

**[ ADMINISTRATIVE ORDER NO. 2, January 30, 1936 ]**

**IN RE THE HONORABLE GERONIMO PAREDES, JUDGE OF THE COURT OF FIRST INSTANCE, SEVENTEENTH JUDICIAL DISTRICT**

This is an administrative case against the Honorable Geronimo Paredes, Judge of the Court of First Instance of Iloilo, filed before the Supreme Court of the Philippine Islands, involving charges of serious misconduct in office. The Supreme Court ordered the investigation of the charges and after the respondent judge had been heard in his own defense, the Supreme Court found him guilty of acts and omissions constituting serious misconduct which justifies his removal from office. The court, however, recommends to the Chief Executive that in view of the services rendered in the past by the respondent judge, he be permitted to resign within a reasonable time and upon his failure to do so, his removal be ordered, if the Chief Executive believes that the public interest so requires. The dispositive part of the resolution of the Supreme Court is as follows:

"For the foregoing considerations, in accordance with the provisions of section 173 of the Administrative Code, after proper investigation of the conduct of the respondent Judge of the Court of First Instance of Iloilo, having heard him in his defense during said investigation considering as a whole the acts and omissions which we found to have been proved in the investigation, we hold that they constitute a grave misconduct which justifies his removal from office; but, in consideration of the services rendered by the respondent in the past, we recommend to His Excellency, the President of the Philippines, that he be permitted to resign within a reasonable time, and if he fails to do so, that he be removed from office, if His Excellency believes that the public interest so requires."

Under the existing law (section one hundred seventy-three of the Administrative Code) the power to separate or remove a judge from office is vested exclusively in the Chief Executive; but the Chief Executive may not remove a judge unless "sufficient cause shall exist in the judgment of the Supreme Court, involving serious misconduct or inefficiency for the removal of said judge from office after proper investigation."

It is, of course, evident that despite the findings of the Supreme Court, the Chief Executive is not bound to remove a judge, if the conclusions of the Chief Executive as to the guilt of the respondent are not in accord with the conclusions arrived at by the Supreme Court. But may the Chief Executive permit a judge to resign after he has been found guilty of serious misconduct by the Supreme Court and the Chief Executive concurs in this opinion? If this may be done under the law, it is a good policy to do so?

This administration cannot overlook the fact that it is establishing precedents for a new government, and when the law gives it power or discretion for taking one action