

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 169

IMPOSING A FINE ON MUNICIPAL JUDGE JOSE M. GURAY OF LUNA, LA UNION.

This is an administrative case against Municipal Judge Jose M. Guray of Luna, La Union, for abuse of discretion and dereliction of duty, filed by former Municipal Mayor Augusto R. Zambrano of the same town. The case was investigated by the District Judge who found respondent guilty of dereliction of duty.

The records show that by virtue of a complaint filed on September 1, 1964, charging Augusto Zambrano and others with malversation of public funds, respondent issued on the same day a warrant for the arrest of the accused. Despite a certification by the District Judge for service outside the province, as accused Zambrano was residing and working in Manila, the warrant was not served on him until December 24, 1964, when he went home to Luna to visit a dying relative and to spend Christmas with other relatives. Immediately he was detained in the municipal building. A bail bond for his release was promptly prepared, but it could not be approved because respondent resided in San Fernando, La Union, which is about forty kilometers from his station.

Upon receipt of the bail bond the next morning, in his residence, respondent refused to act on the same, as it was a holiday (Christmas), despite pleas made to him. However, on December 26, he approved the bond, and only then was Zambrano ordered released.

According to respondent, he did not approve the bond when it was first presented for being defective. If that were so, why did he approve it without any modification when it was again presented on December 26? This only goes to show that his refusal to act on the bond when first presented was because it was a holiday.

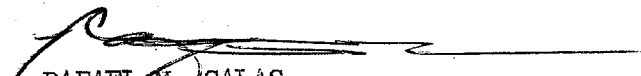
Respondent is therefore guilty as charged. Considering, however, his long and satisfactory service in the judicial branch of the Government coupled with the findings of the investigating Judge that his refusal to approve the bail bond when first presented to him on Christmas day was not done in bad faith nor politically motivated, he may be accorded some measure of leniency.

Wherefore, Municipal Judge Jose M. Guray is hereby imposed a fine equivalent to one month's salary, with a warning that repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 25th day of March ,
in the year of Our Lord, nineteen hundred and sixty-nine.



By the President:



RAFAEL M. SALAS
Executive Secretary