

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 320

REQUIRING MR. APOLONIO S. PADUA TO RESIGN AS JUSTICE OF THE PEACE
OF SAN MATEO, ISABELA

This is an administrative case against Mr. Apolonio S. Padua, justice of the peace of San Mateo, Isabela, arising from a complaint of Celestino Mercurio. The complainant alleged that he and his brother Arcadio were tenants of Gregorio Mariano; that he refused to give the owner any palay corresponding to the portion of the land which had not been planted; that because of this refusal the landowner took away all the palay which he had harvested and also accused him and his brother of estafa before respondent's court; that although they were able to put up bail, their bondsmen later withdrew, as a result of which they were put in jail and detained for eight days; that they were not given food while in jail; and that to obtain their release they were forced to agree to an unjust settlement of the case as proposed by the landowner.

Attached to the complaint were a copy of complainant's affidavit taken by the chief of police of San Mateo, Isabela, and sworn to before the respondent, a copy of the settlement signed by the complainant, and a copy of respondent's order dismissing the criminal case for estafa at the instance of Gregorio Mariano. The affidavit, which was signed on December 1, 1953, and sworn to on December 9, 1953, states that on December 1, 1953, the affiant complained to the chief of police that on November 27, 1953, he discovered that Gregorio Mariano had taken away from 18 to 19 cavans of affiant's palay and destroyed his house. According to the settlement, dated May 14, 1954, which was signed by Gregorio Mariano, the herein complainant and Arcadio Mercurio, the tenants agreed to convey to the landlord their share in the harvest of 21 cavans of palay in payment of seedling and expenses of threshing and of their debt of ₱60 and the landlord in turn agreed to withdraw his claim against the tenants.

The respondent denied knowledge of said settlement and maintained that the proceedings in the criminal case filed against the herein complainant were in accordance with law. During the investigation conducted by the District Judge, the complainant and his brother Arcadio testified in support of the complaint, while the respondent, Atty. Francisco S. Villarta and the chief of police testified for the defense. The complainant's affidavit and the settlement were marked Exhibits A and B, respectively.

The complainant testified that he was able to till only part of Gregorio Mariano's land because Mariano took a portion of his seedling; that he did not take the palay of Mariano, but it was the latter who appropriated his (complainant's) palay and destroyed his house; that he and his brother were not given food during their confinement in jail; that the respondent went to the jail three times to persuade them to enter into an amicable settlement; that he and his brother signed it because they were starving; and that he was greatly prejudiced by the settlement because the amount of his harvest was reduced and he was made to appear as indebted when he was not and to give a share of the supposed harvest on the owner's land which had not been cultivated.

Arcadio Mercurio declared that he was arrested and put in jail although he was not a tenant of Gregorio Mariano; that he suffered hunger while in jail; that he and his brother were released when his brother was called by the respondent; that his brother agreed to the amicable settlement because they were starving; and that the respondent told him to sign the settlement.

The record of Criminal Case No. 176 of respondent's court for estafa against Celestino and Arcadio Mercurio shows that the complaint of Gregorio Mariano was subscribed and sworn to before the respondent on December 11, 1953; that on the same day the respondent issued a warrant for the arrest of the accused; that the accused were committed by the respondent to custody on December 16, 1953, but were released on bail that same day; that on January 28, 1954, counsel for the accused, citing U.S. vs. Clarin, 17 Phil. 84, filed a motion to quash the complaint on the ground that the facts alleged did not constitute an offense and that the obligation of the accused as tenants of the complainant was purely civil; that on February 17, 1954, the respondent denied the motion, holding inapplicable the authority cited therein; that on May 6, 1954, respondent recommitted the accused to custody upon the withdrawal of one of their bondsmen and on the next day set the case for hearing on May 14, 1954; that on the latter date Gregorio Mariano moved for the provisional dismissal of the complaint on the ground that he did not have sufficient evidence to prove it; and that respondent granted the motion and ordered the release of the accused from custody.

An examination of the original and amended complaints filed against the Mercurios shows that the act complained of was an alleged violation of the tenancy contract by the accused tenants. It being alleged that the accused themselves had planted the palay on the land of Gregorio Mariano, they could not have been guilty of any criminal offense under Article 315, paragraph 1(b), of the Revised Penal Code, for failure to deliver the crop. At most, their liability was civil in character, as asserted in their motion to quash. The District Judge, therefore, correctly found that the respondent issued a warrant of arrest in said criminal case although there was no ground to believe that the accused had committed a criminal act.

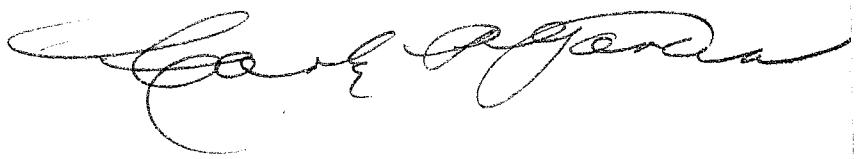
In addition, the respondent admitted that he personally examined Celestino Mergulio when the latter subscribed and swore to the affidavit Exhibit A and that he advised the affiant to take his case to the Tenancy Commission and the Department of Labor. He also admitted that he doubted the sufficiency of the criminal complaint filed by Gregorio Mariano, although he explained that he accepted it on the assurance of Mariano that he would present other witnesses. The respondent nevertheless admitted that he did not wait for the presentation of additional witnesses before issuing the warrant of arrest because of Mariano's alleged assurance that the witnesses would be presented at the trial.

It thus appears from respondent's own admission that when he issued the warrant for the arrest of the Mergulio brothers he not only did not summon the witnesses as required by Sections 5 and 6 of Rule 108 of the Rules of Court but actually doubted that the offense complained of had been committed or that the defendants had committed it. This lends support to the charge that the criminal complaint against the Mergulio brothers was a "frame-up" designed to force them to sign the settlement. Besides, the proven fact that the settlement was executed in respondent's office and the denial of this truth by the respondent tend to establish that the transaction was unjust and that he was aware of it.

The District Judge recommended that the respondent be merely warned that in the future "he should carefully examine criminal complaints and supporting affidavits presented to him to determine whether or not there is a probable cause to believe that an offense has been committed and that the accused are probably guilty thereof before issuing the warrant of arrest to avoid unjustified accusations and the consequent inconvenience and humiliation of the accused." However, I agree with the Secretary of Justice that the acts committed by the respondent are so serious and the consequences thereof so grievous as to call for more than warning or suspension.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Apolonio S. Padua is hereby ^{required to resign} removed from office as justice of the peace of San Mateo, Isabela, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of February, ,
in the year of Our Lord, nineteen hundred and sixty, and of the
Independence of the Philippines, the fourteenth.



By the President:



NATALIO P. CASTILLO
Executive Secretary