

SUSPENDING FROM OFFICE DISTRICT JUDGE TITO V. TIZON OF THE COURT OF FIRST INSTANCE OF BALANGA, BATAAN, PENDING INVESTIGATION OF ADMINISTRATIVE CHARGES AGAINST HIM

ADMINISTRATIVE ORDER NO. 181-A, October 21, 1969

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In Administrative Case No. 152-J filed in the Supreme Court on August 18, 1969, entitled, “The Secretary of Justice, Complainant, vs. Honorable TITO V. TIZON, Respondent”, respondent Judge is charged with serious misconduct and gross inefficiency in office consisting of dishonesty (extortion, bribery, exaction and oppression), gross misconduct, falsification of public documents, violations of laws and regulations, inefficiency and incompetence, and scandalous behavior.

Under the charge of dishonesty, respondent is charged of:

- (a) having, sometime in 1965 during the pendency of Civil Case No. 2972 in his Court, demanded and obtained directly and/or indirectly, from one of the parties therein valuable articles consisting of expensive liquors, cigarettes and rice;
- (b) having, sometime in December, 1965, in connection with the same Civil Case No. 2972, demanded from the niece and depositary of the plaintiff in the aforesaid case the sum of Five Hundred (P500.00) Pesos which was received by respondent through Municipal Judge Crisostomo Banzon of Orion, Bataan;
- (c) having, sometime in March, 1965, demanded and obtained from the same Judge Banzon, a practising lawyer in his Court, the sum of Two Hundred and Fifty (P250.00) Pesos;
- (d) having, sometime in September, 1965, demanded and obtained from the late Mayor Federico Muli of Dinalupihan, Bataan, the sum of Twenty-four Thousand (P24,000.00) Pesos in consideration of a judgment of acquittal in Criminal Case No. 5772, CFI of Bataan, entitled “People versus Federico Muli, et al”;
- (e) having, sometime in September, 1967, in consideration of a favorable decision in Cadastral Case No. 19, LRC Cad. Rec. No. 1097, concerning the petition to reopen cadastral proceeding of Lot 629 of the Mariveles Cadastre, demanded and exacted from therein petitioner Josefa Yaneza a triangular portion of 200,000 square meters of the aforesaid Lot 629;
- (f) having, sometime in January, 1965 in connection with a petition for the surrender of the owner’s duplicate copy of TCT Nos. 5701 and 5702 (Samal Cadastre), demanded from the petitioners-spouses Rodrigo Coloso and Elisa-Geaga-Coloso fifteen (15) hectares of the lands covered by said petition;
- (g) having, extorted from Gonzalo Santos Two Hundred (P200.00) Pesos in consideration of a judgment of acquittal in a criminal case for infidelity in the custody of prisoners; from Bernardo Vianzon, One Hundred (P100.00) Pesos in consideration of the issuance of a restraining order in Special Civil Case No. 2829 of respondents Court; from former Governor Adelmo Camacho, Five Hundred (P500.00) Pesos in consideration of the dismissal of a smuggling case from Gavino Santiago, in consideration of a favorable judgment in a case where Santiago’s son was killed in a vehicular accident;
- (h) having, sometime in 1966 while Criminal Case No. 6115 of respondent’s Court-entitled, “People versus

Rodrigo Coloso” was pending, demanded from the accused Coloso through an intermediary Atty. Filemon Trinidad—the sum of Ten Thousand (P10,000.00) Pesos in consideration of a judgment of acquittal; Coloso’s refusal to pay resulted in the withdrawal of his counsel, fifty Trinidad, and the eventual conviction of Coloso for illegal discharge of firearm.

Under the charges of gross misconduct, falsification of public documents, violations of law and regulations, inefficiency and incompetence, respondent is accused of;

(a) having knowingly committed acts of falsification by issuing an order dated April 18, 1969 in the three (3) cases involving the petitions to reopen cadastral proceedings under Republic Act 931, as amended by Republic Act 2061, Cadastral Case No. 19, LRC Cad. Rec. No. 1097, over two (2) portions of Lot 626 and one portion of Lot 622 of the Mariveles Cadastre, stating in said order that the parties therein had submitted the cases for decision, despite the fact that no hearing nor reception of evidence was held, nor any transcript thereof taken;

(b) having willfully and in violation of law allowed a certain Jose A. Pagunsan, a former court stenographer who had been separated from the service for unsatisfactory performance since September 30, 1966, to officially take stenographic notes in hearings before his Court; to prepare, draft and/or write decisions and/or orders in various cases; to borrow and withdraw Court records, expedientes, exhibits and transcripts from the Vault-In-Charge and to bring these records to Pagunsan’s home in Quezon-City, even after the latter’s separation from the service;

(c) having never held any session or office on Saturdays since his appointment as Judge in the Court of First Instance of Bataan in August, 1964, to the present, of rarely holding sessions in the afternoons of weekdays, in reporting his leaves of absence to the Department of Justice only after having enjoyed them and in absenting himself from office without prior notice to the inconvenience of litigants and attorneys in his Court;

(d) having allowed, caused and/or tolerated the preparation and submission to the Department of Justice of monthly reports containing incomplete, inaccurate and false data and in allowing court records to be withdrawn, borrowed and kept by private individuals thus exposing such records to tampering, substitution, intercalation, spoliation and destruction;

(e) having allowed Jose A. Pagunsan to prepare, draft and write decisions, orders and resolutions which were subsequently adopted, signed and promulgated by the respondent Judge as his own;

(f) having allowed simple court orders awaiting his signature to remain pending for as long as six (6) months in rendering decisions and orders beyond the ninety (90) day period as required by law and in falsifying his sworn certifications to the Department of Justice to enable him to collect his salary despite such gross and willful neglect of duty.

