

JOSE A. SUELTO, PETITIONER, VS. THE HONORABLE CECILIA MUNOZ-PALMA, JUDGE OF THE COURT OF FIRST INSTANCE OF NEGROS ORIENTAL AND RICARDO TEVES, RESPONDENTS.*G.R. No. L-9034. April 13, 1956*

Ponente: LABRADOR, J.

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Petitioner is the justice of the peace of the Municipality of Pamplona, Province of Negros Oriental, and one of the respondents is the judge of the Court of First Instance of said province, while the other respondent, Ricardo Teves, is the municipal mayor of Tanjay, also of said province. On November 18, 1954, respondent Teves filed an administrative complaint against petitioner (No. 90 of the Court of First Instance of Negros Oriental), charging petitioner herein with electioneering, abuse of position and immorality. On January 12, 1955, upon petition of complainant Ricardo Teves, respondent judge issued an order suspending petitioner from office immediately. The pertinent portion of the order of suspension is as follows.

"1. Complaint having been filed against Justice of the Peace Jose A. Suelto of Pamplona, this province for alleged electioneering and oppression in the performance of his duties as such Justice of the Peace (Administrative Case No. 90), which complaint is now the subject of an administrative investigation; and it appearing that Mr. Suelto's continuance in office pending such investigation may effectively obstruct the presentation of evidences which are part of the records of the Office of the Justice of the Peace of Pamplona and hamper in one way or another the conduct of such investigation;" (Annex A to Petition.)

On January 24, 1955, petitioner moved for reconsideration of the order of suspension, but the same was denied. On March 15, 1955, petitioner again filed a motion with the respondent judge, that time asking for his reinstatement on the ground that the purpose of the suspension has already been accomplished and that the continuance thereof will prevent him from fully defending himself in the investigation. This motion was also denied, and upon denial of a motion to reconsider the order the petition for certiorari and mandamus was filed. It is claimed in the petition that the respondent judge has gravely abused her authority and unlawfully neglected the performance of an act clearly enjoined her by law; that the suspension of the petitioner causes irreparable injury to him because he is not receiving his salary and the prospective witnesses in his behalf are demoralized; and that the petitioner was, therefore, prevented from defending himself in the case. In answer respondent Ricardo Teves alleges that petitioner Justice of the Peace had used the powers of his office to threaten, coerce and intimidate one witness against him; that the suspension of the petitioner is still necessary because it may become necessary for the complainant mayor to utilize witnesses and the records of the justice of the peace court of Pamplona in rebuttal, after the petitioner herein has terminated the presentation of evidence in his defense; that the suspension was not an abuse of authority or unlawful neglect in the performance of duty enjoined by law, but was ordered by respondent judge in the exercise of her powers of supervision over the petitioner; and that the petitioner herein does not need the salary of the office, because he has means to support himself including his extensive practice of law.

The suspension of the petitioner herein is a preventive suspension and appears to have been decided upon by respondent judge in order to grant opportunity to the complainant in the administrative case to prove the charges filed against the petitioner. That the need of such suspension could not have terminated with the closing of the evidence of the complainant is apparent, because the justice of the peace, if holding office, could easily influence witnesses to testify in his favor in view of his office and position. There is, therefore, no sufficient ground for claiming that the respondent judge abused her discretion in refusing to end the suspension and allow the petitioner herein to continue in his office. The suspension was continued after the judge had examined one of the witnesses of the complainant in the administrative case; she must have found sufficient reasons for continuing the suspension. In the same manner, apparently she must have found the same reasons for continuing the suspension, when she denied petitioner's request for reinstatement in office.

Preventive suspension is adopted with respect to executive officials (section 2189, Revised Administrative Code). In the preventive suspension of municipal officials under section 2189, a limit of 30 days for such preventive suspension is established. The Judiciary Act of 1948 (Republic Act No. 296) contains no similar provision, although the use of the procedure of preventive suspension must have been found by the respondent judge to be useful and convenient. In the absence of a provision limiting preventive suspension for a period of time, it is evident that such suspension should depend upon the sound discretion of the investigating officer.

An additional consideration with respect to the preventive suspension now under consideration is the fact that the person conducting the investigation is a judicial officer herself and by law has administrative supervision over the suspended official. It is to be presumed that the refusal to grant the motion for reinstatement must have been decided upon by her not only for the purpose of the administrative investigation but in the interest of an impartial and efficient administration of justice. The petition contains no fact or circumstance from which we may infer that she had abused her discretion. We are in no position to interfere in the exercise of her sound discretion not only in view of the absence of allegation of abuse but also because of the administrative supervision that she exercises over the petitioner herein.

It is also to be noted that unlike officials holding office by virtue of popular mandate, petitioner herein must have been appointed on the basis of his reputation for honesty and impartiality and sense of justice. The fact that respondent judge did not dismiss the administrative case against him upon the submission of the evidence for the Complainant proves the existence prima facie of the acts imputed to him. Under such circumstances, it is hardly proper to allow the petitioner to be placed back in office, delicate as the position of justice of the peace is. There is no law that limits the period of preventive suspension such as exists in cases of elective officials. The absence of such limitation or of a procedure in administrative cases against justices of the peace implies legislative intent; to deny the right to a limited preventive suspension and the grant of full and ample discretion in administrative investigations. There is, therefore, no clear, legal right on the part of the petitioner herein to be returned to his position after a certain period of preventive suspension and neither is there a corresponding legal duty on the part of the judicial official suspending him to return him now to the position from which he was suspended. The petitioner, furthermore, can not claim abuse of discretion on the part of the respondent judge in denying his reinstatement as the case is still pending and the complainant in the administrative case has evidently proved a prima facie case.

The petition is hereby denied, with costs against the petitioner.

Parás, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Concepcion, Reyes, J. B. L. and Endencia, JJ., concur.

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