

DOLORES GOMEZ, COMPLAINANT, VS. JUDGE RODOLFO A. GATDULA, MTC, BALANGA, BATAAN, RESPONDENT.*A.M. No. MTJ-98-1155. July 31, 1998*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cd8dd3a4d026/>**MENDOZA, J.:**

These are letter-complaints, dated October 11, 1995 and October 24, 1995, addressed to the Chief Justice and to then Secretary of Justice Teofisto Guingona, respectively, charging Judge Rodolfo A. Gatdula of the Municipal Trial Court of Balanga, Bataan, with gross incompetence, grave abuse of authority and acts unbecoming a member of the judiciary. The complaints arose from certain incidents in two cases assigned to respondent judge. A third letter, dated January 26, 1996 and addressed to the Chief Justice, was filed by complainant, charging respondent judge with deliberately delaying the proceedings in the case and refusing to inhibit himself from the cases despite earlier statements that he would do so.

In Criminal Case No. 5988 (entitled “People v. Armando Reyes”) for reckless imprudence resulting in homicide, serious and less serious physical injuries, and damage to property, the complainant, Rogelio Gomez, is herein complainant’s husband. It was in Judge Gatdula’s court for preliminary investigation. The case arose out of a collision involving the jitney of Gomez and the car of the accused. On the other hand, in Criminal Case No. 5917 (entitled “People v. Socorro Du”) for falsification of public documents, the complainant is Mrs. Dolores Gomez herself.

I. CHARGES AGAINST RESPONDENT

A. Complainant alleges that on August 16, 1995, during the preliminary investigation of Criminal Case No. 5988 for reckless imprudence, respondent judge tried to dissuade her from pursuing the case by telling her that the complaint was unmeritorious. When she did not drop the case, respondent judge allegedly asked her to reduce her claim from P40,000 to P25,000. When she refused because one of her employees died in the collision while another one was so injured that his leg had to be amputated, and because, in addition, she incurred considerable expenses for their hospitalization and the burial, respondent judge allegedly cancelled the hearing of August 16, 1995 and postponed it to August 23, 1995. Complainant averred that she asked that a warrant of arrest be issued but Judge Gatdula denied her request, claiming lack of authority to do so. According to complainant, when she asked for a certification to that effect, respondent was irked and told her not to listen to the people who had been giving her advice. Then, Judge Gatdula allegedly said that he did not have to make a certification and told complainant that she could call up even the Chief Justice and the Provincial Prosecutor and he would tell them that what they had been teaching people like her was wrong.

Complainant alleged that Prosecutor Ruben F. Bernardo, whom she requested to help her, found out that the original complaint in Criminal Case No. 5988 was merely for reckless imprudence resulting in less serious physical injuries and damage to property, despite the fact that a person had died and another one had lost his leg in the accident. When the prosecutor asked the judge why these facts were not reflected in the complaint, the judge

allegedly pointed to a certain Sonny David, a policeman, as the person who prepared the complaint. When David was summoned, he could not explain the error beyond saying it was because the matter had already been amicably settled (“Naareglo na daw po ang kaso.”). It is averred that through the intercession of Prosecutor Bernardo, the complaint was amended in order to charge reckless imprudence resulting in homicide, serious physical injuries, less serious physical injuries, and damage to property. Even then, it is alleged, key witnesses were not included in the list of witnesses. The driver of the jitney, Roberto Chiuco, was not included. When she asked Chiuco and other witnesses why they were not listed as such, she was allegedly told that the judge and the policeman, upon being informed of their fear of being issued subpoenas, promised them that they would not be issued subpoenas for as long as they did not participate in the trial of the case.

B. Earlier, on July 8, 1995, complainant wrote to the Chief Justice asking for the transfer of venue of the trial of Criminal Case No. 5917 (for falsification of public documents) from Balanga, Bataan to Olongapo City. Respondent judge was required by the Court Administrator to comment on August 22, 1995. Instead of filing his comment within ten days from notice, what Judge Gatdula did was to cancel both the hearing scheduled on September 15, 1995 in Criminal Case No. 5917 (for falsification of public documents) and the preliminary investigation scheduled on September 19, 1995 in Criminal Case No. 5988 (for reckless imprudence) allegedly because of the request of complainant for transfer of venue of the first case. Complainant claims that when she inquired why the preliminary investigation was cancelled when it was only the case for falsification which she had asked to be transferred, respondent judge angrily said he was not afraid even if complainant reported him to the Supreme Court.

II. RESPONDENT’S ANSWER

In his comment, Judge Gatdula denied that he had tried to persuade complainant either to drop her case or to reduce the amount of her claim. He claimed that he postponed the preliminary investigation of Criminal Case No. 5988 from August 16, 1995 to August 23 of that year upon the request of Mrs. Gomez herself, after he informed her that she could not appear at the hearings because it was her husband and not she who was the complainant. According to respondent, on the new date set, complainant’s husband Rogelio Gomez again failed to appear. Instead, it was Mrs. Gomez who again appeared. Respondent judge claimed that complainant demanded to be paid P40,000.00, but the accused said he could only afford P25,000.00. Complainant allegedly then told the accused to see her husband and discuss the matter with him. However, after a week, complainant appeared in court again to inform respondent judge that the accused and her husband had failed to come to an agreement, for which reason she was asking that a warrant of arrest be issued against the accused. Respondent said he informed her that this could not be done as the preliminary investigation had not yet been terminated.

