

# Malacañang

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 295

CONSIDERING MR. MANUEL R. VALDEZ RESIGNED AS JUSTICE OF THE PEACE OF MARIA, SUBPROVINCE OF SIQUIJOR, PROVINCE OF ORIENTAL NEGROS.

These are administrative cases against Mr. Manuel R. Valdez, justice of the peace of Maria, subprovince of Siquijor, province of Oriental Negros, for alleged abuse of authority and discretion (Administrative Case No. S-2) and abuse of office (Administrative Case No. S-3) which were investigated by the Provincial Fiscal by delegation of the Executive Judge who submitted his report and recommendation on the basis of the investigation thus conducted.

## Administrative Case No. S-2

1. It appears that in the afternoon of September 11, 1955, Pedro Miquiabas was stabbed allegedly by Petronilo Saliot, Celestino Villamor and Demetrio Abalayan. The culprits fled from the scene of the crime and search parties went out to look for them. In the evening of that day respondent, with a pistol in his right hand and a flashlight in the left, accompanied by two others, went up the house of Moises Saliot without any permission from the occupants or legal authorization to make a search therein. Pointing the pistol at Bautisto Saliot and Marciano Dizon who were in the house, he inquired for Petronilo Saliot. Not satisfied with the answer that he was not there, respondent went to a room where a 16-year-old girl was sleeping and then to the kitchen where he found the owner of the house, Moises Saliot, to whom he apologized for the intrusion.

Respondent denied having gone to the house of Moises Saliot on the night in question although he admitted having been with a search party that went to the premises of the schoolhouse with his flashlight. He claimed that his licensed pistol was at the time loaned to the chief of police who in turn had given his gun to a policeman in charge of a posse looking for the malefactors.

Respondent's defense does not merit serious consideration. His denial cannot prevail over the affirmative testimony of witnesses who identified him as having gone to the house of the Saliots and made the unlawful search in an intimidating manner. They appear to have no sufficient motive to testify falsely against him. Considering the commotion caused by the culprits who posed a serious danger in the community, it is incredible that respondent would have parted with his gun and left himself and his family unprotected, or that the chief of police could still have time to issue a receipt for the gun.

*Manuel R.*

2. As a result of the stabbing of Pedro Miquiabas, four persons were charged by the chief of police with frustrated murder; namely, Petronilo Saliot, Celestino Villamor, Demetrio Abalayan and one John Doe. The complaint was supported by affidavits, Exhibits E-1, E-2 and E-3 (translations, Exhibits F, G and H, respectively). The bond fixed originally at P17,000 was reduced to P15,000.

The case was forwarded to the Court of First Instance which dismissed it for insufficiency of evidence on motion of the Provincial Fiscal who directed the chief of police of Maria to file a complaint for less serious physical injuries against Petronilo Saliot alone. The action of the Fiscal appears well taken, there being no sufficient proof of intent to kill and conspiracy.

Respondent explained, however, that there was a certain witness named Lomuntad, whose testimony does not appear on record, who would substantially bolster the charge. The taking into account by respondent of unrepresented testimony was palpably irregular and an abuse of discretion as he should have based his actuations only on the evidence presented before him.

When respondent tried to exculpate himself by saying that he could not teach the prosecution what to do, he in effect subordinated his own discretion to that of the chief of police and automatically accepted the proffered complaint. In so doing he disregarded the purposes of a preliminary investigation: to wit, to determine whether a crime had been committed and that the accused had probably committed it. Respondent's action in accepting the serious accusation against the accused on the basis of the evidence on hand and fixing a high bail bond for the accused was hasty and arbitrary. He thereby failed to safeguard the innocent from hasty and groundless prosecution and the State from useless and unnecessary court proceedings.

Administrative Case No. S-3

On October 4, 1956, Bernabe Patarlas was convicted by respondent of violation of Commonwealth Act No. 447 (kaingin law). Immediately after the decision was read shortly before noon that day, Patarlas gave notice of his intention to appeal. He was then a detention prisoner, having been unable to file bond due, he claimed, to his failure to contact the respondent for the purpose. His bondsmen arrived about 1:30 p.m. on the same day that he was sentenced, but respondent was no longer in his office. Patarlas and his bondsmen, accompanied by the chief of police,

then went to respondent's house but they were told that he had gone to Dumaguete bringing with him the records of the case. On October 10, 1956, when respondent was again approached for the filing of the bond, he stated that he could not accept the same as the records had already been transmitted to the Court of First Instance.

While there is no positive evidence that respondent intentionally brought the records of the case to Dumaguete on the same day that he sentenced the complainant in order to deprive him of the opportunity to file an appeal bond, yet his explanation for his apparent undue haste is far from convincing. The Rules of Court (Sec. 7, Rule 119) allow him five days to transmit the records to the Court of First Instance. His claim that there were some exhibits which could not be mailed and that he had to make the trip personally is unsatisfactory. The tin plate containing the notice prohibiting occupancy of public forest presented as exhibit could have been mailed with the records without much difficulty. There was no showing that previously he personally carried the records in other cases, civil or criminal. As observed by the trial judge, the fact that complainant, after his arrest, could not file a bond as respondent could not be located by his bondsmen in the municipality and that respondent rushed to cross the channel to carry the records to Dumaguete after complainant's conviction clearly savors of a wilful design to deny complainant the opportunity to file a bond and in effect refused his right to bail. This constitutes a flagrant abuse of office.

The District Judge, with whom the Secretary of Justice concurs, recommends respondent's separation from the service. By his conduct respondent has truly rendered himself unfit to remain in office.

Wherefore, Mr. Manuel R. Valdez is hereby considered resigned as justice of the peace of Maria, Siquilor, Occidental Negros, effective upon receipt of a copy of this order.

Done in the City of Manila, this 21st day of APRIL, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

*Enoch P. Garcia*

By the President,

*Juan C. Pardo*  
Executive Secretary