

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 150

SUSPENDING MR. JOSE B. BARRAMEDA FROM OFFICE AS MUNICIPAL  
JUDGE OF BAAO, CAMARINES SUR.

This is an administrative case filed by Mr. Francisco Bulalacao against Municipal Judge Jose B. Barrameda of Baa0, Camarines Sur, for irregular actuations in several criminal cases filed in his court, which was formally investigated by the Executive Judge of the Court of First Instance of Camarines Sur.

Complainant alleges that in Criminal Case No. 983 (for murder) respondent (a) allowed the former's inclusion as coaccused therein on the basis of hearsay; (b) denied him bail; and (c) delayed the remanding of the case after preliminary investigation.

In his defense respondent admits that he ordered complainant's inclusion as coaccused in the criminal case after being implicated by two witnesses in their sworn affidavits; that he denied bail to complainant, the crime of murder being a capital offense; and that he remanded the case to the Court of First Instance of Camarines Sur the next day after complainant waived his right to preliminary investigation.

Respondent's defense is tenable. Although respondent failed to conduct the preliminary investigation before ordering the arrest of complainant, the records show that the affidavits of the two witnesses were sworn to before him and that on the basis of his preliminary inquiry he issued two orders, one amending the complaint to include complainant and another issuing a warrant for his arrest.

As to the second charge, complainant claims that respondent was partial to the accused in Criminal Case No. 977 of his court when he prevailed upon the offended party to withdraw the case and fixed the bail of the accused at a low amount.

Respondent's explanation regarding his actuation in the aforesaid criminal case is satisfactory, it appearing that the offended party, after conferring with his counsel, withdrew the case because of the counter-criminal charge filed by the father of the accused and for fear that he would be arrested for failure to post the necessary bail. The withdrawal also appears to be in order, considering the close relationship of the parties, the wife of the offended party being the sister of the accused. Likewise, respondent was justified in ordering the amendment of the complaint and fixing the amount of the bail at ₱600 as a result of his preliminary inquiry that the offense actually committed was not attempted murder but only physical injuries.

Complainant finally alleges that in several criminal cases, respondent required from the accused the additional cash amount of ₱20, aside from the regular bail bond, before releasing them.

Respondent claims having acted in good faith in requiring the accused in some cases to put up ₱20 as cash deposit in addition to the property bond offered as bail to protect the government from possible losses when taxes are not paid on the land offered as surety in the bail bond, when the bondsmen are not the registered owners of the property or when the accused jumps bail in connivance with the bondsmen. Respondent also claims that said amount was duly deposited with and receipted for by the municipal treasurer and then refunded to the accused after the termination of the cases in favor of the accused.

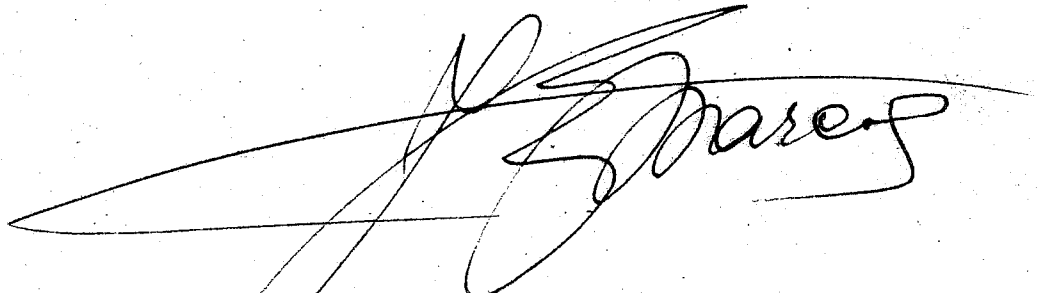
To justify his actuation in requiring cash deposit, respondent cites Section 10, Rule 110, of the old Rules of Court. Said section, however, does not authorize him to require a cash deposit in determining the solvency of the sureties. On the contrary, said section empowers him to examine the sureties under oath and if he is not satisfied as to their solvency he could require that the accused present other solvent sureties for the approval of the bail bond. So that once respondent has approved the bail bond, he could not require anything else for the release of the accused (Sec. 11, Rule 110, old Rules of Court). Although the additional cash amount required by respondent was called a cash bond, it is not that provided for in Section 14 of

said Rule, which refers to the deposit in cash of the whole amount stated in the order fixing bail, in lieu of the surety bond.

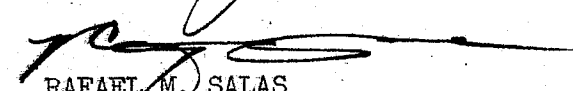
It is therefore clear that respondent acted arbitrarily in requiring the cash deposit to the prejudice of the accused whose release from confinement was delayed by such requirement. As aptly stated by the Secretary of Justice "his [respondent's] good faith in seeking to protect the interest of the government is not sufficient to exempt him from administrative liability, considering that, for the good of the service, respondent and other judges should be impressed with the need for keeping their actuations within bounds of the law."

Wherefore, and upon recommendation of the Investigating Judge and the Secretary of Justice, Municipal Judge Jose B. Barrameda is hereby suspended from office for one (1) month without pay, effective upon receipt of a copy of this order. He is further warned that a repetition of similar irregularity will be dealt with more severely.

Done in the City of Manila, this 26<sup>th</sup> day of November, in the year of Our Lord, nineteen hundred and sixty-eight.



By the President:



RAFAEL M. SALAS  
Executive Secretary