

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 23

CONSIDERING MR. ALBINO L. PIZARRO RESIGNED AND SEPARATED
AS JUSTICE OF THE PEACE OF TERRIJOS, MARINDUQUE,

This is an administrative case against Mr. Albino L. Pizarro, justice of the peace of Terrijos, Marinduque, for alleged dereliction of duty, arbitrariness, trespass to dwelling, etc., which was investigated by the District Judge.

The records establish the following:

1. In Criminal Case No. 297 of respondent's court Camilo Valenzuela was charged with the crime of multiple physical injuries. Respondent sent the records of the case to the Court of First Instance through the conductor of a bus plying between Terrijos and the provincial capital, whom he did not know. His defense was that he was not provided by the municipality with postage stamps. He was apprised of the loss but he did not reconstruct the records.

2. Francisco Roldan is the janitor of the municipal building of Terrijos. In the morning of January 20, 1958, he swept the rooms of the mayor, the municipal secretary and other offices. While he was cleaning respondent's room, he was called by the mayor to make "bandilles" in the streets of the town. When respondent arrived, he saw a pile of dirt below the railing separating the lawyer's table from the general public. Upon finding that the dirt was left by the janitor, he sent for him and, after an inquiry, committed him to jail for 1 1/2 hours. At the time that Roldan swept the floor there was still no court session, as neither the judge nor the parties had arrived.

3. On May 2, 1958, respondent subpoenaed the mayor and the members of the municipal council of Terrijos to appear before him on May 5, 1958, to show cause why they should not be punished for contempt of court for failing to provide the court with a clerk, copies of the Official Gazette and printed books. They appeared and made their explanation which was satisfactory to respondent.

Pizarro, Albino L.

From the foregoing it is evident that respondent is guilty of gross negligence in sending important records through a person whom he could not even identify. His explanation that he had no postage stamps is untenable. His act is aggravated by his failure to take immediate steps to reconstruct the records.

Respondent's incarceration of the janitor, Roldan, finds no justification in law because he was not guilty of direct contempt, for which he could be summarily committed to jail.

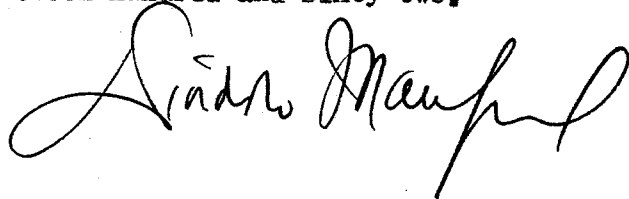
Although respondent's actuation in coercively haling the municipal officials to court for their failure to provide him with necessary office supplies and equipment finds support in law and jurisprudence, yet he could have obtained better results if he had proceeded with more tact in dealing with municipal authorities.

In view of the foregoing, I find respondent guilty of (1) gross negligence, for the loss of the records of Criminal Case No. 297 of his court and (2) arbitrariness, for committing the municipal janitor to prison for the latter's failure to clean respondent's courtroom.

Considering the seriousness of the irregularities committed by the respondent, which smack of sheer irresponsibility and high-handedness on his part, he is unfit to remain in the public service, particularly in the judiciary. I am therefore constrained to take drastic action against him.

Wherefore, Mr. Albino L. Pizarro is hereby considered resigned and separated as justice of the peace of Terrijos, Marinduque, effective upon receipt of a copy hereof.

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



By the President:



SALVADOR L. MARINO
Executive Secretary