

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 154

SUSPENDING MR. NOE A. AMADO FROM OFFICE AS MUNICIPAL JUDGE OF
SAN MATEO, RIZAL.

This is an administrative case filed by Cesario Bandong against Municipal Judge Noe A. Amado of San Mateo, Rizal, for maladministration of justice, ignorance of law, gross partiality and abuse of authority. The case was investigated by the district judge.

On May 8, 1956, Criminal Cases Nos. 124 and 125 for violation of the Revised Motor Vehicle Law and disobedience to an agent of a person in authority, respectively, were filed in respondent's court by P.C. Corporal Luminoso Cruz of the Traffic Control Group against the herein complainant. A warrant of arrest was immediately issued by the respondent against the accused who posted bail of ₱100 for his provisional release. Hearing of both cases was set at 2:00 P.M. on May 14, 1956.

According to the complainant, he and his counsel, Atty. Sixto Natividad, arrived in court before the scheduled time of the hearing but the respondent, upon noticing that the P.C. men were not around, left for Montalban, Rizal, after informing his counsel that he was going to hold a trial there. This is, however, denied by the respondent. At any rate, respondent arrived in his court in San Mateo about 4:00 P.M. and called Criminal Cases Nos. 124 and 125 for the arraignment of the accused. As neither the accused nor his lawyer was present, respondent instructed a policeman to summon the accused from his house. The policeman reported to the respondent that the accused had promised to come that afternoon which was confirmed by Attorney Natividad who arrived in court ahead. Later, the same patrolman reported seeing the accused in a car proceeding towards Manila. Thereupon respondent issued a warrant of arrest against the accused for contempt of court which was, however, rescinded by him before it could be served.

On May 22, 1956, complainant filed in respondent's court Criminal Case No. 131 for unjust vexation against P.C. Corporal Luminoso Cruz. No warrant of arrest or formal summons was issued by the respondent against Cruz. Said case was docketed by the respondent on August 6, 1956 (when Cruz was arraigned), and tried jointly with Criminal Cases Nos. 124 and 125.

Abc. Amado. Noe A.

During the early stages of the hearing of Criminal Cases Nos. 124 and 125 the respondent allowed, over the objection of defense counsel, the appearance of Atty. Hermogenes Datuin Jr. as private prosecutor on the strength of a letter of the Provincial Fiscal of Rizal. Attorney Datuin's appearance was, however, disallowed by respondent in the later stages of the trial.

The complainant also alleged that on September 26 and 29, 1956, respondent was seen engaged in animated conversation with Attorney Datuin in the former's chamber. Respondent admitted that fact but denied that their conversation had anything to do with any of the aforementioned criminal cases then pending in his court.

Judgment was rendered by the respondent acquitting Luminoso Cruz in Criminal Case No. 131 and sentencing Cesario Bandong to pay a fine of ₱20 in Criminal Case No. 124 and ₱50 in Criminal Case No. 125. Bandong appealed to the Court of First Instance where the cases were dismissed upon motion of the fiscal.

It is believed that respondent abused his authority and discretion in issuing a warrant of arrest against Bandong in Criminal Cases Nos. 124 and 125. By his own admission the offenses charged are light and the accused was not a recidivist, or a fugitive from justice or charged with physical injuries. The accused was a prominent citizen of the locality, personally known to the respondent as principal of a leading public high school in Manila and with no criminal record. Under the circumstances only a summons was necessary pursuant to Section 10 of Rule 108 of the old Rules of Court for his appearance.

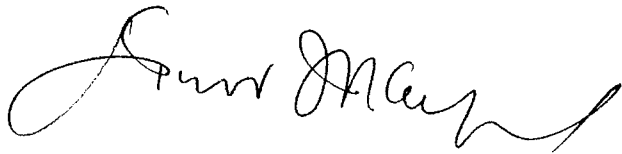
Also unwarranted was the other summary order of arrest issued by respondent against Bandong in the afternoon of May 14, 1956, Complainant was in court at the appointed hour but respondent was absent. The former was not bound to wait for the respondent who arrived two hours late. Moreover, there was no impelling necessity for complainant's presence at the arraignment, as his counsel was present and manifested his intention to enter the plea for his client pursuant to Section 2, Rule 112 of the old Rules of Court. Respondent again abused his authority in ignoring this manifestation and in issuing the order of arrest.

Respondent's alacrity in issuing the warrant of arrest against the complainant upon the filing of Criminal Cases Nos. 124 and 125 was in direct contrast to his inaction with respect to Criminal Case No. 131 against Corporal Cruz. Not only did he fail to issue a formal summons to the accused in said Case No. 131, but he did not docket it until August 6, 1956, when his attention was called by complainant's counsel, although the case was filed with him more

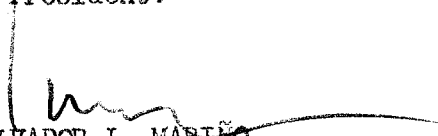
than two months earlier. His alleged intention to try it jointly with Cases Nos. 124 and 125 was no excuse for his delay in docketing the case or for his failure to issue a formal summons to the P.C. officer if only to place the said accused under the jurisdiction of his court. As a matter of fact, doubts were later raised that the case had already prescribed when it was docketed on August 6, 1956. The Investigating Judge is therefore correct in finding the respondent partial to the P.C. officers and against complainant Bandong. However, I do not see anything wrong in respondent's indulging in animated conversation with Attorney Datuin considering the explanation that they were laughing about a story being narrated by the attorney regarding a case of lasciviousness handled by the latter.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Noe A. Amado is hereby suspended from office for two months without pay and warned that repetition of similar irregularities in the future will warrant his removal from office.

Done in the City of Manila, this 3rd day of December, 1956, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



SALVADOR L. MARIANO
Acting Executive Secretary