

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 48

REMOVING MR. HORACIO T. AQUINO FROM OFFICE AS MUNICIPAL JUDGE
OF PANGANIBAN, CATANDUANES.

This is an administrative case filed by Dr. Alfredo Canoy and Mr. Francisco Talion against Municipal Judge Horacio T. Aquino of Panganiban, Catanduanes, for gross misconduct.

Complainant Canoy alleges that in January or February of 1962, about noontime, respondent, while drunk, entered the Viga Emergency Hospital dining hall where said complainant, then chief of the hospital, and his subordinates were having a baptismal celebration, and at the top of his voice called them voracious eaters. When led out of the hospital, respondent boxed and broke two glass windows of the hospital ambulance parked outside.

Complainant Talion avers that in or about September 1962 he brought his wife to the hospital for mental checkup in the truck of a certain Tiago. On the way, respondent judge, who was drunk, boarded with them to the hospital. Upon alighting, respondent picked up a stone and hit the glass screen window of the hospital. Later, he conducted Mrs. Talion inside, seated her on a bench, embraced and kissed her and tried to lie over her. Upon seeing complainant, respondent slapped him and left the hospital.

Respondent, in answer to the charges, denies the allegations thereof. However, he admits that he was in the hospital in September of 1962 at 4:30 P.M. to invite the hospital staff to his late daughter's concluding prayer (catapusan) and it was at this time that he accidentally broke the screen glass window when, at the information desk, he picked up a paper weight stone and jokingly threw it at the clerk to call his attention, but the stone accidentally hit the glass screen, breaking the same.

After a formal investigation, the District Judge found the evidence convincing that respondent, induced by liquor, committed the acts imputed to him. Thus, the Judge found as follows:

"As I see it, the troubles of the respondent are mainly due to alcoholism. In Administrative Case No. 9 wherein he was found guilty and ordered suspended by the President of the Philippines in Administrative Order No. 386 (Exh. F), the respondent

was found to have committed a series of indiscretions due to drunkenness. The evidence in this case is fairly convincing that during the incidents in question the respondent was drunk.

"The incident at the baptismal party at the dining hall of the Viga Emergency Hospital in February, 1962 is a proven fact. The holding of the party is admitted even by the witnesses for the respondent, although they were evasive regarding the alleged insult uttered by the respondent at Dr. Canoy and the other diners. No sufficient motive has been shown as to why Dr. Canoy should falsify this particular fact and the mere denial of the respondent cannot prevail over the positive testimony of the complainant. And while it might be true that he could have gone to Manila to negotiate a loan with the GSIS on February 1st, there is no convincing proof that he was totally absent from Viga during the whole month.

"The incident with the wife of Francisco Talion appears to have been sufficiently established. Dr. Mayuga himself identified Francisco Talion as having been present in the hospital during the day in question when the respondent broke a window glass of the hospital with a stone. Dr. Mayuga heard the commotion inside the dispensary and when he made an investigation, he was informed that the respondent had tried to abuse a woman.

"I believe that considering the time and the circumstances, the respondent was not actuated by any real feeling of lasciviousness but his disgraceful conduct was purely induced by liquor that somehow excites the mischievous side of his nature when under its influence. . . ."

Apart from the fact that, as observed by the Undersecretary of Justice, the investigating judge was in the best position to determine the credibility of the witnesses, his findings are substantially borne out by the evidence of record. The findings particularly with respect to the charges of complainant Talion, which are the most serious, are firmly supported by the testimony of Dr. Julio Mayuga Jr., officer in charge of the hospital, who, although not present during the incident narrated by complainant, made inquiries after hearing a commotion inside the dispensary, which sustained complainant's credibility.

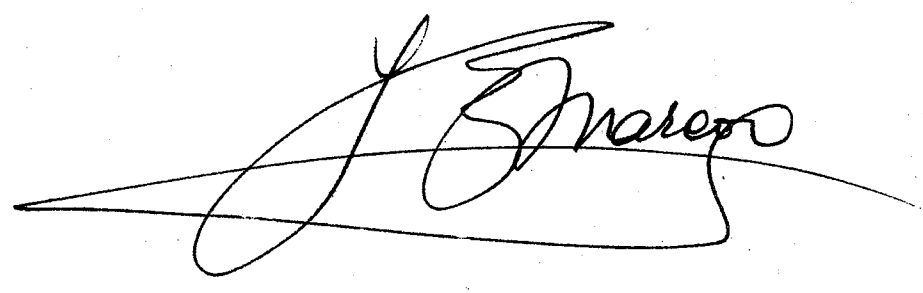
The records show that in Administrative Order No. 386 dated December 28, 1960, respondent was previously adjudged guilty of

abuse of power, habitual drunkenness and incompetence, for which he was merely suspended for three months over the recommendation of the Department of Justice for his removal, as the then President of the Philippines, acting "upon the conviction of the District Judge that he respondent is not beyond reform," was "persuaded to give him another chance to acquit himself in the judiciary." He was, however, warned that commission of similar acts would be sufficient cause for his removal from the service.

It is pertinent to note that of the two instances of respondent's misconduct in the present case, one took place during the period of his suspension pursuant to Administrative Order No. 386 and the other shortly after his reinstatement. Respondent has clearly shown virtual incorrigibility and utter disregard of the President's warning. He is therefore totally unfit to stay in the public service, particularly in the judiciary where observance of personal sobriety and dignity is most vigorous and exacting.

Wherefore, and upon the recommendation of the Undersecretary of Justice, Mr. Heracio T. Aquino is hereby removed from office as municipal judge of Panganiban, Catanduanes, effective upon receipt of a copy of this order.

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



By the President:



RAFAEL M. SALAS
Executive Secretary