

**[ ADMINISTRATIVE ORDER NO. 185, November  
13, 1969 ]**

**SUSPENDING MR. MANUEL JAVELONA FROM OFFICE AS JUDGE  
OF BAGO CITY**

This is an administrative case against City Judge Manuel Javelona of Bago City filed by Avelina Limson. It arose from Criminal Case No. 729 of the Municipal Court of Pulupandan, Negros Occidental, decided by the respondent while acting as municipal judge of said court in the absence of the regular incumbent. Respondent was then Municipal Judge of Bago before its conversion into a chartered city.

On the night of February 6, 1964, complainant Avelina Limson, a fourth-year student in the University of Negros Occidental, Bacolod City, was attacked by one Ruperto Gascon while on her way home from school. A criminal case for less serious physical injuries was filed by the Chief of Police of Pulupandan against Gascon (Exh. "A-1") grounded on a medical certificate issued on February 25, 1964, by Dr. Angela Fuentebella, stating that Miss Limson's injuries would take about 20 days to heal. After her discharge from the hospital, Miss Limson filed another complaint against her assailant for robbery with serious physical injuries in the same court (Exh. "A-4"), alleging further that she was robbed of P500 when she was attacked. This second complaint which was signed by the offended party, bore the same docket number as the original one. Attached to her complaint was another medical certificate issued on March 24, 1964, by the same physician which stated that Miss Limson was treated of her injuries for more than 30 days.

On April 17, 1964, the accused waived his right to the preliminary investigation under the second complaint, and the case was remanded to the Court of First Instance of Negros Occidental where it was docketed as Criminal Case No. 8470.

Upon review of the record of the case and finding no evidence to support the robbery charge, the Assistant Provincial Fiscal moved that the case "be remanded to the court of origin for trial on the charge of serious physical injuries only (Exh. "A-10"). The Court of First Instance accordingly issued an order remanding the case to the Municipal Court of Pulupandan for trial on the merits after the charge shall have been amended (Exh. "A-11").

On July 3, 1964, the respondent, then acting as Municipal Judge of Pulupandan, called the case for hearing. The accused entered a plea of guilty and respondent sentenced him to 20 days' imprisonment (Exh. "A-9"). It turned out, however, that the charge to which the accused was allowed to plead guilty was the original charge for less serious physical injuries filed by the chief of police and not the second charge for serious physical injuries.

The respondent explained that he sentenced the accused to 20 days' imprisonment upon his plea of guilty for less serious physical injuries because the police chief told