

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 149 ✓

SUSPENDING MR. FACUNDO T. PALAFOX FROM OFFICE AS MUNICIPAL
JUDGE OF BANI, PANGASINAN.

This is an administrative case against Municipal Judge Facundo T. Palafox of Bani, Pangasinan, for (1) failing to render professional services for which he was paid ₱100 nor to return the amount, (2) performing a marriage ceremony for ₱25 but no marriage certificate was issued nor the marriage registered and (3) using official envelopes and postage stamps for private purposes.

The charges were investigated by the District Judge who recommended that respondent be exonerated on the first count and reprimanded on the others. The recommendation on count 1 is well taken, it appearing that the amount of ₱100 received by respondent from Mrs. Marcelina Castrence was a retainer fee while he was still a private practitioner and that he rendered professional services to her. However, I believe he deserves a stiffer penalty on the other counts.

As to count 2, the evidence shows that on August 14, 1951, respondent was consulted on how a Chinese named Ong Kuan @ Jose Sy could marry one Esperanza Ortaleza, and he suggested that a marriage license be secured. He was asked to prepare the requisite papers which were later filed with the municipal treasurer of Bani. For his services he was paid ₱25. On August 20, 1951, he was invited to perform the marriage ceremony but would not do so because the prospective couple could not produce a marriage license. The license, it turned out, could not be issued because the Chinese consul had not issued a certificate of legal capacity for the Chinaman. Respondent would not go ahead even when he was offered ₱50.

It was grossly unethical or even illegal for the respondent to accept compensation for his alleged services in preparing an application for a marriage license and the supporting affidavits. He should have informed the parties that the local civil registrar would prepare those documents without charge under Article 69 of the Civil Code. And he could also have saved them unnecessary inconvenience if he had informed them that an alien desiring to contract marriage must have a certificate of legal capacity from the diplomatic or consular official of his country

aka Palafox, Facundo T.

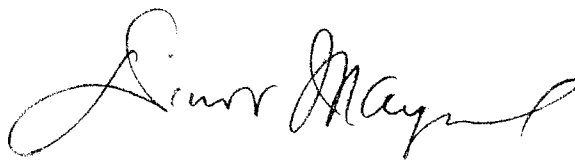
in accordance with Article 66 of the same Code. By his conduct, the respondent was either ignorant of the law or took advantage of the ignorance of the parties for his personal gain, both equally reprehensible.

Under the third and last count, it appears that two private mail matters sent by respondent to Attys. Macaraeg and Sison and Atty. Marcelino T. Macaraeg of Lingayen, Pangasinan, were contained in envelopes of the Justice of the Peace of Bani, Pangasinan, with official business (O.B.) stamps affixed thereto. Respondent's official correspondence used to be picked up by a clerk from the treasurer's office where the requisite O.B. stamps were affixed.


Respondent contends that his private mails must have been picked up by mistake, although he probably contributed thereto by leaving them where they were mistaken for official ones. This shows that respondent was negligent in the care of his private and official correspondence, as a result of which letters which he used in his private legal practice were affixed with stamps for official business and treated as official matters.

Wherefore, Mr. Facundo T. Palafox is hereby suspended from office for one (1) month without pay, reprimanded and warned that commission of similar irregularities will be dealt with more severely.

Done in the City of Manila, this 29th day of ^{Nov} November, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:


SALVADOR L. MARINO
Acting Executive Secretary