

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 55

IMPOSING THE PENALTY OF SUSPENSION ON MR. REMIGIO M. PEÑA,
MUNICIPAL JUDGE OF PONTEVEDRA, NEGROS OCCIDENTAL.

This refers to three administrative cases (Nos. 70, 79 and 81) filed against Mr. Remigio M. Peña, municipal judge of Pontevedra, Negros Occidental.

Administrative Case No. 70

Respondent is charged with gross ignorance of the law and grave abuse of authority and discretion. The case was investigated by District Judge Eduardo D. Enriquez who found respondent guilty of the charges.

It appears that on the basis of a letter (Exhs. E, E-1 and Z-1) personally handed by Mrs. Manuela Ruiz Vda. de Gurrea to respondent on August 14, 1962, wherein the widow requested respondent's help in obtaining possession of a house of her late husband, Carlos Gurrea, located in Pontevedra, respondent then and there entered the letter in his docket of civil cases as Civil Case No. 273 (Exh. C) and immediately issued an order (Exhs. F and Z-2) giving the widow "the possession of the said house and its premises." On the same day the respondent issued another order (Exhs. D and Z-5) addressed to the chief of police of Pontevedra authorizing the latter to execute his order (Exhs. F and Z-2) and to place the widow in possession of the house and the premises thereof. On that same day the chief of police executed the orders of respondent and the family of herein complainant, a brother of the late Carlos Gurrea, was summarily ejected from the house which was forthwith occupied by the widow.

As correctly observed by the Investigating Judge, respondent disregarded the provisions of the law by accepting the letter of the widow as a formal complaint sufficient to initiate a civil case for ejection, and acted arbitrarily by summarily ordering the dispossession and ejection of the family of complainant from the house they were occupying, without any previous hearing to justify the issuance of that order.

Administrative Cases Nos. 79 and 81

These cases appear to be offshoots of Administrative Case No. 70, supra. Complainants are District Judges Eduardo D. Enriquez and Jose Fernandez of the Court of First Instance of

P. M. Remigio M.

Negros Occidental who have respectively charged respondent with arbitrariness, insubordination, gross ignorance of law, etc. (Adm. Case No. 79), and ignorance of the law, willful issuance of an unlawful and unjust interlocutory order, criminal tendency to violate the civil liberty of innocent persons, etc. (Adm. Case No. 81). Respondent did not controvert or deny the averments in the verified complaints of Judges Enriquez and Fernandez. In his answer, respondent did not raise any issue, and the cases were submitted to the investigator, District Judge Jose Querubin, for resolution on the pleadings.

It appears that on the basis of respondent's actuation in Civil Case No. 273, the defendant therein, Ricardo Gurrea, filed Administrative Case No. 70 against respondent. Said administrative case was investigated by Judge Eduardo Enriquez who thereafter submitted his recommendation to the Secretary of Justice together with the records of the administrative case and Civil Case No. 273.

On January 13, 1965, respondent issued a subpoena duces tecum in Civil Case No. 273 of his court directing Judge Enriquez to appear and testify before his court and to bring with him the entire records of said civil case.

On the date directed by respondent for Judge Enriquez to appear before him, Judge Enriquez sent a letter to the respondent informing him that the records of Civil Case No. 273 were no longer in the custody of the court, as the same had been forwarded to the Department of Justice as part of the records of Administrative Case No. 70, and that the subpoena should have been directed to the clerk of court who had custody of court records (Sec. 7, Rule 136, Rules of Court).

Because of the failure of Judge Enriquez to appear before respondent, the latter issued an order dated March 26, 1965, charging the former with contempt of court and sentencing him to imprisonment until he complied with the subpoena duces tecum. In the same order the respondent sentenced Judge Enriquez to one-day imprisonment for allegedly insinuating in his letter that respondent was ignorant of the law when reminded by Judge Enriquez that the subpoena duces tecum should have been addressed to the clerk of court. The bail bond was set at ₱30,000 and a warrant of arrest was forthwith issued.

On March 28, 1965, a Sunday, respondent directed the chief of police of Pontevedra to serve the warrant of arrest on Judge Enriquez. The next day, Judge Enriquez filed a petition for certiorari and prohibition with preliminary injunction in the Court of First Instance of Negros Occidental (Judge Fernandez

presiding), which was docketed as Civil Case No. 7359, wherein he sought to have respondent's orders declared void ab initio and to enjoin respondent from proceeding against him. Judge Fernandez granted the petition. Judge Enriquez then administratively charged respondent with arbitrariness, insubordination, gross ignorance of law, vindictiveness and abuse of authority (Adm. Case No. 79).

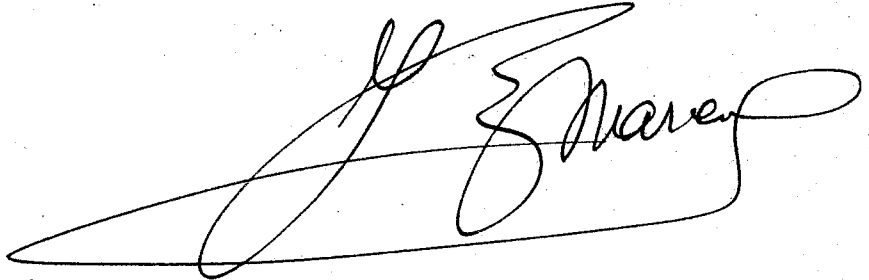
Administrative Case No. 81 arose when respondent ignored the order of Judge Fernandez in Civil Case No. 7359 enjoining him from issuing his order for the arrest of Judge Enriquez and from enforcing it, and requested instead the assistance of Judge Fernandez to implement the order. The request having been ignored by Judge Fernandez, respondent issued a summons citing Judge Fernandez to appear before his court and to show cause why he should not be punished for contempt for not implementing the order. As a consequence, Judge Fernandez filed the present Administrative Case No. 81 for ignorance of the law, willful issuance of an unlawful and unjust interlocutory order, criminal tendency to violate the civil liberty of innocent persons, uninhibited habit of ordering the arrest of Judges of the Court of First Instance, maniacal and insatiable urge to violate the jurisdiction of his court, and malicious imputation of an imagined wrong or defect in the raffling procedure of the Court of First Instance of Negros Occidental.

On May 6, 1965, respondent was suspended by Judge Jose Querubin who investigated Administrative Cases Nos. 79 and 81. The only defense of respondent is his good faith and honest mistake, but as observed by the Investigating Judge "no amount of good faith and honest mistake would be sufficient to absolve respondent from the serious charges, which the respondent himself had admitted in his amended answer."

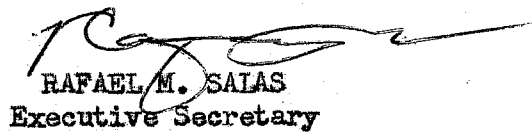
In the light of the above, I find respondent guilty in the three administrative cases. It appearing, however, that both District Judges concerned have withdrawn their complaints against the respondent and considering that respondent has been under preventive suspension since May 6, 1965, up to the present, the period during which he has been out of office may be considered as sufficient penalty for his acts.

Wherefore, Municipal Judge Remigio M. Peña is hereby imposed the penalty of suspension without pay corresponding to the period from his preventive suspension until his reinstatement which is hereby decreed.

Done in the City of Manila, this 16th day of May
in the year of Our Lord, nineteen hundred and sixty-seven.

A large, stylized handwritten signature in black ink, likely belonging to the President mentioned in the text below.

By the President:

A smaller handwritten signature in black ink, identified as Rafael M. Salas.

RAFAEL M. SALAS
Executive Secretary