

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 182

SUSPENDING MR. JOAQUIN SOLA FROM OFFICE AS ASSISTANT PROVINCIAL FISCAL OF NEGROS OCCIDENTAL.

This is an administrative case against Assistant Provincial Fiscal Joaquin Sola of Negros Occidental for drunkenness and absence without leave.

The records show that on the night of February 5, 1958, respondent was arrested at Quiapo, Manila, for disorderly conduct and drunkenness. On the same night, he was arraigned before the night court of the City of Manila, entered a plea of guilty and was fined.

Respondent does not deny the fact of his conviction but states that it is not true that he was drunk when arrested; that the attention of the arresting policemen was drawn because he had an argument with the driver of the taxicab in which he was riding for taking him the roundabout way; that it was not true he refused to pay his fare; and that he pleaded guilty merely to expedite the disposition of the case because he was apprehensive that his sick wife might worry about his absence.

There are several inconsistencies in this defense, but suffice it to say that respondent pleaded guilty to the charge of drunkenness and disorderly conduct. As a lawyer and as an assistant provincial fiscal whose bounden duty is to prosecute offenders and criminals, he knows that the essence of a plea of guilty is that the accused admits his guilt, freely, voluntarily, and with a full knowledge of the consequences and meaning of his act and with a clear understanding of the precise nature of the crime charged (U.S. vs. Burlado, 42 Phil. 72; U.S. vs. Jamad, 37 Phil. 305) and that a plea of guilty is not only an admission of guilt but also of all the material facts alleged in the information (U.S. vs. Barba, 18 Phil. 566; People vs. Tapel, 64 Phil. 112). By reason of respondent's plea of guilty to the charge of drunkenness and disorderly conduct before the City Court of Manila, no question of fact may now be raised and only the legality or propriety of the penalty imposed may be assailed (U.S. vs. Tamarra,

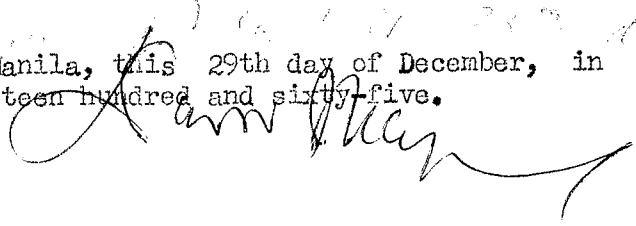
21 Phil. 143).

On the second charge that respondent was absent without leave on the date of his arrest on February 5, 1958, the records show that although his approved leave covered only January 2 to February 2, 1958, Provincial Fiscal Rodriguez, respondent's superior, had agreed that should the former not be able to report for duty after the expiration of his leave, the same would be extended considering that respondent was then in Manila for medical treatment.

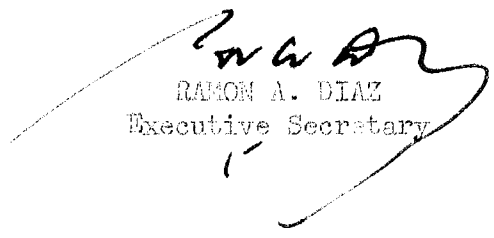
In view of the foregoing, respondent is found guilty of the charge of drunkenness and disorderly conduct and exonerated from that of absence without leave.

Wherefore, and upon the recommendation of the Secretary of Justice, respondent is hereby suspended from office for a period of two (2) months without pay, admonished and warned that repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 29th day of December, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ
Executive Secretary