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Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO . 67

REMOVING MR. RUFINO O. ABUDA FROM OFFICE AS JUSTICE OF THE PEACE
OF QUINAPUNDAN, SAMAR.

This is an administrative case filed by Mrs. Irene V. Japzon against Mr. Rufino O. Abuda, justice of the peace of Quinapundan, Samar, for undue delay in disposing of Criminal Case No. 428, partiality and acts unbecoming a public official.

A formal investigation of the case was commenced by the District Judge of Samar but was later turned over to Assistant Fiscal Juan A. Abing of the same province who finds respondent guilty of unbecoming conduct, failure to conduct preliminary investigation and undue delay in disposing of the case, and recommends that he be at least reprimanded and advised to handle his case with dispatch and in conformity with the procedure embodied in the Rules of Court. Respondent did not present any evidence but confined himself to submitting a memorandum. The investigator's findings are supported by the record.

It appears that a complaint for theft of large cattle with malicious mischief was filed in respondent's court on June 12, 1957, alleging that the accused, Felipe Guarino, stole a carabao worth P300 belonging to herein complainant's husband. Respondent set the case for preliminary investigation but tried the same on the merits, finding the accused guilty of the offense charged and sentencing him to suffer one-month imprisonment, to pay an indemnity of P200 and costs. From the decision, which was dated February 28, 1958, but promulgated only on July 7, 1958, the accused appealed to the Court of First Instance where he pleaded guilty and was sentenced to suffer an indeterminate penalty of from 3 years and 1 day of prison correccional to 9 years, 4 months and 1 day of prison mayor and to pay an indemnity of P300, plus costs.

The investigation of this administrative case discloses that on several occasions before and after the trial of the criminal case involved the respondent drank beer and ate together with the accused. In another instance, a goat was slaughtered for him. These successive incidents fully explain the sympathetic attitude of the respondent towards the accused, the

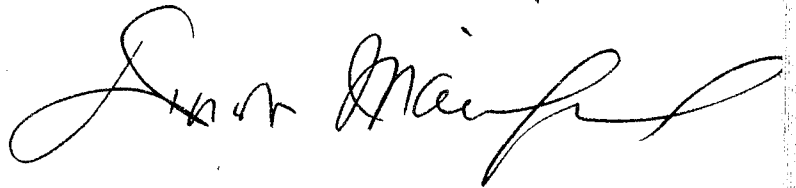
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undue delay in the trial of the case and the promulgation of the judgment and the light penalty imposed on him.

Such open and scandalous association of the respondent with the accused whose case was pending before him and his partiality towards the accused induced by such relationship reflect adversely on his fitness as a judge. By his proven conduct, he does not deserve to remain in the judiciary where only men of high integrity and unimpeachable conduct have the right to be.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Rufino O. Abuda is hereby removed from office as justice of the peace of Quinapundan, Samar, effective upon receipt of a copy of this order.

Done in the City of Manila, this **1st** day of **July**, in the year of Our Lord, nineteen hundred and sixty-three.



By the President:



SALVADOR E. MARIÑO
Executive Secretary