

[ADMINISTRATIVE ORDER NO. 107-A, March 05, 1955]

REMOVING MR. RIZAL S. KATALBAS FROM OFFICE AS JUSTICE OF THE PEACE OF SAGAY, NEGROS OCCIDENTAL.

This is an administrative case against Justice of the Peace Rizal S. Katalbas of Sagay, Negros Occidental, for allegedly (1) deciding the case of a relative and (2) not giving the other party his day in court, which was investigated by the District Judge. It is the offshoot of Civil Case No. 74 filed in respondent's court by Alfredo de Leon, his brother-in-law, against Florentino Zaldavia, complainant herein, for recovery of personal property and damages.

The record discloses that on September 19, 1953, after several postponements requested by complainant herein, the plaintiff in said civil case presented his evidence, after which the hearing was postponed until December 11th. On this date complainant again asked for postponement because his new lawyer was not present. On December 23, 1953, the date set for resumption of trial, complainant's lawyer asked that the case be postponed for the last time until January 5, 1954. Neither complainant nor his counsel appeared on the day set. On January 14, 1954, respondent rendered his decision for plaintiff.

Although it may be true that complainant did not know of the result of the petition for postponement made by his counsel on December 23, 1953, as he was not present in court, yet his counsel who was in court knew that, as a result of his (counsel's) petition, the trial was postponed for the last time until January 5, 1954. Knowledge of the lawyer of such postponement was sufficient, and it was not necessary for the respondent to notify the former's client thereof. Under the circumstances, respondent was justified in considering the case as submitted after the defendant and his counsel failed to appear on January 5, 1954. He is therefore cleared of the second charge.

As to the first charge, respondent's legal disqualification to sit in his brother-in-law's case was clear. If he really believed that, under the Rules of Court, he could inhibit himself from trying said case only on motion of one of the parties, it is strange that he did not suggest to the defendant to initiate such move. As a lawyer, the respondent knew or ought to have known the utter impropriety of his taking cognizance of the case in view of his close relationship to one of the parties therein. If he did not know these elementary principles, then he was guilty of gross ignorance to the point of being a menace to the administration of justice as a judge. He ought to have known that for lesser reason not amounting to disqualification, judges have refrained from trying cases in which their impartiality may be put in doubt.

In view of the foregoing, and upon the recommendation of the Secretary of Justice, Mr. Rizal S. Katalbas is hereby removed for cause from his position as justice of the peace of Sagay, Negros Occidental, effective upon receipt of notice hereof.