Under the charge of scandalous behavior and unbecoming conduct, the respondent is charged of:

(a) having abused the hospitality of his hostess, Mrs. Luz Balmaceda, during the eve of the town fiesta of Orion, Bataan, in May, 1965, by taking home, after dinner, a carton of Salem cigarettes and a bottle of imported liquor;

(b) having, sometime in December, 1965, in the early hours of the morning and in the company of Atty. Bascara, stopped in front of the house of Mrs. Remedios Santos Uy of Bantan, Orion, Bataan, and in a drunken and troublesome manner, shouted for Mrs. Uy to come down from her house to demand from her Five Hundred (P500.00) Pesos, which sum was turned in the next day to respondent through Municipal Judge Banzon;

(c) having, sometime in between April and May, 1965, accepted three (3) big baskets full of mangoes from Alberto Almazan which were paid for by Amando Fernandez whose wife had then a pending case in respondent’s Court;

(d) having, sometime in September, 1964, obtained grocery items from the sari-sari store of one Loleng David in Barrio Talisay, Balanga, Bataan, valued at Fifty (P50.00) Pesos, without paying a single centavo therefor;

(e) having, on various dates and occasions and in public places, been observed as a heavy and incontinent drinker.

In the same complaint, consisting of one hundred ninety-seven (197) pages, the Secretary of Justice urged the Supreme Court, on grounds therein enumerated, that pending investigation of these serious charges, the suspension of respondent be recommended to the President of the Philippines.

On August 22, 1969, the Supreme Court-required respondent to file his answer and to show cause why the petition for his suspension should not be granted.

On September 15, 1969, the respondent moved for an extension of time to file his answer and to show cause.

On September 16, 1969, the Secretary of Justice filed an urgent motion for the immediate preventive suspension of respondent, reiterating the grounds-raised in the basic petition and additionally citing specific acts of intimidation, pressure and harassment being employed by respondent to break the will of the witnesses against him. The Secretary of Justice further adverted to the fact that the efforts of the prosecution agencies to file charges against respondent's associates and confederates have been stymied; that the Department of Justice could not proceed with a full dress investigation of the massive frauds attending the registration and titling of lands in the province of Bataan; that the records in respondent's court, which are in his absolute custody and control, have been and could again be tampered with; and that the respondent posed a continuing threat to the integrity and the safety of witnesses against him for as long as he continued in office."

On September 19, 1969, the Supreme Court resolved to grant respondent's prayer for an extension to file his answer but gave him until September 24th to show cause why he should not be suspended from office. The Court also set the motion for his immediate preventive suspension for hearing on September 26, 1969. Respondent filed his "Compliance" on September 24, 1969 opposing the motion for his immediate suspension.

In the hearing of September 26, 1969, both parties, represented by counsel, appeared before the Supreme Court for oral argument, after which the matter was submitted for resolution.

In its per curiam resolution, the Supreme Court noted "the gravity of the charges against respondent, many of them based on public records". The Supreme Court also noted the allegations in the complaint itself and in the complainant's urgent motion for immediate preventive suspension as well as the affidavits and other documents attached thereto. At found that these pleadings and documents "tend to show not only that many of the persons who may be called upon to substantiate or to refute the charges are either employees under respondent's administrative supervision or private litigants, whose cases, in a number of instances, are pending before him, and who, unless respondent is suspended, may not feel free to testify".

Finally, the Supreme Court observed that "some of the charges against respondent had to do with the close personal and extra-official relations between him and a former court stenographer under him, one Jose A. Pagunsan, in whose possession, notwithstanding his separation from the service since September 30, 1966, certain records of cases in respondent's court have been allegedly found, thereby endangering the security and integrity of the same."

In the light of these premises, the Supreme Court issued a per curiam resolution, dated "October 20, 1969, unanimously recommending to the President of the Philippines the immediate preventive suspension of respondent Judge.

WHEREFORE, as recommended by “the Supreme Court, and pursuant to the provisions of Section 67 of the Judiciary Act of 1948, as amended, the Honorable TITO V. TIZON, District Judge of the Court of First Instance of Bataan, is hereby SUSPENDED FROM OFFICE effective upon his receipt of a copy of this order, pending investigation of the charges against him.

Done in the City of Manila, this 21st day of OCTOBER, in the year of our Lord, Nineteen Hundred and Sixty-nine.

(Sgd.) FERDINAND E. MARCOS

President of the Philippines

BY THE PRESIDENT:

(Sgd.) ERNESTO M. MACEDA

Executive Secretary

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