

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63

CONSIDERING MR. LORENZO M. QUITCO RESIGNED AND SEPARATED AS JUSTICE OF THE PEACE OF VALLADOLID, NEGROS OCCIDENTAL.

Mr. Lorenzo M. Quitco, justice of the peace of Valladolid, Negros Occidental, is charged with (1) violations of law, (2) neglect of duty and (3) partiality in his actuations in certain criminal cases of the justice of the peace court of Bago, same province.

The charges were investigated by the District Judge who found respondent guilty only of neglect of duty in having delayed the decision in a criminal case, for which he recommended that respondent be reprimanded, with a warning that repetition of similar irregularity would be dealt with more severely. However, the Department of Justice also found him guilty of making untrue statement in his certificates of service and recommended a stiffer penalty.

It appears that on March 12, 1958, the chief of police of Bago, Negros Occidental, filed at the instance of Bonifacio Bico, complainant herein, a complaint for serious physical injuries against Edgar Javelona, Florian Javelona, Recambole Javelona and Nonong Jardinico, which was docketed as Criminal Case No. 1155 of the justice of the peace court of Bago presided over by Manuel H. Javelona, father of the first three-named accused. Five days later, or on March 17, 1958, Florian Javelona lodged with the same court Criminal Cases Nos. 1157 and 1158 against Bonifacio Bico for grave slander and unjust vexation, respectively. On the same date, Recambole Javelona filed Criminal Case No. 1159 with the same court against Nieta Bico, sister of complainant Bonifacio Bico in Criminal Case No. 1155, accusing her of grave oral defamation.

In view of the relationship existing between justice of the peace Javelona and the accused Javelona brothers in Criminal Case No. 1155, the Executive Judge designated respondent to try and decide the above-mentioned cases. Criminal Case No. 1155 was set for hearing on May 26, 1958, and the accused were arraigned and pleaded not guilty. On petition of defense counsel, trial was postponed by respondent to June 6 and 7, 1958. On June 6 and July 26, 1958, the hearing was further postponed upon mutual agreement of the parties. On July 28, 1958, counsel for the accused again asked for postponement of the hearing set for the next day, which was granted by the respondent over the opposition of the private prosecutor. After four more postponements, Criminal

Mr. Duterte, Lorenzo M.

Case No. 1155 was ultimately heard on February 17, 1959, and decision was rendered on August 5, 1959. During the long period that the four criminal cases were under his consideration, respondent drew his salary only as justice of the peace of Valladolid.

Respondent explains that the delay in deciding Criminal Case No. 1155 was due to the fact that he waited for the result of the other cases which had arisen from the same incident. This explanation is wholly untenable as there is nothing in the decision in Criminal Case No. 1155 which legally depended on his actuations in the other cases. The delay in the early termination of this case was occasioned by the undue liberality shown by him in granting postponements. While it is true that applications for continuance are addressed to the sound discretion of the judge, nevertheless such discretion must be judicious and should not be exercised in such a manner as to jeopardize the interests of the people at large.

The records of the Department of Justice show that, although the respondent failed to decide Criminal Case No. 1155 within 90 days after its submission for decision, or before May 18, 1959, he certified in collecting his salary for the months of May, June and July, 1959, that he had no case pending for more than 90 days, which is a legal prerequisite before a judge or justice of the peace can collect salary.

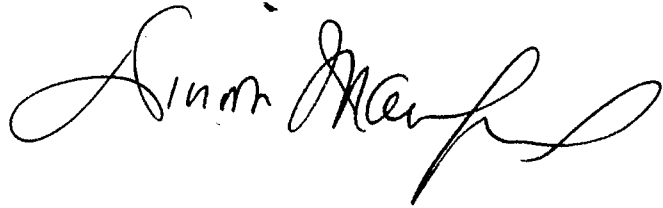
Respondent's defense that his certificates referred to his service as justice of Valladolid, for which he received salary, and did not apply to the case pending before him as acting justice of the peace of Bago since he did not receive compensation in the latter capacity, is unmeritorious. He overlooks, as observed by the Department of Justice, the overriding intent of Section 5 of the Judiciary Act (Rep. Act No. 296), which is to spur the judges on to greater activity by reaching into their pockets and thus relieve the congested dockets of the courts. The provisions of said section on the judge's certificate as to work completed are mandatory and failure to comply therewith subjects the offender to administrative discipline.

In view of the foregoing, I agree with the Department of Justice that the respondent has unreasonably delayed the trial and decision of Criminal Case No. 1155 and made untrue statement in his monthly certificates of service to the effect that he had no case pending decision for 90 days for the purpose of receiving his salary for the months of May, June and July, 1959. Respondent has therefore been rather wanting in dedication to duty and fidelity in his official reports. These are essential requirements for public servants. I am therefore constrained to take such appropriate action against him as is demanded by the interests of public service.

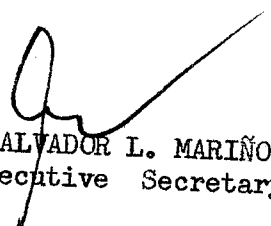
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Wherefore, Mr. Lorenzo M. Quitco is hereby considered resigned and separated as justice of the peace of Valladolid, Negros Occidental, effective upon his receipt of a copy of this order.

Done in the City of Manila, this **1st** day of **July**,
in the year of Our Lord, nineteen hundred and sixty-three.



By the President:



SALVADOR L. MARIÑO
Executive Secretary