

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 162 ✓

SUSPENDING MR. DOMINGO M. GARCIA FROM OFFICE AS MUNICIPAL JUDGE  
OF NAGUILIAN, ISABELA.

This is an administrative case filed by Filoteo Capuchino against Municipal Judge Domingo M. Garcia of Naguilian, Isabela, for alleged partiality and dereliction of duty. The case was formally investigated by the District Judge who finds the respondent guilty of partiality in Criminal Case No. 343 and of gross negligence in Criminal Case No. 334, both of his court, and recommends that he be fined in an amount equivalent to his salary for one (1) month.

After carefully reviewing the evidence, I agree with the District Judge in his findings against the respondent, who admits that, when Criminal Case No. 343 was filed against the son of his second cousin, he sent the latter a note specifying the amount of the required bail, which the accused was able to put up without being detained. Respondent's conduct, though not illegal, was clearly unbecoming a judge. As observed by the investigating judge, "this conduct of the respondent as dispenser of justice is highly censurable because he had shown some act of partiality in favor of his kinsman."

With respect to Criminal Case No. 334, the record thereof shows that on November 16, 1957, respondent sentenced the accused to imprisonment ranging from two to seven years; ordered the chief of police to commit the body of the accused to the provincial jail, the chief of police signing a receipt for the body of the accused for commitment and custody; and also committed the accused to the provincial warden and the Director of Prisons. Attached, however, to the commitment to the provincial warden is a receipt for the prisoner signed by the jailer and dated February 12, 1958, which shows that, although the accused was ordered committed to serve sentence on November 16, 1957, he was not actually received by the provincial warden until February 12, 1958, after a delay of almost three months.

The late turnover of the accused to the warden is supported by the herein complainant, who testifies that when he was detained in the municipal jail from December 18 to 21, 1957, said accused was also a prisoner therein; and by the police blotter showing

*abe Garcia, Domingo M.*

that the accused remained in the municipal jail until January 20, 1958. Although the respondent contends that he cannot be blamed for the failure of the chief of police to comply with his order to commit the accused to the provincial jail, it was nonetheless his duty to require the return to him of the receipt signed by the provincial jailer as soon as possible. In other words, he should have made sure that his order of commitment was duly carried out.

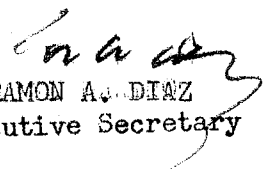
∟ The three commitment orders signed by the respondent, committing the accused to the chief of police, the provincial warden and the Director of Prisons, indicate his ignorance of the proper procedure of commitment, it being sufficient to address the order to the Director of Prisons through the provincial warden. At the same time, the apparent effort to show that the respondent did all he could to commit the convicted prisoner arouses the suspicion that the orders were prepared after the filing of the herein administrative complaint.

It also appears that in Criminal Case No. 325 of respondent's court, he denied the request of the herein complainant to defend the accused, his son-in-law. Respondent's explanation is that complainant is not a lawyer and that there are practising lawyers in the municipality, one of whom he assigned as de officio counsel for the accused. Although the evidence tends to show that he acted in good faith, he unquestionably overlooked Section 31 of Rule 127, old Rules of Court, which permits a party in the court of a municipal judge to "conduct his litigation in person, with the aid of an agent or friend appointed by him for that purpose, or with the aid of an attorney." Under this provision, the herein complainant could not be considered otherwise than as the agent or friend of his son-in-law, whom he could therefore defend as the accused in a criminal case in the respondent's court.

In view of all the foregoing, and upon the recommendation of the Secretary of Justice, Mr. Domingo M. Garcia is hereby suspended from office without pay for one (1) month, reprimanded and warned that a repetition of similar irregularities will be dealt with more severely.

Done in the City of Manila, this 14th day of December, in the year of Our Lord, nineteen hundred and sixty-five.

By the President:

  
RAMON A. DIAZ  
Acting Executive Secretary