

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 166

SUSPENDING MR. ANASTACIO T. ZAMUCO FROM OFFICE AS MUNICIPAL
JUDGE OF BUGALLON, PANGASINAN.

Mr. Anastacio T. Zamuco, municipal judge of Bugallon, Pangasinan, was charged in two separate administrative complaints with (a) persecution of complainant and (b) refusal to accept complainant's personal bail bonds.

The complaints were investigated by the District Judge of Pangasinan who found respondent guilty of acts unbecoming a judicial officer.

A careful review of the record substantially establishes that on three different occasions the respondent went to the mining area of the complainant inducing the latter's laborers to leave him and join the treasure-hunting venture of one Manuel Uy, respondent's client, offering them participation in the 10% share Uy had offered him from whatever might result from the treasure-hunting venture; that should they not leave the place, they would be arrested together with complainant for intruding in the area of the treasure-hunting venture of Uy.

As offshoots of the mining venture of complainant, four criminal cases for estafa were filed against him with respondent's court, for his failure to pay the wages of his laborers. These cases were merely supported by the affidavits of the alleged offended parties without the three other witnesses named in each complaint having been examined under oath. Respondent, in contravention of Sections 1, 6 and 7 of Rule 108 of the old Rules of Court, issued the warrants of arrest and sent them to Dagupan City where the accused resides, for service. Getting wind of these criminal cases against him, the accused engaged the services of a law firm to bail him out. Respondent judge, upon being approached by complainant's counsel, refused to accept the profferred bail bonds, stating that he did not have copies of the warrants of arrest and that it would be better for the accused to file the same in Dagupan City where he was residing and where the warrants of arrest were to be served; and that the accused (complainant herein) had not been arrested and the warrants returned.

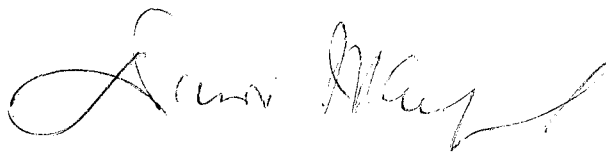
Respondent sets up the defense that he examined the offended parties and their supporting witnesses before issuing the warrants of arrest. This defense is untenable because, while he alleges that he examined the offended parties and their witnesses before ordering the arrest of the accused, only the affidavits of the offended parties appear in evidence. In ordering the arrest of the accused without bothering to examine under oath all the witnesses named in each complaint, respondent did so, not because of the demand of urgency of the cases but because of his strong desire to compel the complainant as accused in said criminal cases to cease in his mining activities which were in direct conflict with the treasure-hunting venture of Manuel Uy, respondent's client.

Respondent's nonacceptance of the bail bonds of the accused in Criminal Cases Nos. 2193 and 2194 was justified, since the warrants had not been served and the accused arrested and brought before the court. Acceptance of any bond would have been premature.

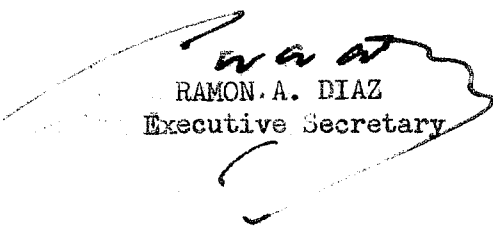
In view of the foregoing, respondent is guilty of abuse of authority for using his office to harass and humiliate the complainant to further his (respondent's) personal interest.

WHEREFORE, Mr. Anastacio T. Zamuco is hereby suspended from office for three (3) months without pay, with a warning 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