

BENJAMIN TUDTUD, COMPLAINANT, VS. JUDGE MAMERTO Y. COLIFLORES, RESPONDENT.

A.M. No. MTJ-01-1347. September 18, 2003

Ponente: AZCUNA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a815ebdf9469/>

AZCUNA, J.:

Benjamin Tudtud filed before this Court a complaint dated July 11, 1999 charging respondent Judge Mamerto Y. Coliflores, of the Municipal Trial Court in Cities, Cebu City, Branch 1, with delay in the disposition of Civil Case No. R-34915, entitled "Benjamin Tudtud and Albertina Tudtud v. Spouses Benjamin and Leonidesa Suan."

It was alleged therein that on December 26, 1995, an Order was issued by respondent Judge dismissing the aforesaid case on the ground of lack of jurisdiction. This was reversed on appeal and the records were remanded to respondent on January 14, 1998. Hence, complainant filed a Motion to Set the Case for Hearing on February 27, 1998. Despite the said motion, however, the case was set for preliminary conference on August 11, 1998, a good five months after the date requested in the motion. On the day of the said preliminary conference, only the complainant and his counsel appeared. An Order was, thereafter, issued directing the parties to file their respective position papers within ten days from receipt of the Order. The Order was dated August 11, 1998. Complainant submitted his position paper on August 27, 1998, without waiting for the service of the Order upon his counsel. The said Order was only served upon his counsel on November 16, 1998.

Despite complainant's submission of his position paper as early as August 27, 1998, respondent Judge did not act upon the case. Hence, this administrative complaint was filed.

On August 27, 1999, the Office of the Court Administrator (OCA) referred the complaint to respondent Judge for his comment.

In a letter dated September 14, 1999, respondent Judge wrote that Civil Case No. R-34915 was not yet submitted for decision. He reasoned that although complainant had already submitted his position paper, the Order of the court dated August 11, 1998, directing the parties to file their position papers, had not yet been received by the defendants in that case. He further alleged therein that the said Order of the court was finally served upon the defendants together with a new Order dated September 14, 1999, giving the defendants a period of ten days within which to file their position paper.[1]

On February 19, 2001, this Court issued a Resolution referring this case to the Executive Judge of the Regional Trial Court of Cebu City for investigation, report, and recommendation, within ninety days from notice thereof.

On March 13, 2003, this Court received the following letter from Judge Galicano C. Arriesgado, Executive Judge of the Regional Trial Court of Cebu City:

Sir:

This has reference to the directive to conduct an investigation in this case and to make a report and recommendation thereafter. However, there was no more investigation conducted because in the Return of

Service of Notice prepared by the Process Server hereto attached [it is stated] that an information was given by Mr. Gomersindo Nuñiza, Jr., a family driver, that Mr. Benjamin Tudtud died on March 23, 2000 and his only surviving daughter Mrs. Lea Tudtud Hans is now residing at 1144 Hustad Drive, Lualaba, California, USA.

Respondent Judge Coliflores nevertheless had his explanation contained in his letter to Atty. Virginia Ancheta-Soriano, Clerk of Court, First Division, Supreme Court of the Philippines, stating that the respondent had not falsified his monthly report as there was then no pending case to be resolved. The case was not yet submitted for decision due to the non-receipt of the defendant's counsel of the copy of the Order of Preliminary Conference. Consequently, there was no falsification made on the monthly report as there was no pending case for decision as reflected in the monthly report.

In this connection, it is respectfully recommended that this case be considered closed and terminated.

Please find enclosed herewith the complete records of this case and kindly acknowledge receipt hereof.

Very truly yours,

(Sgd) GALICANO C. ARRIESGADO

Executive Judge

RTC, Cebu City[2]

We do not agree with the recommendation. The death of the complainant herein does not warrant the non-pursuance of the charges against respondent Judge. In administrative cases against public officers and employees, the complainants are, in a real sense, only witnesses.[3] Hence, the unilateral decision of a complainant to withdraw from an administrative complaint, or even his death, as in the case at bar, does not prevent the Court from imposing sanctions upon the parties subject to its administrative supervision.

The reason is given that the case cannot be deemed submitted for decision since the Order directing the parties to submit their respective position papers was not yet served upon the defendants. Respondent Judge is reminded that the duties and responsibilities of a judge are not strictly confined to judicial functions. He is also an administrator who must organize his court with a view to prompt and convenient dispatch of its business. Respondent Judge should not have tolerated the neglect of his process server who, for one year, failed to serve upon the defendants the said Order directing them to submit their position paper. A judge is bound by duty to motivate his subordinates for the effective performance of the functions and duties of his office.[4]

Respondent Judge manifested inefficiency in the conduct of his court's business and cannot, therefore, be excused from his responsibility by laying the blame on his court personnel.

WHEREFORE, respondent Judge Mamerto Y. Coliflores is found GUILTY of gross inefficiency and imposed a FINE of One Thousand Pesos (P1,000), with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED

Davide, Jr., C.J., (Chairman), Vitug, Ynares-Santiago, and Carpio, JJ., concur.

[1] Letter of Judge Mamerto Y. Coliflores; Rollo, p. 25.

[2] Letter of Judge Galicano C. Arriesgado; Rollo, p. 37.

[3] *Lapeña v. Pamarang*, 325 SCRA 440, 444 (2000).

[4] Estoya v. Abrahan-Singson, 237 SCRA 1 (1994).

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.