

MALACAÑANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 377

ON THE ADMINISTRATIVE CASES AGAINST MR. TOMAS K. LIBAGO AS JUSTICE OF THE PEACE OF SIOCON AND LABASON, ZAMBOANGA DEL NORTE.

These are administrative cases against Mr. Tomas K. Libago, as justice of the peace of Siocon and Labason, Zamboanga del Norte, for alleged falsification of public documents and ignorance of the law in connection with his actuations in Criminal Cases Nos. 158 and 166 of his Labason court (Adm. Case No. 10) and persecution and abuse of authority in connection with Criminal Cases Nos. 979 and 981 of his Siocon court (Adm. Case No. 14).

The respondent denied all the charges in his answer but refused to testify or present any evidence at the formal investigation conducted by the District Judge where he merely made of record his application to retire submitted through the Secretary of Justice.

With respect to Administrative Case No. 10, the evidence shows that in Criminal Case No. 166 (Labason court), for light threats, the respondent on November 22, 1952, sentenced the accused to suffer imprisonment for 15 days and to pay a fine of ₱15, with subsidiary imprisonment of five days in case of insolvency, and to pay the costs. The accused filed a notice of appeal but he was ordered arrested on May 4, 1953, because of his failure to file the appeal bond. He posted the necessary bond on May 9, 1953, and was released.

On August 1, 1953, the accused was rearrested upon order of the respondent and confined in jail for 15 days to serve his sentence. Thereafter, or on August 15, 1953, he filed a petition for the condonation of the ₱15 fine or the subsidiary imprisonment, which was apparently granted by the respondent because the accused was ordered released the following day.

Several irregularities mark respondent's actuations in the above proceedings. The penalty he imposed upon the accused was contrary to law as Article 285 of the Revised Penal Code penalizes the crime of light threats with only "imprisonment or fine," not "imprisonment and fine." His condonation of the fine, granting

*McC Libago, Tomas K.*

that his decision was wrong, was palpably irregular because he had no authority to do so after the decision had become final. He ordered, in clear contravention of the rules, the execution of the sentence notwithstanding the defendant's appeal. Finally, he violated Section 7, Rule 119 of the Rules of Court when he failed to forward the record of the case to the Court of First Instance after the appeal had been perfected.

Administrative Case No. 14 had its antecedents in a dispute over the possession of a parcel of land between a certain Mora Lobot and the respondent himself. A civil case for forcible entry (Civil Case No. 12) was filed by Mora Lobot on June 16, 1947, in the justice of the peace court of Siocon against the herein respondent and two other persons. The acting justice of the peace issued a writ of preliminary injunction restraining the defendants from committing further acts of dispossession against the plaintiff. Despite the writ, the other two defendants, acting upon orders of their co-defendant, the herein respondent Tomas K. Libago, went to the land occupied by the plaintiff and forced the latter to deliver to them 36 cavanese of palay, the produce of the land in question. As a consequence, an administrative case (No. 2) was filed against the respondent.

Mora Lobot lost in Civil Case No. 12, which was dismissed, and she appealed to the Court of First Instance of Zamboanga where it was docketed as Civil Case No. 96. This case was heard jointly with Administrative Case No. 2. Judgment was rendered by the Court of First Instance ordering the defendants to restore the possession of the land and to return the 36 cavanese of palay or pay the corresponding value of ₱100 to the plaintiff, and recommending that Tomas K. Libago be suspended for three months for conduct unbecoming a public official. The respondent appealed the decision in the civil case to the Court of Appeals which affirmed the same on May 18, 1956.

Criminal Cases Nos. 979 and 981, subjects of Administrative Case No. 14, were offshoots of the incidents narrated above. The records show that while Mora Tapsil, a daughter of complainant Mora Lobot, was plowing a portion of the latter's land, a certain Moro Mussadin Esnain tried to drive her away from the land. The woman refused to leave and resisted the attempt. On April 13, 1953, Criminal Case No. 979, for attempted homicide, was filed against Mora Lobot, her daughter Mora Tapsil, her son-in-law Jaohali Dandoh, and Mora Lumarang. The four were immediately arrested upon order of the respondent who fixed the bail bond for their provisional release at ₱12,000 each. A week later they were brought before the respondent who demanded ₱200 from them on the promise that he would dismiss the case, but they refused. Thereafter another criminal case, No. 981, for slight physical injuries, was filed against Mora Lobot and Jaohali Dandoh based on the same incidents and the same affidavits that led to the filing of Criminal Case

No. 979 earlier. The defendants remained in jail for 3 months and 19 days for failure to post the necessary bond and they were only released after the respondent, through the intervention of one Attorney Riconalla, reduced the bail bond to ₱3,000 for each accused.

Criminal Case No. 981 was later dismissed by the respondent on September 25, 1953, five months after its filing, at the instance of counsel for the accused while Criminal Case No. 979 was remanded to the Court of First Instance only on December 22, 1955, or after 2 years and 8 months, where it was dismissed upon motion of the provincial fiscal for lack of evidence. In the meantime, Mora Mussadin Esnain, the alleged offended party in the two criminal cases, occupied complainant's land during the time that she was in jail and delivered to the respondent several cavanos of palay harvested from the land.

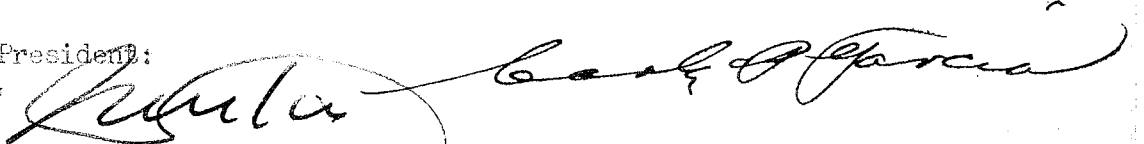
It is quite evident that the respondent gravely abused the powers of his office and persecuted Mora Lobot to further his personal ends. He accepted two different criminal complaints on the basis of the same affidavits and the same incidents; he fixed a grossly excessive bail that caused the unwarranted incarceration of the accused for 3 months and 19 days; and he unduly delayed the preliminary investigation of Criminal Case No. 979 for more than 2 years and 8 months, all in furtherance of his scheme to deprive Mora Lobot of her land and to wreak vengeance on her.

In view of all the foregoing, I find the respondent guilty of gross ignorance of the law in Administrative Case No. 10 and wanton abuse of authority in Administrative Case No. 14. As observed by the District Judge, the respondent, by his actuations, has shown himself unfit to sit in judgment over his fellowmen. I have been informed, however, that Mr. Libago is no longer in the service for having reached the age of compulsory retirement on September 28, 1959, during the pendency of these cases.

Considering his length of service, the separation of Mr. Tomas K. Libago is hereby understood to be without prejudice to his receiving such retirement benefits as he may be entitled to.

Done in the City of Manila, this 18th 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