

[ADMINISTRATIVE ORDER NO. 31, March 31, 1947]

REQUIRING MR. VICENTE BAUTISTA, JUDGE OF THE MUNICIPAL COURT, BRANCH III, OF THE CITY OF MANILA, TO RESIGN

This is an administrative case against Mr. Vicente Bautista, Judge of the Municipal Court, Branch III, of the City of Manila, who stands charged with the following irregularities in the performance of his duties: (1) that he holds sessions only once or twice a week; (2) that he sets many cases, criminal and civil, for hearing but only a few are actually tried, and on the following day, many of the cases not heard are already decided; (3) that he sentences accused without giving them opportunity to answer the complaint or information; (4) that he authorizes his clerk to impose fines for violation of traffic regulations; and (5) that this clerk signs warrants for arrest or search warrants without taking the declaration under oath of the peace officers applying for said writs.

After investigation, the Secretary of Justice found only charges Nos. 1, 4 and 5 proven, and recommended that respondent judge be required to resign from office with prejudice to reinstatement. After carefully going over the record, I concur in the findings of the Secretary of Justice that charges Nos. 2 and 3 have not been substantiated.

As regards charge No. 1, the evidence establishes the fact that respondent judge, to the prejudice of the Government and the public, spent much official time outside of his office to attend to purely personal interests without even applying for leave of absence.

With respect to charge No. 4, it is clear that the respondent authorized Francisco Piamonte, general docket clerk of his court, to impose fines in traffic violation cases where the defendants were ready to plead guilty and to pay a fine of ten pesos for each violation. Respondent attempted to justify his conduct by claiming that he had observed that many persons accused of violation of traffic regulations who were willing to plead guilty and pay the minimum fine, waited for him from 8:00 o'clock in the morning until noon time when he would be through with the court session; and to avoid delay, he instructed Francisco Piamonte to attend to them so that they could pay their fines without his intervention. This action of the respondent constitutes a clear delegation of judicial functions which is totally repugnant and reprehensible. Undoubtedly, those who have come to learn of his irregular practice have lost their respect for his court because only a mere clerk thereof, instead of the judge who was chosen for his legal and personal qualifications to preside the same, sits in judgment over those charged with traffic violations.

With respect to charge No. 5, it appears that respondent illegally issued fifty blank search warrants upon request of an officer of the Manila Police Department and on the mere assurance by third parties that the Secretary of Justice had sanctioned