

[ADMINISTRATIVE ORDER NO. 264, January 01, 1971]

REMOVING MR. ANGEL S. HUERTAS FROM OFFICE AS MUNICIPAL JUDGE OF RAGAY, CAMARINES SUR

This is an administrative case filed by Dr. Diosdado Olisea against Municipal Judge Angel S. Huertas of Ragay, Camarines Sur, for (1) grave abuse of discretion, (2) ignorance of the law, (3) oppression, (4) grave misconduct in office, (5) dishonesty "amounting to moral turpitude" and (6) failure to render decisions on cases submitted for decision for more than one year.

For insufficiency of evidence, investigating District Judge Augusto L. Valencia found respondent blameless as to charges 3, 4 and 6 but guilty of the others, as specified hereunder, and recommended that he be dismissed from the service, in which the Secretary of Justice concurs.

I. Grave Abuse of Discretion

A. In *People vs. Maala and Castelo* (Criminal Case No. 633 for theft of large cattle) the respondent issued two conflicting orders in the preliminary investigation thereof. The first order (Exh. A) remanded the case for trial to the Court of First Instance as far as Castelo, who admitted the offense charged, was concerned, while the second (Exh. B) dismissed the case against Maala and Castelo because of the absence of a prima facie case. Although both orders were dated September 30, 1964, it is evident that Exhibit B was issued much later than Exhibit A, it appearing that Maala was released on October 1, 1964 (Exh. JJ), by reason of Exhibit A which declared that there was no prima facie case against him. On the other hand, Castelo remained a detention prisoner from August 22 to November 28, 1964.

Likewise, in the same case respondent prepared two sets of "Findings of Facts in the Preliminary Investigation", which were in conflict with each other. One (Exh. C) stated that both Castelo and Maala pleaded not guilty to the offense and the other (Exh. C-1), that Castelo pleaded guilty to the charge.

B. In Criminal Case No. 689 (for theft of large cattle) the respondent on January 26, 1966, sentenced the accused to imprisonment for a period of from 4 years, 2 months and 1 day to 4 years, 9 months and 10 days and to pay the costs (Exh. E). The decision was received by the accused on February 11, 1966. On February 22, 1966, the accused filed a notice of appeal, but the same was later withdrawn in a motion for new trial dated February 24, 1966. However, respondent did not conduct a new trial and instead rendered an amended decision on April 25, 1966, reducing the original penalty to 6 months and 1 day to 1 year, 1 month and 10 days plus costs (Exh. G). The records of said case do not contain the original of the amended decision.

II. Ignorance of the law