

**[ADMINISTRATIVE ORDER NO. 294, June 30,
1971]**

**SUSPENDING MR. ILUMINADO BO FROM OFFICE AS MUNICIPAL
JUDGE OF BULAN, SORSOGON**

This is an administrative case against Municipal Judge Iluminado Bo of Bulan, Sorsogon, for (1) serious misconduct in office, (2) harassment and oppression and (3) acts prejudicial to the public interest. The case was investigated by the Presiding Judge of the Court of First Instance of Sorsogon.

With respect to the charge of serious misconduct in office, complainant Catalina Guban alleges that in 1940 she mortgaged to Eulogio Santos a six-hectare parcel of agricultural land situated at Barrio Jamorawon, Bulan, Sorsogon, to guarantee a loan of P400. Her offer to redeem the property was refused by the mortgagee and, upon his death, the same attitude was entertained by his heirs. She decided then to complain to respondent judge whom she believed could settle the case out of court. Contrary to her expectations, and in spite of her plea to respondent to call the heirs of the mortgagee to a conference, he advised her to file a complaint, volunteering to act as lawyer. He further told her that the land could be redeemed even during the pendency of the case by depositing with the court the repurchase price of the land in the amount of P400. After complainant had given to respondent the said amount, nothing more was heard of the result of the consignment until about eight months thereafter when she learned that he did not deposit the money, which was misapplied for his own personal benefit.

Respondent denied having volunteered to act as the lawyer of the complainant. However, he admitted having prepared on February 1, 1967, the complaint for "Redemption of Mortgage with Petition for Consignation" which he gave to the complainant the same day. The complaint was filed only on February 27, 1967, by her daughter, Mrs. Josefina Montemayor, after the latter's husband, Dr. Montemayor, was given the "go signal" by his father who had sought the opinion in writing of a certain Attorney Pastor regarding the legal aspects of the case. If respondent was interested in handling the case, he could have taken charge of the filing of the complaint in court. Taking into account this circumstance, as well as the testimony of Salvacion Guban de Golpo (a cousin of complainant who was present at the time the case was being taken up with respondent), to the effect that respondent never offered to act as complainant's lawyer, the allegation ascribing to him a shyster's conduct is clearly without basis.

As to the amount of P400 intended to be deposited with the clerk of court to effect the redemption of the land, respondent likewise admits having received it for said purpose. He explains, however, that he did not see any immediate need of depositing the amount with the court because he was still exploring the possibility of an amicable settlement of the case which was then in the pre-trial stage, and that there was no order of the court yet to consign to it the money.