

GENARO BULATANO, COMPLAINANT, VS. HONORABLE FELICIANO BELMONTE, RESPONDENT.*Adm. Case No. 283-J. October 26, 1973*

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b425f6d4647a/>**MAKASIAR, J.:**

Petitioner Genaro Bulatano, in his complaint dated May 12, 1973, claims that respondent Judge Feliciano Belmonte signed and promulgated two decisions on the same day -- April 3, 1973 -- in Civil Case No. 2168 of the Baguio City Court of First Instance entitled "Lim Se vs. Francisco San Pedro and the Superintendent, Department of Public Services, City of Baguio," for damages with preliminary injunction; that one decision was in favor of the alien plaintiff, while the other decision completely absolved the defendants; that the Supreme Court in *People vs. Elpedes*,^[1] ruled that "where the trial judge signed two decisions, one for conviction and another for acquittal, the losing party could not be blamed for bringing an administrative action against said judge xx x"; that the only decision appearing in the records of the case is the one in favor of the alien plaintiff; that said alien plaintiff is the favorite client of the law office of Atty. Ramon Resurreccion of Baguio City, who is publicly known as the compadre and benefactor of respondent Judge in the sense that the son of said respondent Judge was recommended by said Atty. Resurreccion as mining engineer to the Benguet Consolidated Mining Co., Inc., where said son is now employed; that it is also public knowledge that most of the cases handled by the Resurreccion Law Office always go to the sala of respondent Judge, especially the cases of the Benguet Consolidated Mining Co., Inc., with which Atty. Resurreccion has a retainer; that clerk of court Fernando Romero, who handles the raffling of cases, is the brother-in-law of Atty. Ramon Resurreccion, which fact generates the belief that there is a close tie-up among the respondent Judge, the Resurreccion Law Office and the aforesaid clerk of court; that said respondent Judge favored alien plaintiff Lim Se in said Civil Case No. 2168 by restraining defendants therein from disconnecting the illegal water and sewage connections of said plaintiff from the private lines of herein complainant despite the fact that said illegal connections caused irreparable damage to herein complainant and the superintendent of public services of Baguio City had a standing order to disconnect said illegal connections; and that respondent Judge should have inhibited himself in any case handled by the Resurreccion Law Office pursuant to Section 1 of Rule 137 of the Revised Rules of Court, citing the case of *Austria vs. Masaquel*.^[2]

In his comment dated June 18, 1973, respondent Judge states:

"I do not know the complainant, Genaro Bulatano, either out of court or in it as he never had any case in my sala. He is either a dummy for Francisco San Pedro, or he is an imaginary person because in Civil Case No. 2168 of this Court where I allegedly made two decisions under the influence of Atty. Resurreccion, San Pedro was the defendant in an action for damages and injunction. Atty. Lansang of 'Resurreccion and Lansang' was counsel for the plaintiff.

"I did not write a decision wholly in favor of the defendant but told my Branch Clerk of Court not to release it as I was still somewhat in doubt of a portion of its dispositive portion. I modified it – and denied the claim of

the plaintiff for damages of P18,000.00 for harassment but granted the injunction for the reason that it was the fair and just thing to do. How a copy of the original decision was released is explained by Atty. Andres V. Leal in his accompanying explanation. He had recalled at once the copy served by the process server on Atty. Igmidio Baclit of San Pedro and it was voluntarily returned by San Pedro. The other parties were not yet served with it.

"A brief history of the background of this case is probably in order.

"Plaintiff Lim Se was one of the tenants of San Pedro in the Venancia Chiombon building (Chiombon never appeared in court at any time; San Pedro always did). The said building was erected in a lot belonging to Florencio Reyes under a written contract for a term of 8 years after which it shall belong to Florencio Reyes. When the term expired, Lim Se was asked by the administrator of Reyes who had died, for the rents, but San Pedro insisted in getting them. So he (Lim Se) filed an action for interpleader against both of them in Civil Case No. 2148 (18) now pending in the Third Sala of Judge Chanco.

"San Pedro then filed case after case in Caloocan, Rizal against Lim Se which he asked to be dismissed only to file another one in this court Civil Case No. 2156 and in the Deportation Board. This was admitted by him. Finally while Civil case was still pending, he asked the Superintendent of City Services, thru the Mayor, to disconnect the extension of the electric light of the store of Lim Se to a one-room concrete annex built by Lim Se on a lot not owned by Florencio Reyes, to enlarge his store. To do so, he had to demolish the concrete wall of Venancia building at the back to connect it.

"San Pedro lives in that building. He could readily see what Lim Se did for it must have taken time, money to do them. If he had not given his verbal permission, Lim Se could certainly not have done it. If so, would there be any doubt that he also agreed to the extension of Lim Se's light to the one-room annex at the back of the building?

"The ordinance did not prohibit such extension if the owners of the two buildings agree to it -- and Lim Se asserted that San Pedro did give such a permission.

"I am convinced that this is so for the reason that Lim Se applied to the Department of City Services here for such extension, granted and was installed by them after paying all the fees. If San Pedro did not give his consent as he claims (to the extension), why did he not prohibit it while it was being installed?

"So Lim Se filed this Civil Case No. 2168 praying for P18,000.00 damages for San Pedro's harassments and to stop by injunction the latter and the Superintendent of Public Services for disconnecting the extension.

