

[ADMINISTRATIVE ORDER NO. 216, September 11, 1956]

REMOVING MR. MANUEL L. BAROT FROM OFFICE AS JUSTICE OF THE PEACE OF TANJAY, NEGROS ORIENTAL.

This is an administrative case against Mr. Manuel L. Barot, justice of the peace of Tanjay, Negros Oriental, which arose from a complaint filed with the Presidential Complaints and Action Committee by Atty. Agustin F. Olia charging the respondent with having tried and convicted complainant's client in Criminal Case No. 686 of his court in which respondent's mother was the offended party, in violation of Section 1, Rule 126, of the Rules of Court. The case was investigated by the District Judge.

The respondent admitted the above allegations but denied that he should have disqualified himself, contending that since the accused pleaded guilty he was authorized to render judgment. He denied the claim that he had forced the accused to plead guilty.

It appears that on October 4, 1954, a complaint for estafa was filed in respondent's court against Miguel Gutib. It was alleged that Gutib had received from Victoria Barot, respondent's mother, P153.20 upon Gutib's representation that he had made 19,150 nipa shingles at the agreed rate of P0.80 per 100 shingles, when in fact he had made only 18,250 shingles, thereby defrauding the complainant in the amount of P14.40. The complaint was supported only by an affidavit of the accused himself, signed with his thumbmark and sworn to before the respondent, admitting the commission of the offense. On the same day the respondent ordered the arrest of Gutib and committed him to jail pending trial. Upon being arraigned (without benefit of counsel) on October 6, 1954, the accused pleaded guilty, whereupon the respondent sentenced him to suffer 30 days' imprisonment which he duly served.

Section 1 of Rule 126 of the Rules of Court provides:

"Section 1. Disqualification of Judges.—No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor, or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity computed according to the rules of the Civil Law . . . without the written consent of all parties in interest, signed by them and entered upon the record."

The respondent states that there was no objection impeaching his authority to preside over the trial of the case above mentioned. But if formal challenge were necessary, the law did not stop him from voluntarily refraining from sitting in said case in which his mother was a party or prosecuting witness. If the respondent did not know it was wrong for him to sit in that case, then he lacks that sense of common decency and fairness so essential in the attributes of anyone called upon to administer justice.