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**Malacañang**  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 24

CONSIDERING MR. JOSE A. BINGHAY RESIGNED AND SEPARATED AS JUSTICE  
OF THE PEACE OF ASTURIAS, CEBU.

This is an administrative case against Mr. Jose A. Binghay, justice of the peace of Asturias, Cebu, filed by Mrs. Rizalina A. Migallos for (1) unduly delaying the disposition of Criminal Cases Nos. 85 and 90 of his court; (2) dismissing Criminal Case No. 672 of his court for physical injuries on the basis of a supposed amicable settlement which was not complied with; (3) failure to submit parole reports; (4) delay in remanding Criminal Cases Nos. 270 and 272 of his court to the Court of First Instance after the accused had waived preliminary investigation; (5) failure to act on the criminal complaint for the death of Sotero Balbero; (6) unjustified failure to attend the scheduled hearing of a criminal case; (7) solemnizing a secret marriage which was later annulled; (8) illegally collecting a fee for filing a claim for compensation by the children of a deceased former civilian employee of the United States Army; (9) cruelty to animals; and (10) unduly influencing the decision of a cockfight for his personal benefit.

A careful review of the record shows that the evidence supports the first charge as well as other charges of similar neglect of duty on the part of the respondent. In connection with the first charge, it appears that Criminal Cases Nos. 85 and 90 of respondent's court were decided only after more than three years and a half, on account of long postponements granted by him. It is evident that there was palpable delay in the disposal of said cases.

With respect to the fourth charge, the respondent admits that he failed to remand to the Court of First Instance Criminal Case No. 272 of his court for attempted homicide immediately after the waiver of preliminary investigation by the accused. His explanation is that, a few days after the waiver, he went to Manila on leave of absence for about two weeks; and that, after his return, the case was settled amicably by the parties, in view of which he dismissed it. This explanation is unsatisfactory because, first, respondent's alleged leave of absence is not supported by the records of the Department of Justice and, secondly, he could have remanded the case immediately after the waiver of preliminary investigation and before his departure. His behavior has given support to the claim that he was interested in the amicable settlement of the case and that he dismissed it notwithstanding his having found probable cause for the arrest of the accused.

*Binghay Jose A.*

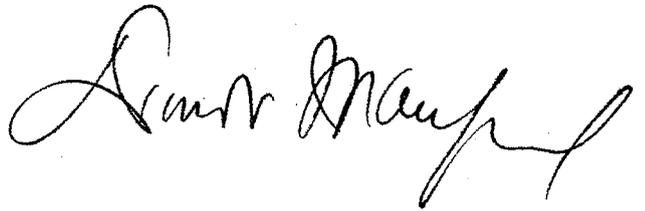
As to the sixth charge, the evidence also shows, and the respondent admits, that he failed to attend the hearing of a criminal case in his court on June 16, 1956, as scheduled. He explains that on June 15, 1956, while he was holding office in Tuburan, the other town in his circuit, he remembered that the instant administrative case was set for hearing on June 22, 1956; that he left for Cebu City after his office hours in Tuburan on June 15, 1956, to prepare for the hearing on June 22; and that on June 16, 1956, he submitted his notarial report to the Clerk of Court and obtained documents for his defense in the administrative case.

Respondent's explanation is unsatisfactory. He could have deferred his departure for Cebu City after attending the hearing in his court on June 16, as previously scheduled. His own admissions indicate that he did not take his official commitments seriously. Moreover, he evidently made it appear that he was in Cebu City on official business on June 16, 1956, when his purpose in going there was primarily personal, since, to submit his notarial report, it was not necessary for him to go to Cebu City.

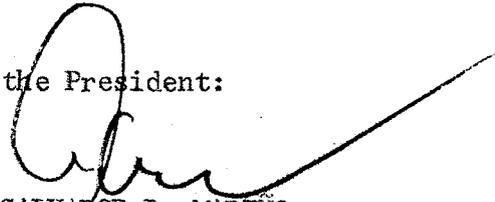
In view of the foregoing, respondent is guilty of repeated neglect of duty inimical to the public service where utmost devotion and proficiency are indispensable requisites. In view thereof, and in line with the high standard of performance expected of public officials, in an era of reform, corresponding and firm action should be followed in this case.

Wherefore, Mr. Jose A. Bingham is hereby considered resigned and separated as Justice of the Peace of Asturias, Cebu.

Done in the City of Manila, this 27th day of September, in the year of Our Lord, nineteen hundred and sixty-two.



By the President:



SALVADOR L. MARINO  
Executive Secretary