

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 2

IN RE THE HONORABLE GERONIMO PAREDES, JUDGE OF THE COURT
OF FIRST INSTANCE, SEVENTEENTH JUDICIAL DISTRICT

This is an administrative case against the Honorable Geronimo Paredes, Judge of the Court of First Instance of Iloilo, filed before the Supreme Court of the Philippine Islands, involving charges of serious misconduct in office. The Supreme Court ordered the investigation of the charges and after the respondent judge had been heard in his own defense, the Supreme Court found him guilty of acts and omissions constituting serious misconduct which justifies his removal from office. The court, however, recommends to the Chief Executive that in view of the services rendered in the past by the respondent judge, he be permitted to resign within a reasonable time. and upon his failure to do so, his removal be ordered, if the Chief Executive believes that the public interest so requires. The dispositive part of the resolution of the Supreme Court is as follows:

"For the foregoing considerations, in accordance with the provisions of section 173 of the Administrative Code, after proper investigation of the conduct of the respondent Judge of the Court of First Instance of Iloilo, having heard him in his defense during said investigation considering as a whole the acts and omissions which we found to have been proved in the investigation, we hold that they constitute a grave misconduct which justifies his removal from office; but, in consideration of the services rendered by the respondent in the past, we recommend to His Excellency, the President of the Philippines, that he be permitted to resign within a reasonable time, and if he fails to do so, that he be removed from office, if His Excellency believes that the public interest so requires."

Under the existing law (section one hundred seventy-three of the Administrative Code) the power to separate or remove a judge from office is vested exclusively in the Chief

Executive; but the Chief Executive may not remove a judge unless "sufficient cause shall exist in the judgment of the Supreme Court, involving serious misconduct or inefficiency for the removal of said judge from office after proper investigation."

It is, of course, evident that despite the findings of the Supreme Court, the Chief Executive is not bound to remove a judge, if the conclusions of the Chief Executive as to the guilt of the respondent are not in accord with the conclusions arrived at by the Supreme Court. But may the Chief Executive permit a judge to resign after he has been found guilty of serious misconduct by the Supreme Court and the Chief Executive concurs in this opinion? If this may be done under the law, is it a good policy to do so?

This administration cannot overlook the fact that it is establishing precedents for a new government, and when the law gives it power or discretion for taking one action or another, it should adopt that course which in the long run will be more productive of public good.

Despite the recommendation of the Supreme Court that the respondent judge be allowed to resign and only if he refuses to do so should he be removed from office, we entertain serious doubts as to whether, under the law above referred to, the Chief Executive is authorized to accept the resignation of the respondent judge once the Supreme Court has found him guilty of serious misconduct which justifies his removal from office and the Chief Executive, after a thorough study of the case, has arrived at the same conclusion. But leaving aside the question of whether the Chief Executive is empowered under the law to accept the resignation of the respondent judge, is it good and sound policy to do so? Would it best serve the interests of the administration of justice?

The answer can only be in the negative.

What good can be accomplished by permitting the respondent judge to resign? Once the Supreme Court and the Chief Executive have alike found him guilty of serious misconduct and have so declared in their official decisions, the moral injury to the respondent judge will be the same whether he is removed or is allowed to resign. And he cannot even have the benefit of receiving his accrued leave if he is allowed to resign because under the Civil Service Rules any official of the Government who resigns for cause loses his right to accrued leave, his gratuity and/or his pension. In order that the respondent judge may therefore receive his accrued leave and his retirement gratuity under

the Osmeña Act, after he is allowed to resign, the Chief Executive would have to permit the violation of the Civil Service Rules.

From the standpoint of the administration of justice—and this must be the deciding factor—to follow such a course of action as the one recommended by the Supreme Court, will do, in our opinion, nothing but harm. Such a course will be interpreted both in the Bench and amongst the people as a willingness on our part not to demand the highest standard of integrity and morality, of efficiency and decorum on the part of the men who are privileged to occupy the most noble and exalted position in the Government—that of sitting in judgment over his fellowmen. It might even be understood as a mark of special consideration given to the respondent judge for personal or political reasons.

This administration is determined to raise the standard of the judiciary to the highest level. Our judges must merit the respect and confidence of the people and this can only be accomplished if they are men of the highest integrity and unquestioned moral character, courteous, kindly and considerate of other people's rights and feelings, even of those who have to appear before them to be tried of the most serious charges; in fine, men of unimpeachable character and of the broadest human sympathies.

For the foregoing considerations, in view of the findings of the Supreme Court of the Philippines that the respondent judge is guilty of grave misconduct which justifies his removal from office, with which we concur after a careful and thorough study of the entire record of the administrative case, and believing that the public interest so requires, it is hereby ordered that the said respondent Honorable Geronimo Paredes be removed forthwith from his position as Judge of the Court of First Instance, Seventeenth Judicial District.

Done at the City of Manila, this thirtieth day of January, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON
President of the Philippines