



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 216

REMOVING MR. MANUEL L. BAROT FROM OFFICE AS JUSTICE OF THE
PEACE OF TANJAY, NEGROS ORIENTAL.

This is an administrative case against Mr. Manuel L. Barot, justice of the peace of Tanjay, Negros Oriental, which arose from a complaint filed with the Presidential Complaints and Action Committee by Atty. Agustin F. Olis charging the respondent with having tried and convicted complainant's client in Criminal Case No. 686 of his court in which respondent's mother was the offended party, in violation of Section 1, Rule 126 of the Rules of Court. The case was investigated by the District Judge.

The respondent admitted the above allegations but denied that he should have disqualified himself, contending that since the accused pleaded guilty he was authorized to render judgment. He denied the claim that he had forced the accused to plead guilty.

It appears that on October 4, 1954, a complaint for estafa was filed in respondent's court against Riquel Gutib. It was alleged that Gutib had received from Victoria Barot, respondent's mother, P153.20 upon Gutib's representation that he had made 19,150 nipa shingles at the agreed rate of 10.80 per 100 shingles, when in fact he had made only 18,250 shingles, thereby defrauding the complainant in the amount of P14.40. The complaint was supported only by an affidavit of the accused himself, signed with his thumbmark and sworn to before the respondent, admitting the commission of the offense. On the same day the respondent ordered the arrest of Gutib and committed him to jail pending trial. Upon being arraigned (without benefit of counsel) on October 6, 1954, the accused pleaded guilty, whereupon the respondent sentenced him to suffer 30 days' imprisonment which he duly served.

Section 1 of rule 126 of the Rules of Court provides:

"Section 1. Disqualification of Judges.—No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise,

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or in which he is related to either party within the sixth degree of consanguinity or affinity computed according to the rules of the Civil Law without the written consent of all parties in interest, signed by them and entered upon the record."

The respondent states that there was no objection impeaching his authority to preside over the trial of the case above mentioned. But if formal challenge were necessary, the law did not stop him from voluntarily refraining from sitting in said case in which his mother was a party or prosecuting witness. If the respondent did not know it was wrong for him to sit in that case, then he lacks that sense of common decency and fairness so essential in the attributes of anyone called upon to administer justice.

Respondent would also justify his action by the fact that the accused pleaded guilty as if there were nothing left for him or any other judge to do but pass sentence on the accused. He overlooked the fact that his intervention did not begin with the arraignment of the defendant. The defendant had to be arrested, and it was the judge's duty before ordering the arrest to examine the complainant and/or other witnesses to satisfy himself that a crime had been committed and that there was reason to believe that the accused committed it. And after the arrest, the judge had to fix the defendant's bail, which also involves the exercise of discretion.

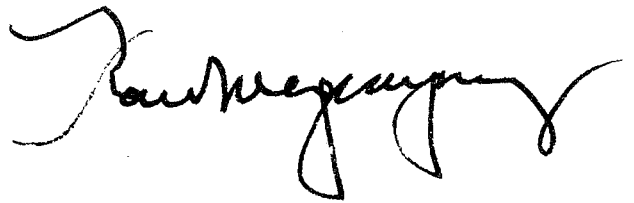
Moreover, it is not true that if an accused pleads guilty, the judge has no alternative but to impose the penalty. An unbiased and conscientious judge in doubtful cases, especially if the accused is ignorant, is not content with the plea of guilty. Thus in the case in question such a judge might, in spite of the defendant's plea of guilty, have inquired into the facts of the transaction between the complainant and the defendant, to be certain that the alleged falsehoods in Cutib's reports constituted estafa calling for imprisonment and not grounds only for civil action. The necessity of such investigation became all the more obvious here, considering that the accused was an illiterate who did not know how to write his own name and was unassisted by any lawyer. Another judge might have thought it material and interesting to find out, among other things, who wrote the alleged confession, whether the defendant understood it, and whether the falsehoods were intentional or could not have been verified by the offended party before making the payments. Under the circumstances,

the respondent, who in all likelihood was not unaware of the filing of the complaint and the preparation of the alleged confession, could not be expected to do these things as he would not likely lift a finger to protect one who is an adversary of his very own mother. This clearly shows the imperative necessity of barring judges from trying their own relatives' cases.

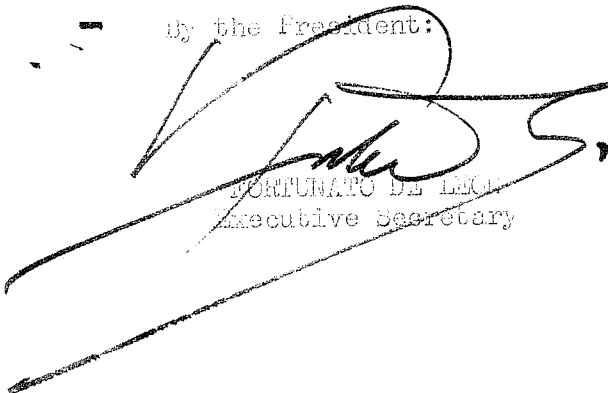
The circumstances of this case are such that I cannot regard the respondent's conduct lightly. It resulted in the jailing for 30 days (not counting the preventive imprisonment) without a fair trial of a citizen for acts which in the mind of an impartial judge could at the most have warranted civil redress only.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Manuel L. Barot is hereby removed from office as justice of the peace of Tanjay, Negros Oriental, effective upon receipt of notice hereof.

Done in the City of Manila, this 11th day of September, in the year of Our Lord, nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.



By the President:



FORTUNATO DE LEON
Executive Secretary