

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 99

SUSPENDING FROM OFFICE DISTRICT JUDGE GAUDENCIO CLORIBEL OF MANILA PENDING INVESTIGATION OF ADMINISTRATIVE CHARGES AGAINST HIM

In Administrative Case No. 121-J, entitled, "SECRETARY OF JUSTICE, Complainant, versus JUDGE GAUDENCIO CLORIBEL, Respondent," the Respondent is charged with serious misconduct and incompetence or inefficiency on seven (7) counts, namely:

(1) That in thirty-seven (37) specified cases, he approved bonds submitted by bonding companies without the initial thereon of the Clerk of Court, attesting to his having verified that the company offering the bond had submitted its monthly statement of assets and liabilities and has no pending obligations to the Court in any amount, on account of unsatisfied execution upon its bonds, as required in a resolution of the Judges of First Instance of Manila;

(2) That in twelve (12) of said cases, Respondent approved said bonds even before the corresponding informations had been filed in court;

(3) That in six (6) specified cases, Respondent approved the bonds "in amounts less than those recommended in the information by the Fiscal" and "without any order from any Judge of the Court reducing the bail to the reduced amount;"

(4) That in nine (9) specified cases, Respondent approved the bail bonds posted by the accused in criminal cases "assigned by raffle to other branches of the Court of First Instance of Manila;"

(5) That in twenty-one (21) specified cases, Respondent issued injunctions restraining the Commissioner of Immigration from arresting and/or requiring certain aliens to leave the country and from confiscating the cash bonds posted in their behalf, under conditions so repugnant to the letter and the spirit of the law as to induce the Supreme Court to censure him in G.R. No. L-23239, decided on November 23, 1966;

(6) That in forty-five (45) specified cases, Respondent had, indiscriminately and contrary to well-settled principles of law, issued ex parte writs of preliminary injunction and/or restraining orders in utter disregard of Canon 15 of the Canons of Judicial Ethics, enjoining Judges "to discourage ex parte hearings of applications for injunctions;" and

(7) That in Commissioner of Immigration vs. Cloribel, G.R. No. L-24139, the Supreme Court had, in a resolution dated August 31, 1967, found Respondent guilty of contempt of said Court, and sentenced him to pay a fine of ₱100.00, for deciding Civil Cases Nos. 58624 and 58782 of the Court of First Instance of Manila, "in open defiance of the directive" contained in a writ of preliminary injunction issued against him on February 10, 1965.

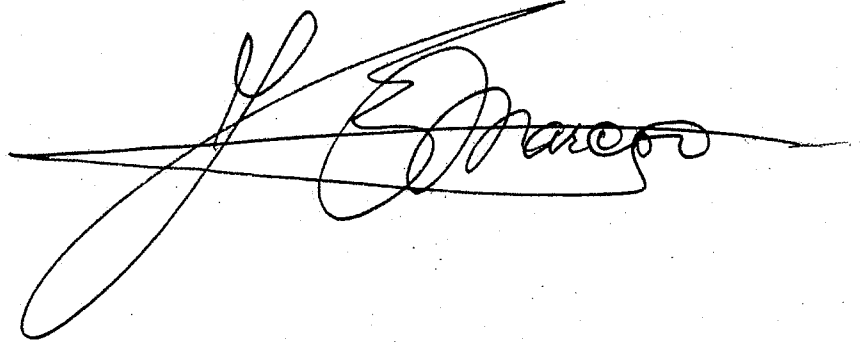
In the same complaint, the Secretary of Justice suggested to the Supreme Court that pending investigation of the charges, the suspension of Respondent be recommended to the President of the Philippines.

The Respondent filed his answer with opposition to his preventive suspension and upon consideration thereof, the Supreme Court, in its resolution dated January 4, 1968, noted that the allegations of facts made in the complaint have been substantially admitted by the Respondent in his answer, and that Respondent merely tried to justify the performance of the acts imputed to him. The Supreme Court noted that Respondent decided two cases of the Court of First Instance of Manila "in open defiance of the directive to the contrary" contained in a writ of preliminary injunction issued by it in Case No. L-24139, and that it had censured him in Case No. L-23239 "because he had pursued thereon a practice we have repeatedly rejected and condemned in many cases disposed of by him prior thereto, so that he must have been aware of the repudiation of his previous acts by the Supreme Court." It has pointed out that "adherence to the Rule of Law which, to a considerable extent, is dependent upon the people's faith in the Courts of Justice and the members of the Judiciary, is of greater and paramount importance," especially when the serious charges filed are based on public records, the contents of which cannot be and are not contested. The Supreme Court, noting further that in view of the seriousness of the charges, and that the nature of the defense set up by the Respondent being such that its success or failure would, in all probability, depend upon the testimonial evidence of court officers and employees, of public prosecutors and private practitioners, and of parties to litigations, who would be under his authority, were he to continue in the discharge of his functions, has recommended the

Respondent's suspension as a matter of imperative necessity.

WHEREFORE, as recommended by the Supreme Court and pursuant to the provisions of Section 67 of the Judiciary Act of 1948, as amended, the Honorable GAUDENCIO CLORIBEL, District Judge of Manila, is hereby suspended from office effective upon his receipt of a copy of this Order, pending investigation of the charges against him.

Done in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and sixty-eight.



By the President:



RAFAEL M. SALAS
Executive Secretary