Anent the allegation that respondent argued against the amendment of the complaint in Criminal Case No. 5988, he claimed that, after a long discussion with Prosecutor Bernardo, he reset the hearing to give the prosecutor time to amend the complaint. He alleged that it was, in fact, complainant herself who objected to the amendment because it would further delay the preliminary investigation.

Respondent denied that he tried to delay the disposition of the cases by refusing to file his comment on complainant’s request for change of venue of the trial of Criminal Case No. 5917 (for falsification of public documents). He claims that on September 25, 1995, he went to the Office of the Court Administrator to inform the latter personally that he had no objection to the transfer of venue of Criminal Case No. 5917, but that it should also include Criminal Case No. 5988. On February 14, 1996, he sent his written comment on the motion to transfer venue to Deputy Court Administrator Reynaldo L. Suarez.

Respondent denied having made derogatory remarks against the Chief Justice or the Provincial Prosecutor and

said that complainant filed this case because he did not help her secure from the accused in Criminal Case No. 5988 the P40,000.00 in damages that she was asking for and did not order his arrest and because she had previously lost in an ejectment case filed in his court.

III. FINDINGS

Judge Gatdula denies he tried to pressure complainant to drop her complaint in Criminal Case No. 5988 or to agree to settle for less than what she demanded. Although Judge Gatdula admits that Prosecutor Bernardo brought to his attention the need to amend the complaint, he cannot be held responsible for the mistake in charging the proper offense, inasmuch as the preparation of the complaint is the duty of the investigating officer. To the contrary, he agreed with Prosecutor Bernardo's suggestion that the complaint be amended.

Nor can respondent judge be faulted for refusing to order the arrest of the accused in Criminal Case No. 5988, considering that the preliminary investigation had not yet been terminated. Indeed, under Rule 112, §6(b) of the Rules on Criminal Procedure, the judge of the MTC can order the arrest of the respondent only if, after preliminary investigation, he is satisfied that probable cause exists and there is necessity of placing respondent under immediate arrest in order not to frustrate the ends of justice.

We think, however, that respondent judge acted in a vindictive and oppressive manner by suspending the proceedings in the two cases and by delaying the filing of his comment on the request for a change of venue of the trial of Criminal Case No. 5917, with the result that there was a corresponding delay in the disposition not just of that case but likewise of Criminal Case No. 5988. Apparently, respondent resented complainant's request for transfer of venue. Accordingly, on the pretext that the proceedings in Criminal Case No. 5917 (for falsification) must be suspended pending resolution of the motion for transfer of venue, he held no hearing not only in that case but also in Criminal Case No. 5988 (for reckless imprudence). Meanwhile, he delayed submitting his comment on complainant's motion for transfer of venue of Criminal Case No. 5917 so that, in practical effect, no hearing was held for a long time in the two cases. He only filed the comment required of him on February 14, 1996, five months after he had been ordered to do so by the Court Administrator.

Indeed, because of the undue delay in the hearing of the cases, Assistant Provincial Prosecutor of Bataan Nini O. Cruz had to seek his inhibition from Criminal Case No. 5917 on January 23, 1996. As for the reckless imprudence case, Prosecutor Bernardo reported to the Provincial Prosecutor on December 29, 1995 that he had spoken to Judge Gatdula and the latter had assured him that he would inhibit himself from the case.[1] The order inhibiting respondent in that case was, however, issued by him belatedly on April 30, 1996,[2] and only because he had been earlier relieved from hearing Criminal Case No. 5917 by the Court.

Judge Gatdula's behavior in this case cannot be sanctioned. It is not free from the appearance of impropriety, let alone beyond reproach, as required by Canon 3 of the Canons of Judicial Ethics.[3] Respondent judge has failed to meet the standard of conduct embodied in the said Canon.

As an offshoot of this case, complainant reported that she had discovered that there were five other criminal cases pending before respondent's court which had been submitted for decision but had not been decided by him within the three-month reglementary period. In the resolution of March 13, 1996, the Court directed Executive Judge Benjamin T. Vianzon to examine the records and docket of Judge Gatdula and to investigate the claim that he had not decided several cases on time. In the same resolution, the Court denied complainant's request for transfer of venue and instead designated Judge Eliseo A. Peñaflor of the MTC of Aburay, Bataan to hear and decide Criminal Case No. 5917. Judge Peñaflor, however, has written the Court, asking to be excused from hearing Criminal Case No. 5917 due to his failing health. These matters are now the subject of another administrative investigation and have been referred to the Court en banc for disposition.

WHEREFORE, the Court finds respondent Judge Rodolfo A. Gatdula guilty of OPPRESSION and ACTS UNBECOMING A JUDGE and orders him to pay a fine of P10,000.00 within fifteen (15) days from receipt of this decision with a warning that a repetition of this or a similar offense will be dealt with more severely. SO ORDERED.

Regalado, (Chairman), Melo, Puno, and Martinez, JJ., concur.

[1] Rollo, p. 257.

[2] Id., p. 260.

[3] See *Caamic v. Galapon, Jr.*, 237 SCRA 390 (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.