

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 31

REQUIRING MR. VICENTE BAUTISTA, JUDGE OF THE MUNICIPAL COURT, BRANCH III, OF THE CITY OF MANILA, TO RESIGN

This is an administrative case against Mr. Vicente Bautista, Judge of the Municipal Court, Branch III, of the City of Manila, who stands charged with the following irregularities in the performance of his duties: (1) that he holds sessions only once or twice a week; (2) that he sets many cases, criminal and civil, for hearing but only a few are actually tried, and on the following day, many of the cases not heard are already decided; (3) that he sentences accused without giving them opportunity to answer the complaint or information; (4) that he authorizes his clerk to impose fines for violation of traffic regulations; and (5) that his clerk signs warrants of arrest or search warrants without taking the declaration under oath of the peace officers applying for said writs.

After investigation, the Secretary of Justice found only charges Nos. 1, 4 and 5 proven, and recommended that respondent judge be required to resign from office with prejudice to reinstatement. After carefully going over the record, I concur in the findings of the Secretary of Justice that charges Nos. 2 and 3 have not been substantiated.

As regards charge No. 1, the evidence establishes the fact that respondent judge, to the prejudice of the Government and the public, spent much official time outside of his office to attend to purely personal interests without even applying for leave of absence.

With respect to charge No. 4, it is clear that the respondent authorized Francisco Piamonte, general docket clerk of his court, to impose fines in traffic violation cases where the defendants were ready to plead guilty and to pay a fine of ten pesos for each violation. Respondent attempted to justify his conduct by claiming that he had observed that many persons accused of violation of traffic regulations who were willing to plead guilty and pay the minimum fine, waited for him from 8:00 o'clock in the morning until noon time when he would be through with the court session; and to avoid delay, he instructed Francisco Piamonte to attend to them so that they could pay their fines without his intervention. This action of the respondent constitutes a clear delegation of judicial functions which is totally repugnant and reprehensible. Undoubtedly, those who have come to learn of his irregular practice have lost their respect for his court because only a mere clerk thereof, instead of the judge who was chosen for his legal and personal qualifications to preside the same, sits in judgment over those charged with traffic violations.

D. A. Bautista

With respect to charge No. 5, it appears that respondent illegally issued fifty blank search warrants upon request of an officer of the Manila Police Department and on the mere assurance by third parties that the Secretary of Justice had sanctioned their issuance. The information was not true because the said Secretary did not give his approval to such act. That no abuse was shown to have been committed by the peace officers serving the warrants can not outweigh the bold disregard by the respondent judge of the sanctity of the constitutional right of every individual to be secure against unreasonable searches and seizure. The Constitution and the Rules of Court require that no search warrant shall be issued except upon probable cause to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the things to be seized. To issue blank search warrants without observing the mandatory requirement above set forth is in open contravention of the fundamental law. It was his duty to refuse to issue the warrant if the requirement of the law was not complied with, irrespective of who asked for their issuance or who gave sanction thereto. His having complied with a request which he very well knew involved a serious violation of a constitutional guaranty to individual rights, seriously reflects against his conduct as a judicial officer. While he is expected to extend his full cooperation in the campaign against lawlessness, nevertheless his cooperation should not have gone to the extent of flouting the law which he had sworn to administer, and thus become a party to the possible commission of abuses against innocent and peaceful individuals.

The irregularities committed by the respondent judge constitute, beyond doubt, serious misconduct in office. This administration is determined to raise the standard of the judiciary to the highest level so that the people may have full trust and confidence in our courts. This objective can only be attained if the judges are men of the highest integrity and moral character, of unquestioned capacity, and of the broadest human sympathies and understanding. They should not only be familiar with the law but, above all, they should respect and apply it under all circumstances and never to sacrifice the same for the sake of expediency.

For all the foregoing, the respondent, Mr. Vicente Bautista, should be required to resign from office. As the respondent has already tendered his resignation, the same is hereby accepted, with prejudice to reinstatement.

Done in the City of Manila, this ^{31st} day of March in the year of Our Lord, nineteen hundred and forty-seven, and of the Independence of the Philippines, the first.

Manuel Roxas

By the President:

Emilio Arellano
EMILIO ARELLANO