

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 322

REMOVING MR. EDUARDO A. ABESAMIS FROM OFFICE AS JUSTICE OF THE PEACE
OF ECHAGUE AND ANGADANAN, ISABELA.

This is an administrative case against Mr. Eduardo A. Abesamis, justice of the peace of Echague and Angadanan, Isabela, which is an offshoot of Criminal Case No. 878 of the Court of First Instance of Isabela against him for swindling through falsification of public document. He was found guilty of the crime by said court and, on appeal, by the Court of Appeals, and was sentenced to suffer imprisonment of from 6 months and 1 day to 10 years and 1 day.

It appears from the administrative investigation conducted by the District Judge that on December 15, 1948, respondent submitted to, and collected from, the municipal treasurer of Echague a voucher covering his salary for the period from December 1 to 15, 1948, in the amount of ₱110 at the rate of ₱220 a month. On December 31, 1948, he presented another voucher covering his salary for the period from December 1 to 31, 1948, and received from the municipal treasurer of Angadanan the sum of ₱220. By the same process he collected on January 7, 1949, the sum of ₱103.40 (₱6.60 having been deducted as his contribution to the Government Service Insurance System) as salary for December 16 to 31, 1948, from the municipal treasurer of Echague; and on January 31, 1949, the sums of ₱213.40 (₱6.60 having been deducted for his insurance contribution) and ₱220 as salary for the month of January 1949 from the municipal treasurer of Echague and Angadanan, respectively.

It is admitted that the respondent received double payment of salary for the months of December 1948 and January 1949. He claims, however, to have done so by mistake and in good faith. This is untenable. As observed by the District Judge, it is hard to believe that when he received his salary on December 31, 1948, for the whole month of December 1948 he had forgotten that he had already received his salary for the first half of that month. It is also incredible that when he collected on January 7, 1949, his salary for the second half of December 1948 he had again forgotten that he had been paid salary for the whole month of December only a week before. That there could not have been any honest mistake on his part is best shown by his act of collecting on the same date, January 31, 1949, from the two municipalities of Echague and Angadanan his salary for the same month of January 1949.

His claim that there was no damage caused the Government as the overpayment was refunded even before formal demand was made upon him is without merit. The refund was made seven months after the commission of the offense and only after a letter of demand had been sent by the provincial auditor and his attention had been called to the matter by the provincial secretary. Under the circumstances, damage and prejudice, in the contemplation of law, was caused the Government.

In collecting double salary for two successive months under the circumstances above recited, the respondent is guilty of dishonesty which renders him unfit for his office.

WHEREFORE, and upon the recommendation of the Secretary of Justice and the District Judge, Mr. Eduardo A. Abesamis is hereby removed from office as justice of the peace of Echague and Angadanan, Isabela, effective as of the date of his preventive suspension.

Done in the City of Manila, this 19th day of March, 1908, in the year of Our Lord, nineteen hundred and six~~ty~~^{ty}-eight, and of the Independence of the Philippines, the fourteenth.

Earl O. Fox

By the President:

Natalio P. Castillo
NATALIO P. CASTILLO
Executive Secretary