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misunderstood the nature, meaning and effect of their pleas. The fact that the extrajudicial confessions of the defendants are attached to the records affords us no comfort, for, they have not been introduced in evidence, much less properly identified and shown to have been freely and voluntarily executed.[4]

ACCORDINGLY, the judgment appealed from is set aside, and this case is hereby remanded to the court *a quo* for a new arraignment of the defendants Ceferino Daquioag and Danilo Domingo, with aid of counsel, and for further proceedings consistent with law and the views herein expressed. Costs *de oficio*.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

FIRST DIVISION

[A.M. No. 45-MJ. March 29, 1974]

LEONARDO OLAIVAR, *complainant, vs.* **MJ ADELAIDO O. SINGCO,** of Duero, Bohol, *respondent.*

SYLLABUS

ADMINISTRATIVE PROCEEDING; COMPLAINT AGAINST A MUNICIPAL JUDGE; CHARGES OF OPPRESSION AND GROSS ABUSE OF DISCRETION; ACTS COMPLAINED OF CONSIDERED HIGHLY OPPRESSIVE AND WITHOUT LEGAL BASIS; SEVERE CENSURE DEEMED COMMENSURATE TO RESPONDENT JUDGE'S INFRACTIONS.— Complainant Olaivar who was charged in two criminal cases before respondent judge asked for postponement of the trial, or at least that the court wait for

[4] *Ibid.*

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a few minutes for his counsel to arrive, as he might have been unavoidably delayed, informing the court at the same time that he was not a lawyer and would therefore be helpless without the assistance of counsel. Respondent judge denied the request and ordered the accused non-lawyer Olaivar to cross-examine the witnesses for the State. Held - The acts complained of, the commission of which is admitted by the respondent judge, are highly oppressive and absolutely without basis in law. In compelling the accused — who had all along admitted his lack of skill to handle his own trial — to cross-examine the prosecution witnesses, the respondent judge transformed his court from a court of justice to a despot's forum. His avowed motive — to dispose of the cases as early as possible — is no license for abuse of judicial power and discretion. His acts deserve severe condemnation. Considering that the respondent could have been merely carried away by overzealousness in his desire to terminate the criminal cases as soon as possible, the Court is of the view that the penalty of severe censure is commensurate to his infractions.

DECISION

CASTRO, *J.*:

This is an administrative complaint for oppression and gross abuse of discretion filed by Leonardo Olaivar against Municipal Judge Adelaido O. Singco of Duero, Bohol.

Leonardo Olaivar was accused by his fellow teachers of the offense of challenging to duel in two criminal cases in the municipal court of Guindulman, Bohol. The respondent judge was designated to try the cases in view of the inhibition of the municipal judge of Guindulman.

At the scheduled hearing of the two criminal cases on May 16, 1972, despite previous notice to the parties and their counsel, the counsel for the accused Leonardo Olaivar failed to appear without having previously notified the court of his non-appearance and without having asked for postponement of the trial. The private prosecutor then

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moved for reimbursement of the expenses incurred by the complainants in coming to court. It is admitted by the respondent judge, in his answer to the complaint, that he granted and assessed expenses in the amount of P40.00, which he ordered Olaivar to pay, under threat of contempt should he fail to do so.

The respondent judge did not deny in his answer to the complaint, and therefore is deemed to have admitted the allegation, that during the aforementioned hearing, Olaivar asked for postponement of the trial, or at least that the court wait a few minutes for his counsel to arrive, as he might have been unavoidably delayed, informing the court at the same time that he (Olaivar) was not a lawyer and would therefore be helpless without the assistance of counsel. The respondent judge denied the request and ordered the accused non-lawyer Olaivar to cross-examine the witnesses for the State.

The acts complained of, the commission of which is admitted by the respondent judge, are highly oppressive and absolutely without basis in law.

As pointed out by the Secretary of Justice, the expenses which Olaivar was ordered to reimburse could have been taxed as costs after judgment was rendered. The cases were then still being tried, and at that time the cause for the absence of the counsel for the accused was unknown, and it could not then be determined whether such absence was excusable or not. In compelling the accused — who had all along admitted his lack of skill to handle his own trial — to cross-examine the prosecution witnesses, the respondent judge transformed his court from a court of justice to a despot's forum. His avowed motive — to dispose of the cases as early as possible — is no license for abuse of judicial power and discretion. His acts deserve severe condemnation.

The Executive Judge of the Court of First Instance of Bohol, to whom the case was referred for investigation, recommended the dismissal of the complaint for lack of merit and because of Olaivar's desistance; however, the Secretary of Justice recommended to the President, before the effectivity

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of the 1973 Constitution, that the respondent be considered resigned from the service. Considering that the respondent could have been merely carried away by overzealousness in his desire to terminate the criminal cases as soon as possible, the Court is of the view that the penalty of severe censure is commensurate to his infractions.

ACCORDINGLY, the respondent Judge Adelaido O. Singco is hereby severely censured, and warned that a repetition of the same oppressive acts or commission of similar acts will subject him to heavier disciplinary sanctions. Let this decision be spread upon his record.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

FIRST DIVISION

[A.M. No. P-131. March 29, 1974]

FRANCISCO VALENCIA, *petitioner, vs.* **GREGORIO PAMISARAN,** Deputy Sheriff, CFI of Quezon, Br. IV, Calauag, Quezon, *respondent.*

[A.M. No. P-154. March 29, 1974]

ESTRELLA BORLONGAN, *petitioner, vs.* **GREGORIO PAMISARAN,** Deputy Sheriff, CFI of Quezon, Br. IV, Calauag, Quezon, *respondent.*

SYLLABUS

1. **ADMINISTRATIVE PROCEEDING; COMPLAINT AGAINST A COURT PERSONNEL; CHARGES OF MISAPPROPRIATION AND CONVERSION OF FUNDS OF**