

*Malacañang*  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 132-A

CONSIDERING MR. RODOLFO S. AZANZA RESIGNED AND SEPARATED AS MUNICIPAL JUDGE OF MANDAON, MASBATE.

This is an administrative case against Mr. Rodolfo S. Azanza, municipal judge of Mandaon, Masbate, for (1) irregular attendance in office, (2) residing outside the poblacion, (3) holding office in a private house and (4) undue delay in the disposition of cases.

Respondent admitted all the charges except the first. The District Judge who investigated the case found him guilty of the last two charges and recommended his suspension from office without pay for six (6) months, with reprimand and warning. The former Secretary of Justice, while concurring in the findings, recommended removal for gross negligence and inefficiency.

As to the charge of holding office in a place other than that provided as courtroom by the municipal authorities, respondent claimed that the place allotted to him was very inconvenient. This is a flimsy excuse, considering that other officials of the municipality hold office in the same building. Moreover, the rule is that, where the law has fixed the place for holding a justice's court (Sec. 74, Judiciary Act), it cannot be held in any other place (31 Am. Jr. 749).

The charge of undue delay in the disposition of cases is admitted by respondent and borne out by official records. The records reveal a litany of delay in cases under preliminary investigation and those within his original jurisdiction. In the former class of cases, respondent incurred the longest delay in Criminal Case No. 333 which took him 11 months and 4 days after waiver of preliminary investigation to transmit the record to the Court of First Instance. The same kind of delay occurred in Criminal Case No. 322 (7 months and 19 days).

Respondent is also guilty of undue delay in the approval of waiver of investigation, the most serious of which was committed in Criminal Case No. 334, where the waiver was

*bc Azanza Rodolfo S.*

approved only after 11 months and 3 days. A like delay was committed in Criminal Cases Nos. 336, 322 and 375, the last one being still pending on January 27, 1960, or 7 months and 26 days after the waiver. Likewise unreasonable was the delay occurring between the date of arrest and the date of waiver of investigation: Criminal Case No. 363 (8 months and 4 days and still pending on Jan. 27, 1960); Criminal Case No. 336 (9 months and 25 days); Criminal Case No. 334 (6 months and 13 days); Criminal Case No. 379 (5 months and 14 days); and Criminal Case No. 383 (4 months and 8 days). Criminal Case No. 318 was dismissed on April 5, 1958, but up to June 24, 1960, the record had not been remanded to the Court of First Instance.

Culpable protractions also occurred in cases triable in respondent's court, the worst of which is Criminal Case No. 294 where trial was commenced only after the lapse of 2 years, 1 month and 29 days from the date the accused was arrested. The same observation holds as regards Criminal Case No. 338 (1 year 10 months and 26 days); Criminal Case No. 320 (11 months 24 days); Criminal Case No. 324 (8 months and 25 days); and Criminal Case No. 293 (4 months and 10 days).

Equally reprehensible are the delays in the promulgation of decisions, ranging from 6 months and 4 days to 1 year, 4 months and 11 days (Crim. Cases Nos. 320, 324, 330 and 350). In Criminal Case No. 311, it took respondent 1 year, 6 months and 26 days to remand the case to the Court of First Instance after the filing of the notice of appeal.

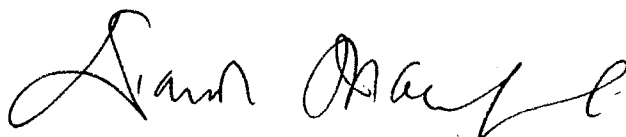
Respondent attributed the delays to (1) frequent requests for postponement by the parties and their counsel, (2) lack of office help and facilities and (3) his chronic illnesses of back pains, hemorrhoids, diabetes and suspected pulmonary tuberculosis. As observed by the Secretary of Justice, these circumstances can not justify respondent's manifestly irregular administration of justice. He should have denied requests for postponements of trial which would unduly delay the disposition of the case. While the other causes mentioned by him might have contributed to his delay, they do not justify its excessive character amounting to gross negligence and inefficiency.

Such negligence and inefficiency is also proven by his failure to keep his docket up to date, as shown by its notably

incomplete entries. Thus, in Criminal Cases Nos. 307, 320, 321, 322, 333, 334, 338, 339, 341 and 342 only the dates of filing appear despite subsequent official acts of the respondent to which he testified. Actuations of doubtful validity were also observed from respondent's docket entries, such as the dismissal of criminal cases with costs against the accused (Crim. Cases Nos. 303 and 347).

In view of all the foregoing, clearly showing respondent's gross neglect and inefficiency, and considering the attendant circumstances, Mr. Rodolfo S. Azanza is hereby considered resigned and separated from office as municipal judge of Mandaon, Masbate, effective upon receipt of a copy of this order.

Done in the City of Manila, this <sup>27th</sup> day of August, <sup>1965</sup> in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



JUAN S. CANCIO

Acting Assistant Executive Secretary