

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 264 ✓

REMOVING MR. ANGEL S. HUERTAS FROM OFFICE AS MUNICIPAL JUDGE
OF RAGAY, CAMARINES SUR.

This is an administrative case filed by Dr. Diosdado Olisea against Municipal Judge Angel S. Huertas of Ragay, Camarines Sur, for (1) grave abuse of discretion, (2) ignorance of the law, (3) oppression, (4) grave misconduct in office, (5) dishonesty "amounting to moral turpitude" and (6) failure to render decisions on cases submitted for decision for more than one year.

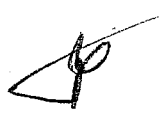
For insufficiency of evidence, investigating District Judge Augusto L. Valencia found respondent blameless as to charges 3, 4 and 6 but guilty of the others, as specified hereunder, and recommended that he be dismissed from the service, in which the Secretary of Justice concurs.

I. Grave Abuse of Discretion

A. In People vs. Maala and Castelo (Criminal Case No. 633 for theft of large cattle) the respondent issued two conflicting orders in the preliminary investigation thereof. The first order (Exh. A) remanded the case for trial to the Court of First Instance as far as Castelo, who admitted the offense charged, was concerned, while the second (Exh. B) dismissed the case against Maala and Castelo because of the absence of a prima facie case. Although both orders were dated September 30, 1964, it is evident that Exhibit B was issued much later than Exhibit A, it appearing that Maala was released on October 1, 1964 (Exh. JJ), by reason of Exhibit A which declared that there was no prima facie case against him. On the other hand, Castelo remained a detention prisoner from August 22 to November 28, 1964.

Likewise, in the same case respondent prepared two sets of "Findings of Facts in the Preliminary Investigation," which were in conflict with each other. One (Exh. C) stated that both Castelo and Maala pleaded not guilty to the offense and the other (Exh. C-1), that Castelo pleaded guilty to the charge.

B. In Criminal Case No. 689 (for theft of large cattle) the respondent on January 26, 1966, sentenced the accused to imprisonment for a period of from 4 years, 2 months and 1 day



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to 4 years, 9 months and 10 days and to pay the costs (Exh. E). The decision was received by the accused on February 11, 1966. On February 22, 1966, the accused filed a notice of appeal, but the same was later withdrawn in a motion for new trial dated February 24, 1966. However, respondent did not conduct a new trial and instead rendered an amended decision on April 25, 1966, reducing the original penalty to 6 months and 1 day to 1 year, 1 month and 10 days plus costs (Exh. G). The records of said case do not contain the original of the amended decision.

II. Ignorance of the law

A. The Indeterminate Sentence Law is applicable only to cases where the maximum term of imprisonment exceeds one year (Sec. 2, Act No. 4103, as amended). However, respondent in several cases (Exhs. H, W, Z, A-A, E-E, G-G and M-M) applied said law although the respective accused were sentenced to imprisonment for less than one year.

B. Respondent assumed jurisdiction over cases for attempted homicide (Exhs. C-C and D-D), frustrated homicide (Exhs. X and E-E) and robbery involving the sum of ₱312.60 (Exh. I) by trying them on the merits, although such cases are obviously beyond his jurisdiction, in view of the nature of the offenses charged and the duration of the penalties prescribed by law therefor. At most, his jurisdiction was limited to conducting preliminary investigations of those cases.

C. The crime of direct assault is punishable by imprisonment and fine (Art. 148, Revised Penal Code). But in *People vs. Magdaraog* for direct assault (Exh. FF) respondent sentenced the accused to imprisonment only without imposing a fine on him. Moreover, the sentence imposed was even below the minimum of the duration of the imprisonment provided for by law for said felony, which is prision correccional in its minimum period.

D. In Criminal Case No. 615 (Exh. W) for serious physical injuries, the respondent sentenced the accused to a prison term not exceeding 6 months and to indemnify the aggrieved party in the sum of ₱500, "but if the accused fails to pay said amount, he shall not serve imprisonment for non-payment of the same." The quoted portion of the decision is contrary to Section 39 of the Revised Penal Code, which provides for subsidiary imprisonment should the convict fail to pay his pecuniary liabilities, among which is reparation of the damage caused or indemnification of the consequential damages.

[Handwritten Signature]

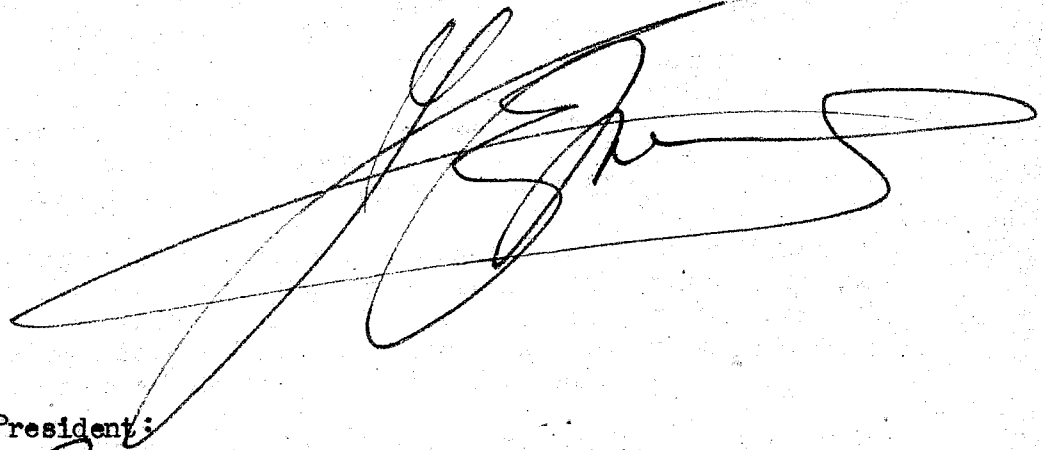
III. Dishonesty

The records also show that prior to his appointment as municipal judge, respondent was found guilty of dishonesty (falsification of daily time records) and gross misconduct in Administrative Case No. R-9384 and was dismissed as an employee of the Fiber Inspection Service by the Commissioner of Civil Service whose decision was affirmed by the Civil Service Board of Appeals on January 21, 1956 (Exh. R). Respondent did not disclose the same in his application for the position of judge or in his papers submitted to the Commission on Appointments.

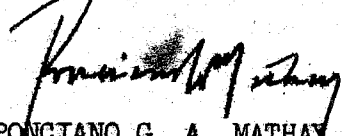
In view of the foregoing, I find respondent guilty of the charges above discussed which warrant his dismissal from the service.

Wherefore, and as recommended by the Secretary of Justice and the District Judge, Mr. Angel S. Huertas is hereby removed from office as municipal judge of Ragay, Camarines Sur, effective upon receipt of a copy of this order.

Done in the City of Manila, this 1st day of January ,
in the year of Our Lord nineteen hundred and seventy-one.



By the President:



PONCIANO G. A. MATHAY
Acting Assistant Executive Secretary