

**[ ADMINISTRATIVE ORDER NO. 191, November  
18, 1969 ]**

**REMOVING MR. CEZAR ZAYAS FROM OFFICE AS MUNICIPAL  
JUDGE OF LUGAIT, MISAMIS ORIENTAL**

This is an administrative case against Municipal Judge Cezar Zayas of Lugait, Misamis Oriental, filed by Provincial Fiscal Maximo G. Rodriguez of the same province for dishonesty, oppression, notoriously disgraceful conduct in office and incompetence. The case was formally investigated by District Judge Eduardo de G. Montenegro of the Court of First Instance of Misamis Oriental.

The complaint alleges that in the evening (8 p.m.) of December 28, 1967, respondent judge, in connivance with a certain BIR agent, Mario Edmilao, and an unidentified person from the NBI office in Iligan City, and with criminal intent to extort P2,000 from Lu Suy alias Sulpicio Lim, a Chinese national, commanded Patrolman Cleto Namatay of the Lugait police force to bring him to his house; that when the Chinese arrived in respondent's house, the person who introduced himself as an NBI agent demanded in the presence of respondent and BIR agent Edmilao, that he give the amount of P2,000 previously asked. from him by NBI agent Servillano Mamauag Jr. of the Iligan NBI sub-office as consideration for the dropping of a projected criminal case against him for illegal use of an alias; and that Lu Suy did not accede to the demand but was, however, compelled by Agent Edmilao to pay P20 for the hire of a car used by said NBI agent and Edmilao from Iligan City to Lugait.

On the following day (December 29, 1967), respondent caused, the filing of Criminal Case No. 166 (for using unregistered alias name) against Lu Suy after he and his co-conspirators failed to extort P2,000 from him on the mere strength of Edmilao's affidavit subscribed and sworn to before NBI agent Mamauag Jr. on December 6, 1967, without first conducting searching questions and answers of the witnesses as required by Section 89 of the Judiciary Act of 1948, as amended by Republic Act No. 3328, and upon realizing his mistake respondent corrected the error by requiring the same witness (Mario Edmilao) to execute another affidavit on January 3, 1968, or five (5) days after the complaint was filed.

Respondent then docketed the criminal complaint against Lu Suy in bad faith and in gross ignorance of the provisions of Commonwealth Act No. 142, otherwise known as the Anti-Alias Law, and in disregard of the decision of the Supreme Court in *People vs. Uy Jui Po* (G.R. No. L-11489, Dec. 23, 1957) because the allegations in the complaint do not constitute the offense as defined and penalized by said Act.

After going over the records of the case, I agree with the findings of the Investigating Judge and the Secretary of Justice that respondent's alleged connivance with BIR agent Edmilao and the unnamed NBI agent to extort P2,000 from Lu Suy has not been substantiated, it appearing that the attempted extortion