

**[ADMINISTRATIVE ORDER NO. 168, December
22, 1941]**

**REQUIRING JUSTICE OF THE PEACE VICTORIANO D. AZAÑA OF
LAGONUY, SAN JOSE AND GOA, PROVINCE OF CAMARINES SUR,
TO RESIGN HIS OFFICE FOR CAUSE**

This is an administrative case against Victoriano D. Azaña, Justice of the Peace of Lagonoy, San Jose and Goa, Province of Camarines Sur, who is charged with partiality and ignorance.

In a case for grave defamation filed in his court at Lagonoy against the wife of the municipal mayor thereof, the respondent did not set the case for preliminary investigation until after four months from the date of the filing of the compliant. It is alleged that the respondent delayed the preliminary investigation for the purpose of enabling the municipal mayor to "fix" the witnesses of the prosecution. Besides the witnesses who testified to this effect, the complainant presented a note (Exhibit "G"), supposed to have been written by the mayor, requesting "his compadre" advise an important witness not to testify against the accused. It is insisted that the note was directed to the respondent, who admits to be a compadre of the mayor.

The respondent explains that the delay was due to the congestion of cases in his court at Lagonoy as well as in his other courts. This defense, however, finds no support in the evidence of record which, on the contrary, shows that he heard cases subsequently filed in the justice of the peace court of Lagonoy. The respondent has therefore willfully defaulted in the performance of official duties, and his default has impaired the prompt administration of justice.

The respondent is also guilty of the charge of ignorance. The evidence shows that in a criminal case for theft filed in the respondent's court at Goa, the defendant was acquitted, but was, however, ordered to indemnify the complaining witness. Likewise, in a gambling case filed in his court at Tigaon, the respondent acquitted the defendants, but ordered the confiscation of the gambling paraphernalia, consisting of money and other objects. These orders of indemnification and confiscation could only be the result of ignorance of the law as they are obviously inconsistent with orders of acquittal.

I repeat here my firm determination to weed the judiciary of undesirables to the end that the standard of the bench might be raised to the highest level both intellectually and morally. By his actuations in the cases above-mentioned, the respondent has shown that he is grossly unfit to hold any position of trust and responsibility and his continuance in office will seriously undermine public confidence in our courts of justice.

In view of the foregoing, the respondent, Victoriano D. Azaña, is hereby required to resign as Justice of the Peace of the municipalities of Lagonoy, San Jose and Goa,