

**[ADMINISTRATIVE ORDER NO. 150, November
26, 1968]**

**SUSPENDING MR. JOSE B. BARRAMEDA FROM OFFICE AS
MUNICIPAL JUDGE OF BAAO, CAMARINES SUR**

This is an administrative case filed by Mr. Francisco Bulalacao against Municipal Judge Jose B. Barrameda of Baao, Camarines Sur, for irregular actuations in several criminal cases filed in his court, which was formally investigated by the Executive Judge of the Court of First Instance of Camarines Sur.

Complainant alleges that in Criminal Case No. 983 (for murder) respondent (a) allowed the former's inclusion as coaccused therein on the basis of hearsay; (b) denied him bail; and (c) delayed the remanding of the case after preliminary investigation.

In his defense respondent admits that he ordered complainant's inclusion as coaccused in the criminal case after being implicated by two witnesses in their sworn affidavits; that he denied bail to complainant, the crime of murder being a capital offense; and that he remanded the case to "the Court of First Instance of Camarines Sur next day after complainant waived his right to preliminary investigation.

Respondent's defense is tenable. Although respondent failed to conduct the preliminary investigation before ordering the arrest of complainant, the records show that the affidavits of the two witnesses were sworn to before him and that on the basis of his preliminary inquiry he issued two orders, one amending the complaint to include complainant and another issuing a warrant for his arrest.

As to the second charge, complainant claims that respondent was partial to the accused in Criminal Case No. 977 of his court when he prevailed upon the offended party to withdraw the case and fixed the bail of the accused at a low amount.

Respondent's explanation regarding his actuation in the aforesaid criminal case is satisfactory, it appearing that the offended party, after conferring with his counsel, withdrew the case because of the counter-criminal charge filed by the father of the accused and for fear that he would be arrested for failure to post the necessary bail. The withdrawal also appears to be in order, considering the close relationship of the parties, the wife of the offended party being the sister of the accused. Likewise, respondent was justified in ordering the amendment of the complaint and fixing the amount of the bail at P600 as a result of his preliminary inquiry that the offense actually committed was not attempted murder but only physical injuries.

Complainant finally alleges that in several criminal cases respondent required from the accused the additional cash amount of P20, aside from the regular bail bond, before releasing them.