

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 169

SUSPENDING MR. JUAN C. VALDEZ FROM OFFICE AS MUNICIPAL JUDGE
OF KABACAN, COTABATO

This is an administrative case against Mr. Juan C. Valdez, municipal judge of Kabacan, Cotabato, which arose from his order dismissing Criminal Case No. 268 for brigandage and releasing all the twelve accused. The case was formally investigated by the District Judge.

It appears that twelve persons, reputed to be notorious bandits, were charged with brigandage in Criminal Case No. 268 of respondent's court. Believing that the crime committed was robbery in band, respondent ordered the prosecuting officer to amend the complaint accordingly. However, for reasons of his own, buoyed up by his opinion that there existed a case for brigandage, the prosecuting officer refused to comply with the order. Thereupon respondent dismissed the case and ordered the immediate release from custody of the twelve accused. The Provincial Fiscal of Cotabato later on filed two informations for robbery in band in line with the opinion of the respondent. However, only nine out of the twelve original accused released by the respondent were recaptured. In releasing the accused, the respondent admitted that he committed an error in good faith.

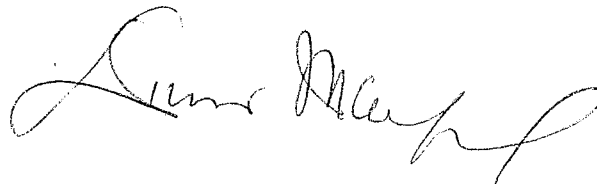
There is no question that respondent erred in dismissing the complaint in Criminal Case No. 268 and in releasing the accused. When he ordered the amendment of the original complaint from brigandage to robbery in band, the implication was that he believed, as he admitted, that a crime had been committed and that the accused were guilty thereof. The mere refusal of the prosecuting officer to amend the complaint was no justification for throwing the case out of court. A crime having been perpetrated by the accused, be it brigandage or robbery in band, they should have been bound over for trial instead of discharging them from custody. It was for the fiscal to name the offense in the information and for the Court of First Instance to determine the same in its decision on the merits.

Respondent's claim that the mistake was committed in good faith is hard to believe after he himself admitted that he ordered the release of the twelve accused when "he found that the prosecuting officer was bent on not complying with his order" to amend the original complaint. Apparently he ordered the release of the accused because he was irked by the refusal of the prosecuting officer to file a new complaint in accordance with his order.

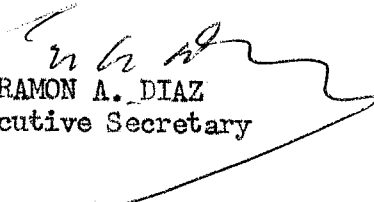
The District Judge, believing that the respondent acted in good faith, recommended that the case be considered closed. In view of the serious consequence of his imprudent act (only nine of the twelve notorious bandits released were recaptured) which he ought to have foreseen, respondent deserves to be suspended at least.

Wherefore, Mr. Juan C. Valdez is hereby suspended from office without pay for three months, with the warning that commission of similar irregularity will be dealt with more drastically.

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



By the President:



RAMON A. DIAZ
Executive Secretary