"Atty. Resurreccion became my compadre in 1948. When I was a Fiscal, his son was baptized. I was invited to a merienda in his rented house in Sepic Road and when I arrived and learned that it was for a baptismal party. I asked when it was to take place and was told by Miss Siojo (Ninang) that it was over and my name was placed as the 'Ninong'. That was all.

"My son Dennis, a mining engineer, applied for a job in Benguet Consolidated Inc. in 1956-57 upon information of Mrs. Flora Crosby, now deceased, wife of then Vice-Pres. Ralph Crosby to Mrs. Belmonte that the company, wholly managed and owned by Americans, was hiring young engineers. He started working there underground at P8.00 a day for some months before he was promoted, time after time, until he reached his present position -- as one of the senior staff.

"Atty. Resurreccion had absolutely nothing to do with it and I owe him no favor then or now for anything at all. It is a charge that could spring only from a sick mind who wants to discredit us by hook or by crook.

"As for the few cases of Benguet Consolidated Inc. before me, my decisions there were the best evidence of my integrity. No one ever complained, win or lose.

"The assignment of cases in our four salas was by raffle supervised by Judge Chanco. I had nothing to do with

them and have never attended in any.

"I understand from my Branch Clerk of Court that the Venancia Chiombon (alias Francisco San Pedro) had ten cases concerning the Venancia Building, five of which were raffled to Branch II under me. In two (Civil Cases 1212 and 1335) already decided, San Pedro won against the clients represented by Attys. Resurreccion and Lansang. In this one (Civil Case 2168) he partly won and partly lost. The other two are still pending. I am inclined to inhibit myself and send them to Branch III where the action for interpleader is pending as they all have a bearing on it. I dislike deciding cases where any of the parties do not trust me."

Corroborating the comment of respondent Judge, Atty. Andres V. Leal, branch clerk of court of respondent Judge, stated:

"That on April 4, 1973, I received, among other records, the record of Civil Case No. 2168 (Lim Se vs. Francisco San Pedro et al) with its decision and with the advice from the Judge that I should not as yet release it;

"That I placed the said record with its decision on the table of the clerk in-charge of civil cases who was not in at the time;

"That the following day, the Judge asked me about the record of the case and to my surprise I found out that the decision was already released but that I had no more time to tell him about the release of the decision because he had already gone to the session hall;

"That in the meantime, I inquired from the process server if the copies of the decision were already delivered to the parties concerned (3 parties to be served: the Superintendent of the Department of Public Services; Atty. Lansang for the plaintiff, and Atty. Baclit for defendant San Pedro), and I saw that two copies were not yet delivered. The copy for Atty. Baclit was already delivered to him. So I took back the other two copies.

"That on that same day, I met, by chance, Atty. Baclit at the corridor of the City Hall and I asked him if he can return to me the copy of the decision and he answered, 'I will see.'

"That on the following day, Dr. San Pedro came to my desk and personally returned to me the copy of the decision previously served to his lawyer, Atty. Baclit(.)"

One of the two decisions in Civil Case No. 2168, dismissed the complaint but enjoined the defendants from disconnecting plaintiff's light, water and sewage connections, with costs against defendant San Pedro, whose counterclaim was likewise expressly dismissed. The other decision also enjoined the defendants from cutting off said connections but directed defendant Francisco San Pedro to pay the plaintiff the amount of P1,000.00 as reasonable actual and moral damages and to pay the costs, without passing upon his counterclaim. The latter decision appears to be well-reasoned out. If said decision does not do justice to said defendant Francisco San Pedro, he has the remedy of appeal.

It also appears from the comment of respondent Judge that in 1948 when he was Provincial Fiscal of Mountain Province, he became a Ninong of the son of Atty. Resurreccion, without his knowing it and he was informed of the fact that his name was placed as Ninong in the baptismal records only after the baptism and only when he arrived at the baptismal party that followed the baptism. His son who is a mining engineer started working with the Benguet Consolidated Mining Co., Inc. at P8.00 a day until he was promoted to his present position as one of the senior staff members, without any help from Atty. Resurreccion. No one complained about his decisions in the few cases involving Benguet Consolidated Mining Co., Inc.. The assignment of cases in the four salas of the Court of First Instance in Baguio City was being raffled under the supervision of then Judge Francisco Chanco, now Associate Justice of the Court of Appeals. In Civil Case Nos. 1212 and 1335 concerning the same Francisco San Pedro and Venancia Building, Francisco San Pedro won against the clients represented by Attys.

Resurreccion and Lansang; and in Civil Case No. 2168, basis of the present charge, Francisco San Pedro partly won and partly lost.

Under the decision attached to the records of Civil Case No. 2168, Francisco San Pedro partly lost as he was directed by said decision of respondent Judge to pay the plaintiff P1,000.00 as damages and to pay the costs. Yet, Francisco San Pedro did not institute any administrative case against respondent Judge. And there is no intimation that he appealed the said judgment. The real motivation of herein complainant Genaro Bulatano, who was not involved at all in said Civil Case No. 2168, provokes one's curiosity.

IT BEING EVIDENT THAT THE EXPLANATION OF RESPONDENT JUDGE IS SATISFACTORY, THIS COMPLAINT IS HEREBY DISMISSED.

Makalintal, C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

[1] L-16535, April 29, 1961, 1 SCRA 134.

[2] L-22536, Aug. 31, 1967, 20 SCRA 1247.

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.