

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 187

REMOVING MR. JUAN BAYUGA FROM OFFICE AS MUNICIPAL JUDGE
OF FLORA, APAYAO-KALINGA.

This case stems from the complaint filed by the spouses Mateo Cascayan and Angela Cascayan of Bo. Tacang, Flora, Apayao-Kalinga against Municipal Judge Juan Bayuga of Flora, Apayao-Kalinga, charging the latter with oppression and abuse of power, and ignorance of the law. The charges were formally investigated by District Judge Lauro S. Esteban.

On June 16, 1966, while said spouses were working on their portion of Lot No. 1247, situated at Bo. Tacang, Flora, Apayao-Kalinga (formerly Mt. Province), a certain Rodolfo Respicio and a companion, arrived and began plowing the same portion of the land being worked on by the spouses. The spouses asked Respicio and his companion to stop working but the latter replied that the land belonged to Mrs. Digna Bayuga, wife of respondent. The next day, the complainants were arrested and brought before the respondent who told them to give up possession of the land because the same belonged to his wife who had bought it from one Angel Guillermo. When the complainants refused respondent's demand, the latter scolded them and ordered them incarcerated in the municipal jail of Flora.

On June 24, 1966, Criminal Case No. 67, People of the Philippines versus Mateo Cascayan and Angela Balalio for Grave Coercion, was filed by one Eulogio Agcaoili of the Philippine Constabulary before the respondent's court based on the affidavits of Rodolfo Respicio and Fidelio Guzman. The affidavits were subscribed before the respondent on the same day, June 24, and the warrant of arrest was issued by the respondent also on June 24, 1966. On July 4, 1966, the complainants were released on bail.

The hearings of the case against the complainants were postponed for several times until finally, without respondent conducting a preliminary investigation, the accused were arraigned on December 21, 1966.

At the arraignment, Mateo Cascayan pleaded guilty to the charge of Grave Coercion while Angela Cascayan pleaded not guilty. Before the arraignment, however, respondent issued an order disqualifying himself from trying the case, but upon a joint motion for reconsideration filed by the prosecuting officer and the representative of the accused, one Luis Balbas, requesting

Bayuga. Answer

the respondent to try the case, respondent reconsidered his own order with a reservation that the parties should feel free to ask for respondent's disqualification at any stage of the trial. On December 21, 1966, the case was tried and terminated. The sentence in the case of Mateo Cascayan who pleaded guilty to the crime charged was held in abeyance until December 27, 1966.

Mateo Cascayan was sentenced to fifteen (15) days' imprisonment and to pay fifty pesos (₱50) to Rodolfo Respicio as damages, while Angela Cascayan was sentenced to one (1) month and one (1) day imprisonment and to pay the amount of one hundred pesos (₱100) to Rodolfo Respicio as damages. The spouses served the full penalty of their respective sentences.

In the instant administrative case, the respondent admitted that he made an annotation in the "Memorandum for Incumbrance" of the Original Certificate of Title No. O-72, belonging to Mateo Cascayan, and affixed his own signature thereon without having been ordered by any competent court.

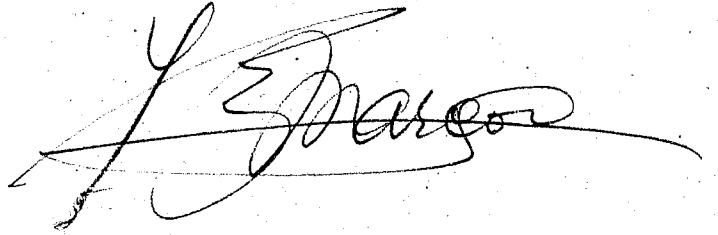
The respondent clearly abused his power by jailing the complainants on June 16, 1966, in the absence of any valid complaint, utilizing the legal processes of his court to harass and oppress the complainants who refused to yield possession of the land which they legally believed to be theirs by virtue of the award given them by the Director of Lands on February 12, 1951, under Homestead Application No. V-592 (E-V-630).

Likewise, respondent's failure to conduct a preliminary investigation contravenes Section 87, paragraph 5, of Republic Act No. 296, as amended by Republic Act No. 3828. He also failed to secure the written consent of the accused before trying the grave coercion case, in disregard of the provisions of Rule 137, Section 1, of the New Rules of Court. He displayed gross ignorance of the criminal law by convicting the complainants of grave coercion despite absence of evidence of violence. And he imposed the wrong penalty as provided for under Article 286 of the Revised Penal Code. Respondent is therefore found guilty of the charges.

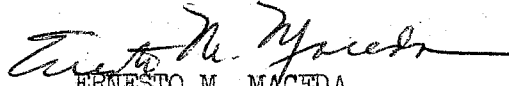
The Secretary of Justice and the investigating Judge recommend that respondent be suspended for six months without pay. Considering the seriousness of the offenses committed, I believe he does not deserve to remain in the service.

Wherefore, Mr. Juan Bayuga is hereby removed from office as municipal judge of Flora, Apayao-Kalinga effective upon receipt of a copy of this order.

Done in the City of Manila, this 17th day of November
in the year of Our Lord, nineteen hundred and sixty-nine.



By the President:



ERNESTO M. MACEDA
Executive Secretary