20]

For complainant Yu, the last straw apparently was the incident of March 8, 1984, when the respondent's process server and personal driver, one Dioscoro Aligato, sought out Yu in his (Yu's) house to encash the Judge's treasury warrant in the amount of P2,095.62. Fearing that his refusal would further adversely affect his case, Yu handed the cash to Aligato in exchange for the warrant.[21]

One month later, on April 12, 1984, Yu brought charges against the Judge before the Tanodbayan[22] for alleged violations of: (1) Article 206 of the Revised Penal Code[23] with regard to the issuance of the Order dated July 19, 1983 lifting the writ of preliminary attachment, and the rulings made by the Court in the hearing of February 12, 1984; and (2) Section 3(f) of the Anti-Graft and Corrupt Practices Act,[24] in having required Yu to deliver the cash equivalent of the Judge's treasury warrant to Aligato. In the instant complaint, filed on April 25, 1984, the respondent is cited as being administratively liable for the same two offenses, in addition to charges of (1) patent bias and partiality discernible from the comments uttered by the respondent in the course of the proceedings had before him; (2) gross ignorance of the law on pre-trial; and (3) refusal or deliberate neglect to resolve Yu's Motion for Reconsideration and Motion to Require a Joint Survey, dated July 26, 1983 and May 12, 1983, respectively.

On May 28, 1985, the Tanodbayan dismissed the case against Judge Paredes, on the ground that the respondent Judge, "in his capacity as judicial officer, can (not) be held liable for errors committed in the exercise of his judgment and discretion . . . provided he acts in good faith and without deliberate intent." [25]

The instant complaint cannot be so summarily dismissed. From its own review of the case, as well as from the report submitted by Appellate Justice Luis A. Javellana,[26] the Court finds that the facts warrant a stricter evaluation of the accountability of the respondent Judge for some of the acts imputed to him. Of those acts, that which to the Court most deserves censure and appropriate disciplinary action is the issuance of the Order of July 19, 1983 dissolving the attachment over the properties of defendant Samson in Civil Case No. 1395-B. In issuing that Order, the respondent Judge not only disregarded and set at naught the parties' agreement and understanding that the writ would be lifted only insofar as the credits garnished exceeded P500,000.00 — an agreement confirmed by said respondent's own recorded observations; he also misrepresented petitioner Yu, the party aggrieved and prejudiced by the dissolution of the writ, as having withdrawn his opposition to such dissolution. The wrong thus done was aggravated by the respondent's failure to act on Yu's motion for reconsideration until after several months and until after the present charges were filed.

The Court, accordingly, cannot view the matter with the same leniency as its Investigator who, loath perhaps, to

put down a fellow jurist, ascribed the Order in question " * * * more to * * * respondent's inattention to the representations of the parties and ignorance of the functions and scope of preliminary attachment,[27] than to " * * * a conscious and deliberate intent to do an injustice to the complainant." [28] The respondent's action, with its clear overtones of bias and prejudice, must be assigned as misconduct and dealt with accordingly.

Neither can the respondent be relieved of responsibility for having neglected to act with reasonable dispatch on the Motion to Require Joint Survey dated May 12, 1983, which he resolved only after eleven (11) months and, again, only after these charges were filed. It is incumbent upon the Courts, as instruments in the administration of justice, to observe promptness in disposing of matters submitted to their consideration, it being true, though trite, that justice delayed is often justice denied.[29] Litigants should not have to be heard to complain in this forum or elsewhere before they can expect the Courts to take affirmative action on the matters they are asked and expected to promptly address.

The charges relative to the other rulings complained of as unjust and the comments of the Judge allegedly indicating bias and partiality will have to be dismissed. A careful perusal of the transcript of stenographic notes reveals no evidence sufficient to establish said charges. Neither does his handling of the pre-trial, although leaving much to be desired in the adequacy of the application of accepted steps and techniques, furnish clear ground for administrative sanction.

Finally, as to the allegedly prohibited transaction involving the encashment of the Judge's treasury warrant, through the respondent's driver, the complainant has failed to prove that he was specially sought out by Aligato on the specific instructions of the respondent, or that the latter took advantage of the pendency of the case to force the complainant to do something against his will. Consequently, the charges complaining of such incident shall also have to be dismissed.

The misconduct of which the respondent is guilty would ordinarily have merited the penalty of dismissal in view of its seriousness. However, this penalty can no longer be imposed because his resignation has since been accepted; on the other hand, humanitarian considerations preclude the imposition, as too harsh in the premises, of the sanction of forfeiture of all his retirement gratuities or commuted leave credits.

WHEREFORE, there is hereby imposed upon said respondent a FINE equivalent to six (6) months' salary, the same to be deducted from whatever sums he may be entitled to receive by way of commuted leave credits or retirement gratuities.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, and Cortes, JJ., concur.

[1] Rollo, pp. 1-11.

[2] Presiding Judge, Branch VII of the Regional Trial Court of Malolos, Bulacan.

[3] Entitled "Celerino Yu v. Emilio Samson and Amalio Sarmiento."

[4] Rollo, p. 47.

[5] Rollo, p. 6.

[6] Rollo, pp. 44-45; pp. 7-8.

[7] Rollo, p. 46.

[8] Rollo, p. 386.

[9] Rollo, pp. 84-85

[10] Section 4, Rule 20, Rules of Court.

[11] Rollo, pp. 53-56.

[12] Rollo, pp. 58-66.

[13] Rollo, pp. 67-69.

[14] Rollo, p. 70.

[15] Rollo, p. 40.

[16] Rollo, pp. 275-276.

[17] Rollo, pp. 278-283.

[18] Rollo, pp. 325-326.

[19] Rollo, p. 7.

[20] Rollo, pp. 10-11.

[21] Docketed therein as TBP Case No. 84-00808.

[22] "Art. 206. Unjust interlocutory order. Any judge who shall knowingly render an unjust interlocutory order or decree shall suffer the penalty of arresto mayor in its minimum period and suspension; but if he shall have acted by reason of inexcusable negligence or ignorance and the interlocutory order or decree be manifestly unjust, the penalty shall be suspension."

[23] "Sec. 3. Corrupt Practices of Public Officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining directly or indirectly, some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party."

[24] Rollo, pp. 191-197.

[25] Pursuant to this Court's Resolution dated May 29, 1986.

[26] Report and Recommendations, p. 7.

[27] Id.

[28] Estillena v. Hon. Emilia, Adm. Matter No. 1892-CFI January 27, 1981, 102 SCRA 213; Pernea v. Hon. Montecillo, Adm. Matter No. 631-CFI, Nov. 26, 1981, 109 SCRA 424.

[29] Report and Recommendations, p. 19.

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.