

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 120

REMOVING MR. MANUEL M. IMBAO FROM OFFICE AS MUNICIPAL JUDGE OF
MANDALUYONG, RIZAL.

This is an administrative proceeding for dereliction of duty instituted by the Executive Judge of the Court of First Instance of Rizal against Mr. Manuel M. Imbao, municipal judge of Mandaluyong, Rizal, following the latter's indictment for robbery in Criminal Case No. 11309 of the Court of First Instance of Rizal, entitled "People of the Philippines vs. Manuel M. Imbao, et al." This administrative charge for dereliction of duty adopts the allegations of the criminal information for robbery which reads:

"That on or about the 14th day of March, 1962, in the municipality of Mandaluyong, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the accused Manuel M. Imbao and Rafael J. Candelaria, being then the Justice of the Peace of Mandaluyong, Rizal, and Police Lieutenant acting as prosecutor, respectively, conspiring and confederating together and mutually helping one another, with intent of gain and by means of threats and intimidation, that is, by threatening one Roque G. Ma. Gonzales, father of Francisco Gonzales complainant in Criminal Case No. 5611, entitled People vs. Manolo Suarez for slight physical injuries, docketed with the Justice of the Peace Court of Mandaluyong, Rizal, to the effect that should he not give the sum of ₱300.00, the accused would change the decision of conviction in said Criminal Case No. 5611, which he had already prepared and which he has set for promulgation on March 24, 1962 by acquitting the said accused Manolo Suarez should he not give the amount of ₱300.00, and in pursuance of said threats and intimidation, did then and there willfully, unlawfully and feloniously demand the sum of ₱300.00, and the offended party, Roque G. Ma. Gonzales, out of fear, gave the accused the sum of ₱300.00, against his will and consent, to the damage and prejudice of the said Roque G. Ma. Gonzales in the aforementioned amount of ₱300.00."

Respondent and his coaccused Candelaria were convicted by the Court of First Instance of Rizal of robbery and sentenced accordingly. On appeal to the Court of Appeals, the appellate court acquitted the accused of the crime of robbery on the ground that the prosecution failed to prove beyond reasonable doubt the existence of the qualifying element of intimidation, without prejudice, however, to the filing of another information charging the proper offense (bribery).

In this administrative case respondent filed his answer denying the charge of dereliction of duty and alleging affirmative and special defenses. Upon his conviction by the trial court in the criminal case, respondent was preventively suspended by the Executive Judge on July 23, 1962. At the formal investigation of the administrative complaint, the government and respondent agreed to submit the case on the basis of the evidence adduced in the trial of the criminal case, including the information and the trial court's decision. After going over the evidence, the Executive Judge made his own finding in the administrative case and found—

" . . . that respondent had received the sum of ₱300.00 from the father of Francisco Gonzales, complainant in Criminal Case No. 5611 entitled People of the Philippines vs. Manolo Suarez for slight physical injuries and which was docketed in the office of the respondent Justice of the Peace of Mandaluyong as Criminal Case No. 5611 by reason of a request made to that effect by the respondent, and as a consequence thereof he did not change his decision convicting Manolo Suarez which he intimated that he would change into an acquittal unless the money was given to him. The Court therefore is of the opinion that respondent had committed a dereliction of duty, that is, asking money from the father of a party, namely, Francisco Gonzales, who is the offended party in Criminal Case No. 5611."

The Executive Judge, therefore, recommends respondent's dismissal from the service. The Secretary of Justice concurs in the findings and recommendation of the Executive Judge.

A perusal of the record shows that Criminal Case No. 5611 was filed in respondent's court in Mandaluyong, Rizal, against Roberto Eusebio and Manuel Suarez for slight physical injuries inflicted on Francisco Gonzales, son of Roque G. Ma. Gonzales; that Eusebio was acquitted and the case was continued against

Suarez; that on March 14, 1962, while the case against Suarez was pending decision, Roque Gonzales was informed by Candelaria, the police prosecutor in the case, that a decision against Suarez had already been prepared, but that he had to give ₱300 to the respondent; and that Gonzales, after contacting the National Bureau of Investigation, went to respondent's office in the afternoon of said day and, upon respondent's arrival, shook hands with him, saying that he had the money and would like a copy of the decision.

