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MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 236

REQUIRING JUDGE PASCUAL SANTOS OF THE COURT OF FIRST INSTANCE OF
MASBATE TO RESIGN.

This is an administrative case filed by the Solicitor General against Judge Pascual Santos of the Court of First Instance of Masbate for serious misconduct and inefficiency in office for allegedly (1) submitting monthly statements, required for the collection of his salary, falsely certifying that all proceedings, applications, petitions, motions and cases of all kinds, submitted for decision or determination for a period of 90 days or more, had been determined and decided and (2) approving and signing false monthly reports of his clerk of court that respondent had no cases pending decision for 90 days or more. The charges were investigated by Justice Querube C. Makalintal of the Court of Appeals.

The investigation discloses that, contrary to respondent's certificate in his monthly statements for the period from May 1953 to May 1954 that all cases submitted 90 days or more prior to the date of each certification had been determined and decided by him, he had during said period several cases pending decision for over 90 days, to wit: Civil Cases Nos. 140 and 142 and Criminal Cases Nos. 1375 and 1409 for May and June 1953; same cases, supra, and Civil Case No. 427 for July and August 1953; Civil Cases Nos. 140, 142, 427 and 432 for September, October and November 1953; same four civil cases, supra, and Civil Cases nos. 299, 300 and 461 and Criminal Case No. 1479 for December 1953 and January 1954; Civil Cases Nos. 140, 142, 299, 300 and 461 and Criminal Case No. 1479 for February 1954; same first five cases, supra, for March 1954; same first five cases, supra, and Criminal Case No. 1446 for April 1954; and Civil Cases Nos. 142, 299, 300 and 461 and Criminal Case No. 1446 for May 1954.

Respondent claimed that during the period in question he stayed continuously in Masbate whereas his wife resided in Manila; that to enable her to collect his salary he executed a power of attorney in her favor and caused to be prepared and signed, simultaneously and in advance, certificates of work completed by him (New Judicial Form No. 86), and then forwarded the postdated certificates to Mrs. Santos in Manila prior to the months to which the certificates referred; that she filed the certificates with the Department of Justice at the end of the respective months in order to collect his salary; that every time she was informed that respondent had cases pending decision for more than 90 days she refrained from receiving or cashing respondent's salary warrant; and that when respondent came to know

that he had cases pending decision for over 90 days he instructed his wife not to collect his salary, as in fact he did not collect his salary for the month of July 1954.

I find respondent's explanation unsatisfactory. As observed by the Supreme Court, there is no evidence that he advised Mrs. Santos at any time between May 1953 and May 1954 to refrain from either filing his said certificates of work done or collecting his salary. The fact that she filed those certificates and collected his salary for said period indicates that she had received no such advice from the respondent. Hence the first count has been duly proven as found by the investigator and the Supreme Court.

As regards the second count, it is not disputed that respondent approved and signed the monthly reports of his clerk of court for March, July, August and November of 1953 and January, February, April and July of 1954 and that the column in said reports bearing the caption "VII. Number of cases pending at the end of the month," was completely blank, except in the report for March 1953, which implied that there were no cases pending decision at the end of the months above mentioned.

Respondent explained that he approved and signed said reports as a matter of routine, without checking the same and not knowing that they carried a statement that there were no cases pending decision by him. The explanation is not satisfactory because it required no detailed scrutiny to see whether or not there were entries in the different columns of the report, particularly in that calling for a statement of the number of cases pending decision at the time of the preparation of such reports. He must have been aware that he had cases long submitted and still undecided. At a glance he should know that the absence of any entry to that effect, indicating that there were no such cases, was misleading and erroneous.

In his report the investigator invites attention to the circumstances that respondent was laboring under the handicap of having only one stenographer, so much so that sometimes he had to prepare drafts of his decisions in longhand; that he has been suffering from chronic high blood pressure since 1952, in view of which he has been advised by his physician to refrain from heavy mental exertion; that except for the specific instances involved in this case, he has shown marked efficiency and has even been commended by the press for being one of the ten judges of first instance having proportionately the greatest number of decisions affirmed by the appellate courts from 1951 to 1953; and that, on the other hand, the fact that he was able to turn out such commendable work, both in volume and quality, would seem to neutralize his plea that the delay in the disposition of the cases subject of this investigation was due to the state of his health

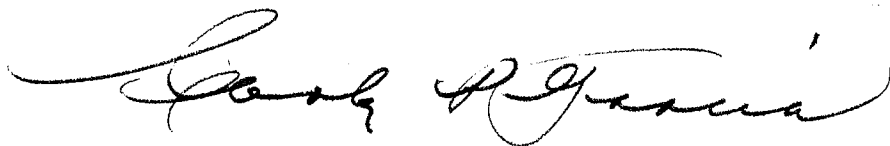
and to his having only one stenographer.

After a careful consideration of the above circumstances, I agree with the Supreme Court that respondent was still grossly negligent in approving and signing the reports of his clerk of court. What is worse, in signing and sending advanced certificates of work completed which obviously did not reflect the truth, respondent showed, as observed by the court, serious disregard not only of the truth but also of the veracity that should characterize official records. The gravity of his acts is not minimized by his allegation that every time Mrs. Santos was informed that the respondent had cases pending decision for more than 90 days she refrained from receiving or cashing his salary warrant. Indeed, the fact that she cashed respondent's salary warrants for the period from May 1953 to May 1954 shows that respondent had not informed her of the pendency of the cases above referred to, thus sanctioning the filing of the false certificates in question.

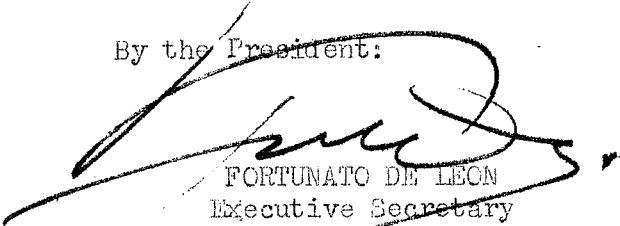
In view of the foregoing, and it appearing that the respondent has already been warned previously by the Supreme Court for reprehensible acts, I am constrained to take drastic action against him in the interest of the public service.

WHEREFORE, and upon the recommendation of the Supreme Court, Judge Pascual Santos is hereby required to tender his resignation within five days from receipt of copy hereof. Should he fail to do so, he would be considered removed from office effective on the day following the expiration of said period.

Done in the City of Manila, this 29th day of March ,
in the year of Our Lord, nineteen hundred and fifty-seven, and of
the Independence of the Philippines, the eleventh.



By the President:



FORTUNATO DE LEON
Executive Secretary