

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 232 ✓

MODIFYING ADMINISTRATIVE ORDER NO. 187 DATED NOVEMBER 17, 1969,
CONCERNING MUNICIPAL JUDGE JUAN BAYUGA OF FLORA, APAYAO-
KALINGA.

This is a petition by Mr. Juan Bayuga for reconsideration of Administrative Order No. 187 dated November 17, 1969, removing him from office as municipal judge of Flora, Apayao-Kalinga.

After a review of the case, I agree with the findings of the Secretary of Justice that the main charges of oppression and abuse of power against respondent are baseless as borne out by the record that complainants' arrest and subsequent incarceration on June 26, 1966, were effected by virtue of a criminal complaint for grave coercion filed by one PC PFC Eulogio Agcaoli on June 24, 1966, before respondent's court, and that his failure to secure complainants' written consent before trying Criminal Case No. 67 conformably to the provisions of Section 1, Rule 137 of the Revised Rules of Court, should not be counted against him, it appearing that he proceeded with the trial of the case upon written motion of the parties' counsel.

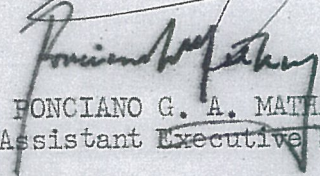
Neither is there proof that respondent is guilty of ignorance of the law for failure to conduct a preliminary investigation on the charge of grave coercion against complainants, considering that the same was tried on the merits over which respondent's court had concurrent jurisdiction with courts of first instance and therefore complainants were not entitled as a matter of right to preliminary investigation. Moreover, the fact that complainants, upon being arraigned, filed their bail bond and entered into trial on December 21, 1966, constituted an implied admission that there was probable cause for arrest and waiver of whatever defects might have attended the proceedings.

However, it can not be denied that respondent erred in entering an annotation in the "Memorandum of Incumbrance" in the duplicate of Original Certificate of Title No. C-72 and affixing his signature thereon without judicial authority and in imposing on complainants the wrong penalty for the crime of grave coercion. For these light offenses, I agree with the Secretary of Justice that his removal from office is too harsh and that he should be merely suspended for six (6) months without pay, as originally recommended by the Department of Justice, it appearing that he was neither actuated by malice nor bad faith in the first offense and that he was merely guided by his honest appraisal of the provisions of the Revised Penal Code as regards the second.

Wherefore, and upon the recommendation of the Secretary of Justice, Administrative Order No. 187 dated November 17, 1969, is hereby modified in the sense that Mr. Juan Bayuga is considered suspended for six (6) months without pay and he is accordingly hereby reinstated to his former position.

Done in the City of Manila, this 8th day of August , in the year of Our Lord, nineteen hundred and seventy.

By the President:



Fonciano G. A. Mathay

FONCIANO G. A. MATHAY
Acting Assistant ~~Executive~~ Secretary