MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 42

SUSPENDING MR. ALFREDO C. MABBAYAD FROM OFFICE AS MUNICIPAL JUDGE OF ROXAS, ISABELA.

This is an administrative case against Municipal Judge Alfredo C. Mabbayad of Roxas, Isabela, and cadastral clerk Felix B. Bulan of the Court of First Instance of Ilagan, same province, for dishonesty and dereliction of duty.

Respondent Bulan being under the jurisdiction of the Commissioner of Civil Service who has already dealt with him administratively by separating him from the service, this decision will be confined to the case of respondent Judge Mabbayad.

The District Judge, who investigated the charges, found respondent Judge not guilty of dishonesty for having allegedly exacted a fee of ₱1 from each claimant of non-contested lots in cadastral proceedings before his court, it appearing from the joint certification of thirteen (13) lawyers that the money was given voluntarily by them as part of their attorneys' fees to private stenographers employed by them to take notes of the proceedings on account of the failure of the government to furnish court stenographers for the purpose.

Regarding the other charge, the Investigating Judge and the Secretary of Justice, respectively, found respondent guilty of gross negligence and dereliction of duty for allowing Bulan, his cadastral clerk, to prepare the decisions in certain cadastral proceedings and signing them without conducting actual hearings thereon, which led to the erroneous adjudication of lots to persons other than the lawful claimants thereof. Thus, Lot No. 7823 was awarded to Simplicio Alejandro instead of Marcelino Leal, while Lot No. 4781 was adjudicated to the heirs of Bernabe Lintag and not to claimant Benigno Lagundimao. As to Lot No. 3385, respondent likewise admitted that its adjudication in favor of Bulan and Melanio Gumpay (the original claimant), as prepared by Bulan himself, was erroneous. Concerning the adjudication of Lot No. 5014 to a

dead person, respondent's explanation that the latter anyhow was represented by her son is untenable, considering that he should have adjudicated the lot to the heirs of the deceased.

Respondent cannot obviously exculpate himself on the grounds that the erroneous decisions were prepared by Bulan, that there were plenty of cadastral cases to be disposed of and that he was able to readjudicate the lots in question to their rightful claimants. As cadastral judge, respondent was charged with exclusive responsibility for making the adjudications. While he could avail himself of Bulan's services in the preparation of cadastral decisions, it was his bounden duty to scrutinize the same and correct any possible errors contained therein before signing them. His failure so to do, which resulted in the wrong adjudication of the aforesaid lots, constitutes gross negligence in the performance of duty.

Wherefore, respondent is hereby suspended from office for three (3) months without pay and warned that repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 29th day of March , in the year of our Lord, nineteen hundred and sixty-seven.

By the President:

RAFAEL M. SALAS
Executive Secretary