

[ADMINISTRATIVE ORDER NO. 55, May 16, 1967]

IMPOSING THE PENALTY OF SUSPENSION ON MR. REMIGIO M. PEÑA, MUNICIPAL JUDGE OF PONTEVEDRA, NEGROS OCCIDENTAL

This refers to three administrative cases (Nos. 70, 79 and 81) filed against Mr. Remigio M. Peña, municipal judge of Pontevedra, Negros Occidental.

Administrative Case No. 70

Respondent is charged with gross ignorance of the law and grave abuse of authority and discretion. The case was investigated by District Judge Sduardo D. Enriquez who found respondent guilty of the charges.

It appears that on the basis of a letter (Exhs. E, E-1 and Z-1) personally handed by Mrs. Manuela Ruiz Vda. de Gurrea to respondent on August 14, 1962, wherein the widow requested respondent's help in obtaining possession of a house of her late husband, Carlos Gurrea, located in Pontevedra, respondent then and there entered the letter in his docket of civil cases as Civil Case No. 273 (Exh. C) and immediately issued an order (Exhs. F and Z-2) giving the widow "the possession of the said house and its premises." On the same day the respondent issued another order (Exhs. D and Z-5) addressed to the chief of police of Pontevedra authorizing the latter to execute his order (Exhs. F and Z-2) and to place the widow in possession of the house and the premises thereof. On that same day the chief of police executed the orders of respondent and the family of herein complainant, a brother of the late Carlos Gurrea, was summarily ejected from the house which was forthwith occupied by the widow.

As correctly observed by the Investigating Judge, respondent disregarded the provisions of the law by accepting the letter of the widow as a formal complaint sufficient to initiate a civil case for ejectment, and acted arbitrarily by summarily ordering the dispossession and ejectment of the family of complainant from the house they were occupying, without any previous hearing to justify the issuance of that order.

Administrative Cases Nos. 79 and 81

These cases appear to be offshoots of Administrative Case No. 70, *supra*. Complainants are District Judges Eduardo B. Enriquez and Jose Fernandez of the Court of First Instance of Negros Occidental who have respectively charged respondent with arbitrariness, insubordination, gross ignorance of law, etc. (Adm. Case No. 79), and ignorance of the law, willful issuance of an unlawful and unjust interlocutory order, criminal tendency to violate the civil liberty of innocent persons, etc. (Adm. Case No. 81). Respondent did not controvert or deny the averments in