

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 165

SUSPENDING FROM OFFICE FOR ONE (1) MONTH MR. AMANCIO
L. BAUZON, MUNICIPAL JUDGE OF ASINGAN, PANGASINAN.

This is an administrative case against Mr. Amancio L. Bauzon, municipal judge of Asingan, Pangasinan, for unduly delaying the disposition of a certain case of his court for forcible entry committed when he was justice of the peace of San Manuel, same province. The charge was investigated by the District Judge, who found respondent guilty thereof and recommended that he be reprimanded with a warning that any future misconduct or irregularity will be dealt with more severely.

After a review of the case, the Secretary of Justice concurs in the findings and conclusion of the Investigating Judge, but believes that the recommended penalty of reprimand with warning is lenient, considering the unusually long and entirely inexcusable delay incurred by the respondent in treating the case, even if requested by counsel for the complainant. The respondent's primary duty is for the speedy disposition of cases in his court as provided by law and his failure so to do in effect is a nullification of the purpose of the law in the remedy sought by the action for forcible entry. As correctly observed by the Secretary of Justice, even if the offense is respondent's first, the extent of the irregularity as well as the emphasis on expeditious administration of justice calls for a heavier disciplinary action against him, in view of which the Secretary recommends, in addition to reprimand and warning, that respondent be suspended from office for one (1) month without pay.

An examination of the record reveals the following facts substantially established:

A certain case for forcible entry was filed with respondent's court on July 15, 1957. After the issues had been joined, the case was set for trial on September 7, 1957. By agreement of the parties, the trial was postponed to November 16, 1957, then March 21, 1958, and then May 20, 1958. Trial was farther

abc Bauzon, Amancio L.

postponed until further assignment because respondent was busy in the trial of two criminal cases. On July 2, 1958, a motion to dismiss was filed, which was denied on November 28, 1959. Until submission of the report of the Investigating Judge, the case had been pending untried despite the lapse of two years and a half since its institution.

In his defense, respondent alleges that he was of the honest belief that the postponements did not amount to a miscarriage of justice because the parties themselves never questioned the postponements.

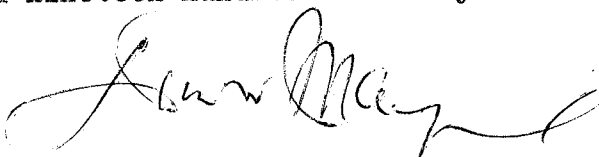
This defense of the respondent is untenable. The granting of long postponements is in contravention of law (Sec. 5, Rule 72, old Rules of Court) and runs counter to the summary character of actions for forcible entry. Cases of this nature involve perturbation of social order, which must be restored as promptly as possible and, accordingly, technicalities or details of procedure which may cause unnecessary delays should be avoided.

In allowing the parties to impose their will on him, instead of exercising control over them, through the majesty of the procedural laws, respondent has shown lack of judicial firmness and independence which should characterize judicial officers, thereby making possible the dragging of the case for over two years without trial.

Respondent is therefore guilty of undue delay in the disposition of the case.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Municipal Judge Amancio L. Bauzon is hereby suspended from office for one (1) month without pay, admonished and warned that a repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 16th day of December, in the year of Our Lord nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ
Executive Secretary