

SUSPENDING MR. SANTIAGO CATANE FROM OFFICE AS CITY JUDGE OF OZAMIS CITY

ADMINISTRATIVE ORDER NO. 186, November 13, 1969

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This is an administrative case against City Judge Santiago Catane of Ozamis City for (1) falsification of public documents; (2) wilful neglect in the performance of official duties; and (3) ignorance of the law and partiality. The case was formally investigated by Judge Geronimo R. Marave of the Court of First Instance of Misamis Occidental.

The Secretary of Justice found respondent blameless of the charge of ignorance of the law and partiality, since the latter's order dated April 17, 1968, allowing complainant Cruz Limbaring, who was the accused in Criminal Case No. 5879 (for slight physical injuries), to file a motion for reconsideration of the judgment dated January 18, 1968, before its promulgation on August 17, 1963, was more of an irregularity in procedure than ignorance of the law and the fact that he stowed the decision to the complaining witness before the promulgation was not sufficient proof of partiality.

The evidence discloses, however, that respondent periodically certified, among other things, for the purpose of collecting his salaries from January 1967 to November 1966, that he had decided within ninety (90) days all civil and criminal cases submitted to him for decision or determination; and that at the time he made the certification the following cases submitted to him for decision were unacted upon for a period ranging from six (6) months to more than six (6) years counted from the dates they were actually submitted for decision:

- Criminal Case No. 6141 (OZ-541) entitled "People of the Philippines vs. Diego Palomares et al." for serious physical injuries with permanent deformity;
- Criminal Case No. 5879 (OZ-588) entitled "People of the Philippines vs. Cruz Limbaring" for slight physical injuries;
- Civil Case No. 531 (OZ-157) entitled "Emilio Documento et al. vs. Tito Daaca et al." for collection of money with damages;
- Criminal Case No. 3055 (OZ-420) entitled "People of the Philippines vs. Santos Maata" for murder;
- Criminal Case No. 3056 (OZ-4-91) entitled "People of the Philippines vs. Santos Maata" for frustrated murder;
- Criminal Case No. 3057 entitled "People of the Philippines vs. Santos Maata" for attempted homicide;
- Criminal Case No. 5944 (OZ-515) entitled "People of the Philippines vs. Saturnino Nemenno" for less serious physical injuries;
- Civil Case No. 512 (OZ-48) entitled "Pershing Tan Queto vs. Teresa Azcona" for collection of sum of money;
- Criminal Case No. 5283 entitled "People of the Philippines vs. Pelang Suez et al." for violation of Section 174 of the National Internal Revenue Code;

- Criminal Case No. 5577 entitled “People of the Philippines vs. Paciencia Vda. de Acasio;
- Criminal Case No. 5711 entitled “People of the Philippines vs. Leona de Bayson” for violation of Sections 125 and 174 of the National Internal Revenue Code; and
- Criminal Case No. 5284 entitled “People of the Philippines vs. Conrado Lopez” for violation of Section 174 of the National Internal Revenue Code.

Respondent admitted in the hearing that every time he collected his salaries during the period from January 1967 to February 1968 he issued a certificate to the effect that he had decided within ninety (90) days all civil and criminal cases submitted to him for decision or determination. That (1) Criminal Case No. 6141 (OZ-541) whose last day of hearing was on June 14, 1967, and decided on February 7, 1968; (2) Civil Case No. 531 (OZ-157) – submitted for decision on August 1, 1964, and decided on June 15, 1967; (3) Criminal Case No. 3055 (OZ-420) – submitted for decision on January 18, 1961, and decided on February 20, 1967; (4) Criminal Case No. 3056 (OZ-421) – submitted for decision on January 18, 1961, and decided on February 20, 1967; (5) Criminal Case No. 305 – submitted, for decision on January 18, 1961, and decided on February 22, 1967; (6) Criminal Case No. 5844 (OZ-515) – submitted for decision on December 27, 1966, and decided on October 27, 1967; (7) Civil Case No. 512 (OZ-48) – submitted for decision on July 1, 1964, and decided on June 7, 1967; (8) Criminal Case No. 5577 – submitted for decision on August 23, 1966, and decided on August 19, 1967; (9) Criminal Case No. 5711 – submitted for decision on August 2, 1966, and decided on August 19, 1967; and (10) Criminal Case No. 5284 – submitted for decision on November 2, 1964, and decided on July 22, 1967, were not actually submitted, for decision on the dates therein stated or the dates of last hearing but were considered submitted, on the dates counsel in each respective case failed to submit his memorandum. He claimed that when he noted in each case that counsel had failed to file his memorandum, he then considered the 90-day period to run. He also maintained that Criminal Case No. 5879 whose last date for hearing was January 13, 1967, and decided on January 18, 1968, was considered submitted by him for decision during the hearing of “People of the Philippines vs. Francisco Ampong” and “People of the Philippines vs. Godofredo Lorenzo” on November 2, 1967; and that Criminal Case No. 5283 – set for continuation of trial to October 12, 1964, and decided on June 13, 1967 – was not considered submitted for decision on October 12, 1964, “because after the hearing he told the accused to produce the Muslim who was allegedly the owner of the smuggled cigarettes. Upon realizing that the accused could not produce the Muslim he immediately considered the case submitted for decision and decided it within the 90-day period.

Except in Criminal Cases Nos. 5879 and 5283, respondent invoked a uniform reason regarding the delay in the disposition of said cases, namely, that he granted verbally the oral requests of counsel to file their memoranda and that wheal they failed to do so he considered the 90-day period to start therefrom. This is a shallow excuse, for he failed to point out the specific dates when these cases were considered submitted for decision.

Wherefore, and as recommended by the Secretary of Justice, Mr. Santiago Catane is hereby suspended from office as City Judge of Ozamis City for three (3) months without pay, effective upon receipt of a copy of this order, with a warning that repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 13th day of November, 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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