The evidence also shows that at that time the NBI agents were also in respondent's office pretending to be waiting to transact official business with the respondent, but actually to effect the prearranged entrapment; that respondent then called his clerk to get a folder from which he took a copy of the decision and handed it to Gonzales; that Gonzales read the decision and then handed the respondent an envelope with the money which had been previously marked; that the respondent took the envelope, thanked Gonzales, and put it in his right pocket; and that they shook hands and Gonzales left.

It also appears that at this juncture the NBI team confronted the respondent and the team leader informed him that he had just received an envelope containing marked money; and that the respondent was speechless and shaking and gestured to take out the envelope from his pocket but, as directed by the NBI agents, he returned the envelope in his pocket and was taken by the NBI agents to their office.

Gonzales testified that he gave the money to respondent because Candelaria, police prosecutor in the case, informed him that a decision had already been prepared by respondent against Suarez but that he had to give ₱300 to the respondent, otherwise the latter would reconsider his decision and acquit Suarez. This testimony was corroborated by respondent's coaccused Candelaria.

Respondent admitted that when he arrived in his office in the afternoon of March 14, 1962, he was greeted by Gonzales who asked him if he had already prepared the decision; that he gave Gonzales a copy of the decision; and that Gonzales in turn handed him an envelope which he placed in his pocket, since the drawers of his table were locked. However, respondent maintained that when Gonzales gave him the envelope he was only asked by Gonzales to give it to Candelaria; and that he did not know that the envelope handed to him by Gonzales contained money until he was so informed by the arresting NBI agents.

Respondent's version deserves no credence. Candelaria, respondent's coaccused, positively affirmed that respondent instructed him to call Gonzales and tell the latter to send over ₱300, thereby corroborating Gonzales' testimony on the matter. The foregoing proposition becomes clear when it is considered that respondent also failed to explain satisfactorily why he gave a copy of his decision to the father of the offended party before the date scheduled for its promulgation.

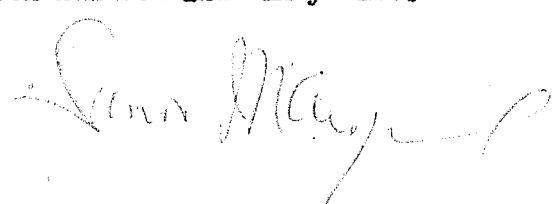
According to his clerk of court, respondent directed the former to serve notice of the promulgation of the decision on the parties and respondent agreed with her as to the date of promulgation. Since the notice of promulgation fixed the time when the decision would be made known to the parties, it was highly irregular for the respondent to give an advanced copy of the decision to the father of the offended party. The inevitable conclusion is that the money was given to the respondent as a consideration for a favorable decision in the criminal case.

The fact that respondent was acquitted by the Court of Appeals does not necessarily compel respondent's exoneration in the instant case, considering that the acquittal in the criminal case was based on a technicality that he was charged with the wrong crime; that although the element of intimidation in the crime of robbery was not proved, it was found as a fact in the same decision that respondent did receive from Gonzales the sum of ₱300, thereby showing that he committed bribery; and that the commission of either robbery or bribery is evidence of respondent's dereliction of duty.

Respondent's acts and behavior show his corruptibility and unworthiness as a public official, making him clearly unfit to administer justice. Sufficient grounds, therefore, exist for separating him from the service.

Wherefore, Mr. Manuel M. Imbao is hereby removed from office as Municipal Judge of Mandaluyong, Rizal, effective as of the date of his preventive suspension on July 23, 1962.

Done in Itbayat, Batanes, this 23rd day of April, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ
Executive Secretary