

[ADMINISTRATIVE ORDER NO. 265, January 01, 1971]

REMOVING MR. RUFINO S. CORTES FROM OFFICE AS MUNICIPAL JUDGE OF MALLIG, ISABELA

This is an administrative case initiated by Arturo Binag against Municipal Judge Rufino S. Cortes of Mallig, Isabela, for dishonesty, oppression, misconduct, notoriously disgraceful or immoral conduct, coercion, etc. The case was formally investigated by the District Judge of Isabela.

The record discloses that on the night of July 4, 1966, two men went to the house of complainant and demanded that he sign a prepared bail bond of Roman Oanes who was accused of homicide, frustrated homicide and slight physical injuries in the Court of First Instance of Isabela. Complainant refused to sign the bail bond, as the ownership of his land to be used in the undertaking was being questioned by his brother and two sisters. Whereupon, the two men pointed their firearms at complainant and told him that respondent judge, who was at the time inside a jeep a little distance away from them, was assuming responsibility for the bail bond. Sensing that he was in danger, complainant signed the bail bond and thereafter approached respondent and pleaded that he be excused from being a bondsman of Oanes. Respondent, however, confirmed the armed men's assurance and further told complainant that nothing would happen to the bail bond because it was unsigned by the principal (Roman Oanes) and that such defect would ultimately nullify the undertaking.

Contrary to respondent's assurance, an order of forfeiture of the bail bond was issued by the court after the accused had jumped bail. When complainant received a copy of the forfeiture order he immediately informed respondent who, in turn, merely advised him to secure the services of a lawyer.

The District Judge-Investigator was justified in giving weight and credence to the testimony of Municipal Judge Antonio Dasalla of Paracelis, Mountain Province, one of the witnesses presented by respondent, that his services were contracted by former Mayor Eduardo Siababa of Mallig, Isabela, to avoid or reduce the liabilities of bondsmen Rafael Bagamaspad and Simplicio Granado only. This testimony discredited respondent's claim that complainant voluntarily acted as one of the bondsmen of Roman Oanes upon Mayor Siababa's request. Moreover, respondent did not present the Mayor as his witness to refute Judge Dasalla's testimony.

In view of the foregoing, I find respondent guilty of (1) coercion for conspiring with lawless elements in forcing complainant to be an unwilling bondsmen of Oanes and (2) dishonesty amounting to conduct unbecoming a municipal judge for not disclosing to the clerk of court that Oanes' bail bond was defective for lack of his signature thereon as principal, in violation of the trust reposed on him by the Court of First Instance of Isabela authorizing him to qualify the bondsmen of the accused,