

7

**Office of the President
of the Philippines**

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 35

REMOVING MR. PEDRO B. PUGA FROM OFFICE AS JUSTICE OF THE PEACE OF
ZARRAGA AND LUCENA, ILOILO.

This is an administrative case against Justice of the Peace Pedro B. Puga of Zarraga and Lucena, Iloilo, who is charged with maladministration of justice and partiality in the performance of his official duties. The case was investigated by the District Judge who found the following facts duly established:

On May 17, 1952, a complaint for frustrated murder against Rodolfo Pinuela, Jovito Pinuela and Emilio Po was filed in respondent's court at Zarraga, with the complainant herein, Andresito C. Sotero, as the offended party (Crim. Case No. 153). The respondent fixed a bond of ₱2,000 for the provisional liberty of each of the accused.

The preliminary investigation was set for September 19, 1952, but on that date, instead of proceeding with the hearing, the respondent, seconded by Mayor Pinuela of Zarraga, father of accused Rodolfo Pinuela, advised the offended party to agree to an amicable settlement of the case. However, the latter rejected the proposal, in view of which the hearing was postponed. The case was next set for hearing on October 31, 1952, but it was again postponed because of the non-appearance of defense counsel. After the offended party had left the courtroom, he was approached by the respondent who reminded him of the proposed amicable settlement and urged him to accept the offer to be paid a certain sum by way of indemnity. Again the offended party turned down the proposal.

When the case was called for the third time on November 14, 1952, the defense counsel asked for further postponement, but the respondent denied the petition obviously because by that time he had already been apprised of the present administrative complaint filed against him by Andresito C. Sotero. Thereafter the accused waived their right to a preliminary investigation. As Sotero was leaving the municipal building, the respondent remarked to him: "Inasmuch as you do not like any amicable settlement, prepare your bond for you will be accused."

True enough, on that same day (November 14th), the chief of police of Zarraga filed an amended complaint in Criminal Case No. 155 for less serious physical injuries so as to include herein complainant Andresito C. Sotero and others among the accused. The original complaint in this case dated May 15, 1952, was filed against one Marcelo Sindol alone. The affidavit incriminating Sotero and others, which was made the basis of the amended complaint, was executed before

Mayor Pinuela by Emilio Po, one of the co-accused of Rodolfo Pinuela (the mayor's son) in Criminal Case No. 153 but who was excluded therefrom on October 31, 1952.

On December 24, 1952, another criminal complaint was docketed by the respondent against Andresito C. Sotero (Crim. Case No. 172), the same having been subscribed by the supposed offended party, Rodolfo Pinuela, one of the accused in Criminal Case No. 153. The case was denominated "frustrated murder," although the allegations in the body of the complaint would at most constitute attempted murder. Respondent issued a warrant for Sotero's arrest on the same day the case was docketed and fixed his bond at ₱10,000. This amount was, however, reduced to ₱2,000 through the intervention of the provincial fiscal, who reminded the respondent that in Criminal Case No. 153 against Rodolfo Pinuela et al., also for frustrated murder, the respondent had required a bond of only ₱2,000 for each accused.

Although the complaint in Criminal Case No. 172 against Sotero appears to have been subscribed and sworn to before the respondent on May 24, 1952, it was actually docketed on December 24, 1952, as shown by the notation on the top thereof and by the fact that the case immediately preceding (Crim. Case No. 171) was docketed on December 21, 1952. According to respondent's recollection, the correct date when the complaint was subscribed before him was December 24 and not May 24, 1952. He attributed the discrepancy to a clerical error.

In summary, the investigator found the respondent guilty of the following:

"(1) Carelessness in the performance of his duties, specifically in dating the verification before him of the complaint in Criminal Case No. 172 (Exhibit 'C');

"(2) Undue and unwarranted delay in conducting the preliminary investigation in Criminal Case No. 153 filed before him by Andresito C. Sotero against Rodolfo Pinuela, and in remanding the case to the Court of First Instance;

"(3) Maladministration of justice and marked partiality as shown by his actuations in said Case No. 153, in insisting that the complainant agree to an amicable settlement in spite of the latter's refusal to do so, and in persecuting the said complainant as a result of such refusal, as shown by the fact that he was included as one of the accused in the amended

complaint in Criminal Case No. 155, which amendment was made only after the present administrative charges had been filed. The complaint (Crim. Case No. 172) was captioned 'Frustrated Murder,' and an excessive amount of bail was fixed, although the offense alleged in the body of the complaint was only attempted murder. In contrast, in Criminal Case No. 153 against Rodolfo Pinuela for frustrated murder, the respondent fixed the bail at only P2,000.00. It seems that the partiality shown by the respondent Judge in this case was motivated by the fact that the father of Rodolfo Pinuela, the defendant in Criminal Case No. 153, is the Municipal Mayor of Zarraga."

The above findings of the investigator are concurred in by the Secretary of Justice who recommends respondent's removal from office in view of the seriousness of the irregularities committed by him. On the strength of the findings of the investigator with which I also agree, I believe the respondent really deserves to be dismissed from the service. As observed by the Secretary of Justice, very few, if any, offenses more serious and more dangerous to litigants and the public can be committed by a judge than those perpetrated by the respondent in this case who, sworn to administer justice, not only refused to give justice but used his office to harass and persecute a complainant as a means of compelling him to withdraw charges apparently meritorious.

Wherefore, Mr. Pedro B. Puga is hereby removed from office as justice of the peace of Zarraga and Lucena, Iloilo, effective upon receipt of a copy of this order.

Done in the City of Manila, this 15th day of June, in the year of Our Lord, nineteen hundred and fifty-four, and of the Independence of the Philippines, the eighth.

By the President:


 FRED RUIZ CASTRO
 Executive Secretary

