

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 386

SUSPENDING MR. HORACIO T. AQUINO FROM OFFICE AS JUSTICE OF THE PEACE
OF PANGANIBAN, CATANDUANES.

This is an administrative case filed by Mr. Juan G. Bermudo, principal teacher of the Catanduanes Agricultural and Industrial School at Panganiban, Catanduanes, against Mr. Horacio T. Aquino, justice of the peace of the same municipality, for (1) oppression, (2) abuse of power, (3) subversion of justice, (4) habitual drunkenness and (5) incompetence. The case was investigated by the District Judge who found the respondent guilty of charges 2, 4 and 5 and recommended his suspension for three months without pay.

It appears that on October 2, 1957, respondent conducted the preliminary investigation of Criminal Case No. 241 of his court against complainant herein for acts of lasciviousness, despite the fact that the accused had waived his right thereto. Complainant's counsel questioned respondent's jurisdiction to proceed with the investigation and protested against the excessive bail bond required of the accused. Irked by the attitude of defense counsel, respondent declared him in contempt of court and fined him ₱25 or 10 days' imprisonment in case of failure to pay the fine. Respondent's attention was called to the fact that under the Rules of Court he had no authority to impose such penalty, but he refused to modify his order. Counsel paid the fine to save himself from imprisonment.

In another criminal case (No. 244) of respondent's court also against complainant herein, for slight oral defamation, a motion to quash was presented which was denied by respondent. After trial the accused was sentenced to four months' imprisonment and to indemnify the offended party in the amount of ₱500, with subsidiary imprisonment in case of insolvency. Again the respondent was informed that the penalty was in excess of that fixed by law for the offense but respondent obstinately refused to amend his decision.

Article 358 of the Revised Penal Code fixes the penalty for slight oral defamation at "arresto menor" or a fine not exceeding 200 pesos" and Rule 64, Section 1, of the Rules of Court penalizes direct contempt against an inferior court "by fine not exceeding ten pesos or imprisonment not exceeding one day, or both." Unquestionably, therefore, the respondent acted with grave abuse when he refused to change or modify his order and decision after his attention was called to the unauthorized penalty he imposed on Atty. Alberto David for direct

Atty. Aquino, Horacio T.

contempt and on complainant Bermudo for slight oral defamation. As observed by the investigating Judge, the respondent "exhibited both ignorance of the law and a marked degree of vindictiveness against the parties who appeared to have offended his judicial dignity." No more appropriate words could aptly describe the respondent's behavior in refusing to modify his unlawful order.

There is ground to believe that respondent seized those occasions to vent his suppressed ire against the complainant that grew out of an incident which took place about a year before. For it appears that sometime in October 1956 the complainant declined a request of the mayor of Panganiban, Catanduanes, for monetary contribution to finance a dance to be held in honor of the respondent and Judge Perfecto Quiche of the local Court of First Instance. As a consequence, a 1st indorsement dated October 12, 1956, signed by the mayor but drafted by the respondent himself, was sent to the complainant informing the latter in tart and caustic language that because of his uncooperative attitude toward social activities initiated by the officials and employees of the municipality of Panganiban, "I wish to state that said officials and employees will divorce themselves from associating with you in any of your school activities, as it is also against your rules and regulations to have these people take part."

Evidence abounds in the record showing respondent's habitual indulgence in excessive drinking. During the closing exercises and dance in the Viga Elementary School sometime in 1956, respondent came intoxicated and talked aloud while the guest speaker was delivering his speech, disturbing the ceremony. On another occasion in August 1956, in a dance in Viga in honor of a former superintendent of schools, the respondent, an invited guest, came under the influence of liquor and challenged the honoree to a fight which was politely declined. This incident caused the dance to stop and the guests had to go home. In a conference with various officials of Panganiban the respondent, who had been assigned to talk on the subject of obedience to law, failed to do so, because he was drunk and fell asleep during the meeting.

On January 1, 1957, the respondent, while very drunk, jumped from a window of the municipal building of Panganiban. On September 5, 1957, he went to the house of a certain Buenaventura Marino strongly smelling of liquor with only his drawers on. Without provocation, he slapped Marino and uprooted ten mounds of camote plants in his yard. Again on September 13, 1957, respondent, in the company of a policeman, drank liquor from 2:00 to 6:00 P.M. at the store of a certain Antonia Gueva without paying for the drinks. Worse, after consuming the wine, they serenaded Antonia whose husband was away. Respondent slept in her house, knowing full well that her husband was not there. This incident

resulted in a serious quarrel between Antonia and her husband which almost ended fatally as she drank mercurochrome. She was saved only by timely medical treatment. On October 2, 1957, respondent was seen drinking liquor with another judge and the complainant in Criminal Case No. 241 of his court. During a political meeting in Viga on October 15, 1957, the respondent, in a drunken stupor, shouted loudly while Congressman Jose Alberto was speaking. He also led in the collection of ten centavos each from the employees in the municipal building of Panganiban for the purchase of tuba which they drank during office hours.

In view of the foregoing, I agree with the District Judge that respondent is guilty of (1) abuse of power, (2) habitual drunkenness and (3) incompetence. The acts committed by the respondent are quite serious, but in view of the conviction of the District Judge that he is not beyond reform, I am persuaded to give him another chance to acquit himself in the judiciary.

WHEREFORE, and upon the recommendation of the District Judge, Mr. Horacio T. Aquino is hereby suspended for three (3) months without pay as justice of the peace of Panganiban, Catanduanes, effective upon receipt of a copy of this order, with a warning that commission of similar acts will be sufficient cause for his removal from the service.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.



By the President:



EDILBERTO B. GALLARES
Assistant Executive Secretary