

# Malacañang

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 383

REQUIRING MR. CRESENCIANO L. AVILA TO RESIGN FROM OFFICE AS JUSTICE OF THE PEACE OF CULABA, LEYTE.

This is an administrative case filed by Gerardo Sabarre against Justice of the Peace Cresenciano L. Avila of Culaba, Leyte, for immorality, in that the respondent was cohabiting with Vicenta Sagadal although his marriage to Crispina Cabiling was still valid and subsisting. Attached to the complaint were the following documents: (1) certificate of the local civil registrar of Albuera, Leyte, that the record of marriages of his office shows that Cresenciano L. Avila and Crispina Cabiling were married in Caridad, Baybay, Leyte, on January 1, 1949; (2) a certificate of the same official that the record of births of his office shows that Cesaria Avila, legitimate daughter of Cresenciano L. Avila and Crispina Cabiling, was born on July 8, 1950, in Tinag-an, Albuera, Leyte; (3) a photostatic copy of respondent's income tax return for 1955 wherein V. S. Avila appears as his wife; (4) a copy of an application for timber license signed by Vicenta Sagadal-Avila naming Cresenciano L. Avila as her husband and Cresenciano Avila, Jr., as her son and nearest relative; and (5) a baptismal certificate of Cresenciano Avila, Jr., naming Cresenciano L. Avila and Vicenta Sagadal as his parents.

The respondent admitted his marriage to Crispina Cabiling, but denied that they had a daughter named Cesaria. He stated that he had been estranged from his wife who, he was informed, was already dead; that he did not file an income tax return for 1955; that Cresenciano Avila, Jr., was his adopted son; and that the complainant filed the present charge because of some ill-feeling between them.

In the formal investigation conducted by the District Judge the complainant presented three witnesses; namely, Pablo Rustata, a neighbor of the respondent; Wenceslao Nicdao, former municipal secretary of Culaba; and Agueda Tagnipis, former maid of the respondent, all of whom testified that the respondent and Vicenta Sagadal had been living as husband and wife. The complainant on his part declared that he was a neighbor of the respondent; that the latter had been cohabiting with Vicenta Sagadal; that complainant's wife was one of the sponsors at the baptism of Cresenciano Avila, Jr.; and that the application of Vicenta Sagadal for a timber license was sworn to before him.

As respondent's witnesses, Guillermo Medalla, Bienvenido Malinac and Flaviano Gaspay, townsmen of the respondent, testified that the latter and Vicenta Sagadal had never lived as husband and wife. However, they admitted that on two separate occasions--during the town fiesta of Culaba and at the baptismal party for Cresenciano Avila, Jr.,--Vicenta Sagadal had stayed in the respondent's house for two or three days.

After a careful examination of the record, I am convinced that the respondent cohabited with Vicenta Sagadal. Their illicit relation is borne out not only by oral evidence but also by documentary proofs. Thus, the baptismal certificate of Cresenciano Avila, Jr., shows that respondent is the father of the child and Vicenta Sagadal the mother. Vicenta Sagadal signed the application for a timber license as Vicenta Sagadal-Avila and stated therein that her husband is Cresenciano Avila and that she has a son named Cresenciano Avila, Jr. Although respondent denied having filed any income tax return for 1955, it is noted that the signature appearing thereon is identical with his signature on his oath of office and on various letters in the files of the Department of Justice, as well as with his signature appearing on a motion for postponement of the hearing of the present case.

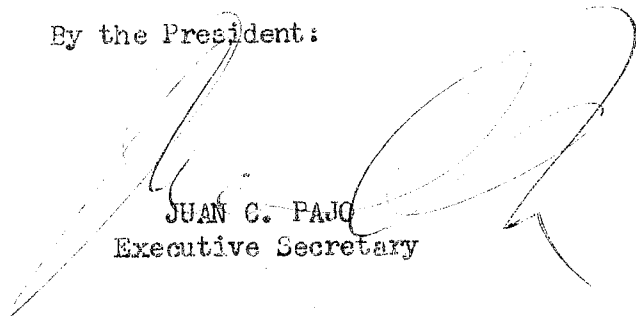
In view of the foregoing, I find the respondent guilty as charged.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Cresenciano L. Avila is hereby required to resign as justice of the peace of Culaba, Leyte, within five days from receipt of a copy of this order. Should he fail to do so, he will be considered removed from office on the day following the expiration of the period given.

Done in the City of Manila, this 7th day of October, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.



By the President:



JUAN C. PARDO  
Executive Secretary