

**[ ADMINISTRATIVE ORDER NO. 192, November  
21, 1969 ]**

**SUSPENDING MR. PASCUAL S. VALERA FROM OFFICE AS  
MUNICIPAL JUDGE OF BAROTAC NUEVA, ILOILO**

This is an administrative case filed by Mr. Ireneo Panaguiton against Municipal Judge Pascual S. Valera of Barotac Nuevo, Iloilo, in connection with his decision in Criminal Case No. 209 (for damage to property thru reckless imprudence) sentencing the accused upon his plea of guilty to pay a fine of P30 plus costs without, however, taking into consideration that the damages claimed by complainant amounted to P3,000 more or less.

The facts are not disputed. When the criminal case was filed it was set by respondent for preliminary investigation. On the scheduled date the accused, with the agreement of complainant and his counsel, offered to plead guilty and to pay a fine of not more than P50, as they had already settled the matter amicably. Herein complainant, however, after more than three months following promulgation of the judgment, filed a motion to set it aside for lack of jurisdiction. Respondent denied the motion and a subsequent petition for reconsideration on the ground that the judgment had already become final.

After the instant case had been formally investigated by the District Judge, complainant in his letter of January 28, 1967, requested the Secretary of Justice that he be allowed to withdraw his complaint and to consider as dropped and closed the administrative case against respondent on the ground that he was convinced that respondent had acted in good faith in connection with his actuations in Criminal Case No. 209. The claim of good faith is nevertheless without sufficient basis because respondent admitted not only that he set the criminal case originally for preliminary investigation but that he objected to allowing the accused to plead guilty because he lacked jurisdiction to decide the case.

In view of the amount of damages alleged in the criminal complaint, the penalty of fines provided in Article 365 of the Revised Penal Code is from P3,000 to P9,000, the imposition of which falls under the jurisdiction of the Court of First Instance pursuant to Section 8 of the Judiciary Act (Republic Act No. 296. Such jurisdiction could not be assumed by respondent because jurisdiction over the subject matter in a judicial proceeding is conferred by law and in the manner prescribed by the same (U.S. vs. Dela Santa, 9 Phil. 22, 26). Neither could it be acquired by consent or acquiescence of any all of the parties or by an erroneous belief of the court that it exists (People v. Martinez, 76 Phil. 599).

As shown by the evidence, respondent allowed himself to be induced by the parties in the case to illegally assume jurisdiction and to decide it. I agree with the finding of the investigating Judge that respondent was negligent when he failed to have the criminal complaint amended in conformity with the amicable settlement of the