

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 330

IN RE ADMINISTRATIVE CASE AGAINST FORMER MUNICIPAL JUDGE
MANUEL E. PABLO OF MIDSAYAP, COTABATO.

This refers to the administrative case against Municipal Judge Manuel E. Pablo of Midsayap, Cotabato, since retired, filed by Francisco U. Darantinao Jr. for irregularities in certain criminal cases of his court.

The formal investigation of the case by District Judge Jesus V. Occeña of the Court of First Instance of Cotabato was discontinued, as respondent was then about to reach the compulsory retirement age of 70 on August 12, 1971. The Judge recommended that the respondent be allowed to retire, if retirable, and with honor, as it would be unfair to forfeit his retirement benefits for his long years of service and by his retirement he could no longer cause prejudice. However, the Secretary of Justice disagreed with the Investigating Judge and submitted his findings and recommendation on September 14, 1971. Upon respondent's request, the case was returned to the Department of Justice which, in turn, directed the Investigating Judge to proceed with the formal investigation of the case until its completion so as to give respondent the opportunity to cross-examine the witnesses against him and to present his side of the case.

Respondent is specifically charged with (1) docketing the complaint in Criminal Case No. 2779 (for false testimony) without any supporting affidavit; (2) sentencing the accused in Criminal Case No. 2317 (for homicide over which he had no jurisdiction; (3) ordering the imprisonment of the accused in a case for civil liability for damages; (4) issuing a warrant of arrest in a certain civil case; and (5) docketing Criminal Case No. 2721 (for perjury) committed outside the territorial jurisdiction of his court.

In his memorandum to Judge Occeña dated January 13, 1972, respondent explains that (1) the acceptance and docketing of Criminal Case No. 2779 was merely an exercise of judicial discretion and was properly supported by affidavits prepared by the complainant, which became the basis thereof; (2) he erred in sentencing the accused in Criminal Case No. 2317 (for homicide), but in utmost good faith believing that he had the authority to act as he did and without the slightest intent to cause harm or injury to anyone or to defeat the ends of justice; (3) the imprisonment of the accused was for contempt

of court due to his disrespectful and contemptuous remarks; (4) the warrant of arrest against the accused in Civil Case No. 148 (for forcible entry and damages with preliminary injunction) was issued for contempt of court, in view of their defiance of his summons to perfect their appeal by posting the required bail bond; and (5) the filing of Criminal Case No. 2721 was the responsibility of the chief of police who testified that he overlooked the fact that the offense was committed in Pagalungan, Cotabato, after the case was investigated by police investigators.

Respondent likewise maintains that the charges against him were filed to persecute and to harass him, which is best illustrated by the affidavit of desistance executed by complainant on November 19, 1971, stating that "in view of the fact that the only case that involves and affects me, and which forms the basis of my number 1 charge in my administrative complaint, has been finally resolved to my entire satisfaction and that I am entirely satisfied that respondent Judge Pablo acted in good faith and without malice in connection with the docketing thereof; and in view of the further fact that, not only am I not personally involved in the other charges, but also that the persons directly affected are not interested therein; I have executed this affidavit to manifest my desistance in further prosecuting my administrative complaint and that I hereby withdraw all the charges contained therein against respondent Judge Manuel E. Pablo," and complainant's "MANIFESTATION" dated November 28, 1971, affirming in toto his aforesaid affidavit and declaring that he is no longer appearing in any further proceedings to be had in the case. Finally, for having erred in charge 2 respondent appeals for justice, human compassion and understanding, having served the Government faithfully and with honesty, loyalty and devotion for 33 years, 25 of which in the judiciary. To deprive ^{him} of leave and retirement benefits on the basis of his admission or finding of guilt thereon would be cruel and inhuman, which is like imposing on him the death sentence.

After the reinvestigation of the case, the Investigating Judge on January 26, 1972, submitted to the Secretary of Justice the pertinent papers of the proceedings and reiterated his previous recommendation that respondent be allowed to retire with honor, the errors committed by him in good faith having been redeemed by his long years of service in the Government.

On April 4, 1972, the Secretary of Justice forwarded to this Office the complete records of the case and reiterated


his original findings and recommendation that respondent is guilty of charges 2, 3 and 5, and that he should be dismissed from the service.

After a careful review of the case, I agree with the Secretary of Justice that respondent is guilty as charged. However, considering that the offenses committed by him do not involve dishonesty and in view of his appeal for human compassion and understanding, coupled with the fact that he has already been compulsorily retired after having served the Government for 33 years, 25 of which were in the judiciary, I believe that he deserves leniency.

Wherefore, Mr. Manuel E. Pablo, former Municipal Judge of Midsayap, Cotabato, is hereby fined in an amount equivalent to two (2) months' pay.

Done in the City of Manila, this 24th day of May, in the year of Our Lord, nineteen hundred and seventy-two.

By the President:



ALEJANDRO MELCHOR
Executive Secretary