

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 308

EXONERATING MUNICIPAL JUDGE CATALINA F. MONTERROYO OF SAN
REMIGIO, CEBU.

This is an administrative case filed against Municipal Judge Catalina F. Monterroyo of San Remigio, Cebu, by Zenon Lirasan for grave abuse of discretion, oppression and ignorance of the law. The case was formally investigated by Executive Judge Guillermo P. Villasor of the Court of First Instance of Cebu who found respondent not guilty of the charges and recommended her exoneration, in which the Secretary of Justice concurs.

The charges stemmed from Criminal Case No. 868 charging complainant, then a policeman, with slight physical injuries in a complaint filed by the chief of police in the municipal court of San Remigio, Cebu, on August 1, 1967. As a result of the filing of the case, herein complainant was suspended from office pending final disposition thereof by the court.

As regards the charges of grave abuse of discretion and oppression, complainant alleges that he was denied by respondent speedy trial by delaying for five (5) months the trial of Criminal Case No. 868, contrary to the injunction in Republic Act No. 4864 (Police Act of 1966) requiring that the trial and disposition of criminal cases against members of the police force shall be accorded priority by the courts. She likewise allegedly transgressed Section 8, Rule 5 of the New Rules of Court, which forbids adjournment of hearings for a longer period than five (5) days for each adjournment, nor more than fifteen (15) days in all. It is further alleged that she so acted because Atty. Gerardo M. S. Pepito, private prosecutor in said case, was the mayoralty candidate and running mate of her husband under the LP banner during the 1967 local elections, while complainant was appointed policeman by the incumbent mayor; and that by reason of such political alignment, respondent had displayed undue interest in the case by denying his motion to dismiss it.

The record discloses that the case was filed with respondent's court on August 1, 1967 (Exh. "A"). Arraignment and hearing were set on August 23 and 24, 1967, which were postponed to September 17, 1967, upon joint motion of Atty. Teodoro Cabilan, counsel for the accused, and the private prosecutor. However, pursuant to the manifestation of Atty. Cabilan that he was going

to Manila to attend to urgent personal matters, respondent set the case for hearing on October 13 and 14, 1967. In said dates the trial was again postponed upon petition of the private prosecutor, with the conformity of counsel for the accused, because he had to appear in Civil Case No. 3833 in Davao City. Again, the case was set for hearing on November 21 and 22, 1967, which had to be postponed for failure of the private prosecutor to receive properly the notice thereof. On January 8, 9 and 10, 1968, hearings were held but had to be adjourned upon request of Atty. Cabilan, as one of his material witnesses was not available. The case was finally decided by respondent on February 22, 1968.

After a careful review of the case, I agree with the findings of the District Judge-Investigator, concurred in by the Secretary of Justice, that respondent is not guilty of the charges. In granting postponements in Criminal Case No. 868, respondent reasonably exercised her discretion, which was not inconsistent with the ends of justice and the right of herein complainant to a speedy trial.

Anent the charge that respondent showed undue interest in the case by not disqualifying herself, suffice it to state that the relationship between her and Atty. Pepito brought about by the political persuasions of her husband is not a legal ground for inhibition as provided under Section 1, Rule 137 of the New Rules of Court. At any rate, respondent's husband ran for vice-mayor under the Nacionalista Party ticket and his running mate for mayor, Atty. Pepito, under the Liberal Party banner.

There is, likewise, no basis for the charge of ignorance of the law for there is no legal requirement to give notice to the private prosecutor of all proceedings in the case. Moreover, it is worth mentioning that respondent's judgment convicting the complainant was affirmed on appeal by the Court of First Instance of Cebu.

In view of the foregoing, and as recommended by the Secretary of Justice and the District Judge-Investigator, Municipal Judge Catalina F. Monterroyo of San Remigio, Cebu, is hereby exonerated from the charges.

Done in the City of Manila, this 31st day of August ,
in the year of Our Lord, nineteen hundred and seventy-one.

By the President:



ALEJANDRO MELCHOR
Executive Secretary