

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 248

REMOVING MR. PEDRO R. RABAGO FROM OFFICE AS MUNICIPAL
JUDGE OF CAGWAIT, SURIGAO DEL SUR.

This case stemmed from a telegram-complaint of Clenio Ondona against Municipal Judge Pedro R. Rabago of Cagwait, Surigao del Sur, charging him with political harassment and persecution. The case was investigated by District Judge Ricardo D. Garcia of the Court of First Instance of Surigao del Sur who, after respondent failed to appear at the formal investigation despite summons and instead submitted his written explanation, found the charges substantiated without, however, recommending the specific penalty to be imposed.

It appears that in Special Proceedings No. 49 of the Court of First Instance of Surigao del Sur involving the estate of the deceased Juan Logronio, respondent appeared as counsel for his son-in-law Nicostrato Logronio, an oppositor to the petition for letters of administration filed by the widow. Logronio's opposition was founded on his claim that some of the properties listed in said petition belonged to him.

As a consequence of the acts of complainant Ondona, the administrator of the property of the deceased, as well as the heirs and their laborers in harvesting coconuts from the disputed land, Logronio filed with the Municipal Court of Cagwait, Surigao del Sur, presided by respondent, Criminal Cases Nos. 511 (for frustrated robbery in band) and 512 (for qualified theft) against complainant and several others, and Criminal Case No. 514 (for qualified theft) against the heirs and their laborers.

Respondent conducted the first stage of the preliminary investigation of Criminal Cases Nos. 512 and 514 and thereafter issued warrants of arrest against the accused who posted bail for their provisional release. Later, however, and upon the approval of the District Judge, respondent desisted from further acting on said cases because of his relationship to Nicostrato Logronio.

One important issue in the aforementioned special proceedings before the Court of First Instance of Surigao del Sur involved the ownership of the land wherein the

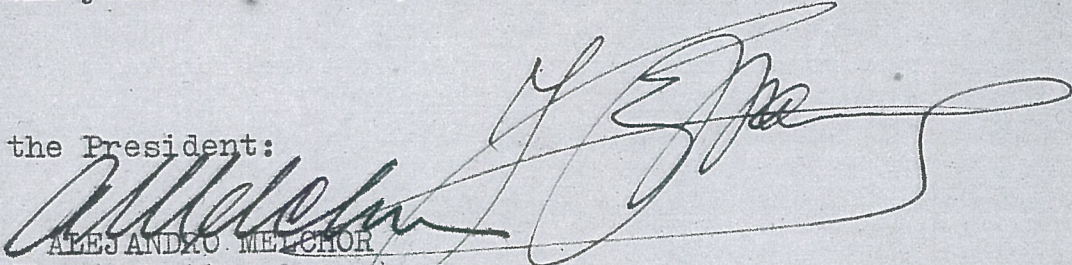
coconuts, subject matter of the criminal complaint for qualified theft, were taken. Logronio claims ownership of the land as against a similar claim by the decedent's estate. If the latter claim is eventually sustained, the accused who gathered the coconuts in behalf of the estate could not be held guilty of theft because of lack of intent to gain. Under the circumstances, respondent should have refrained from giving due course to the complaint of his son-in-law, as his actuations could be construed, as they were, to be coercive and oppressive against the accused. Respondent not merely gave due course to his son-in-law's complaint but, worse, he issued warrants for the arrest of the accused, prompting the Investigating Judge to remark that the latter's "actuations were very drastic and arbitrarily inspired by no other motive than to protect the interest of his son-in-law."

Evidently, respondent cannot validly plead ignorance of the circumstances antecedent to and surrounding the filing of these criminal cases, considering that he is the father-in-law and legal counsel of Nicostrato Logronio in Special Proceedings No. 49. In conducting the first stage of the preliminary investigation and issuing warrants of arrest against the accused in Criminal Cases Nos. 512 and 514, respondent judge was obviously actuated with improper and vengeful motives. He used the powers of his office not to apply the law with an even hand but to oppress the opponents of his son-in-law and former client. Respondent's actuations clearly show that he is guilty of gross abuse of the powers of his office constituting serious misconduct and that he is unfit to remain in the judicial branch of the Government.

Wherefore, and as recommended by the Secretary of Justice, Mr. Pedro R. Rabago is hereby removed from office as municipal judge of Cagwait, Surigao del Sur, effective upon receipt of a copy of this order.

Done in the City of Manila, this 17th day of November, in the year of Our Lord, nineteen hundred and seventy.

By the President:


ALEJANDRO MELCHOR
Executive Secretary