

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER NO. 363 3

CONSIDERING MR. ANTONIO V. VALDEZ RESIGNED FROM OFFICE AS JUSTICE
OF THE PEACE OF IVISAN, CAPIZ.

This is an administrative case against Mr. Antonio V. Valdez, justice of the peace of Ivisan, Capiz, who is charged with gross ignorance of the law, extortion, abuse of authority, partisanship, lack of residence in his jurisdiction and having numerous relatives in Ivisan who constitute a major deterrent to his impartial administration of justice therein. The charges were investigated by the District Judge who recommends respondent's exoneration.

The Secretary of Justice agrees with the investigating Judge that the evidence is insufficient to prove the charges but differs from his recommendation in view of the facts established under the charge of gross ignorance of the law and the decision in the administrative case of another justice of the peace.

It appears that in Civil Case No. 50 of respondent's court the defendant, complainant herein, is his maternal uncle, being the brother of his mother. Despite this close relationship, respondent did not disqualify himself, contending that he was not bound to do so as no objection was raised by any of the parties to his competence to act on the case. Besides, he decided the case against his relative.

Respondent's contention, which is upheld by the District Judge, is not well taken, considering the absolute nature of his disqualification under Section 1 of Rule 126 of the Rules of Court. At least he should have suggested to the defendant to initiate such move. His failure to voluntarily disqualify himself adversely affected his fitness for office (33 C.J. 945). The following passage in the decision in the case against Justice of the Peace Rizal S. Katalbas of Sagay, Negros Occidental, invoked by the Secretary of Justice, is in point:

"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." (Adm. Ord. No. 107-A dated March 5, 1955.)

Respondent's violation of duty being clear, it is no defense that he decided the case against his relative or that his decision is correct. As held in the same Katalbas case:


"Respondent-petitioner's violation of duty being clear, it is no defense that his decision in the case was correct or that no objection was made to his trying it. These circumstances may be considered only in mitigation of the offense, as is the fact that, as now contended by him, he committed an error in good faith." (Adm. Ord. No. 146 dated Oct. 24, 1955, modifying Adm. Ord. No. 107-A dated March 5, 1955, supra.)

In view of the foregoing, and in line with the recommendation of the Secretary of Justice, Mr. Antonio V. Valdez is hereby considered resigned from office as justice of the peace of Ivisan, Capiz, without prejudice to receiving whatever gratuities and privileges he may be entitled to under the law.

Done in the City of Manila, this ^{31st} day of ^{July} ~~one~~ July, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the ~~sixteenth~~.



By the President:



NATALIO P. CASTILLO
Executive Secretary