

MALACAÑANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 295

SUSPENDING MR. PABLO M. AMOG FROM OFFICE AS MUNICIPAL JUDGE OF PALAUIG, ZAMBALES.

This is an administrative case filed by Councilor Pedro G. Payoyo against Municipal Judge Pablo M. Amog of Palauig, Zambales, for drunkenness and abuse of position, which was investigated by the District Judge.

The charges relate to the incident alleged by complainant that he and respondent judge were among the guests at the luncheon party tendered by Mayor Melanio M. Ledina at the Riverside Restaurant on July 27, 1968; that when all those present were about to eat, respondent, who appeared reddish and drunk, approached complainant, held him by the arm and, then and there, without cause or reason, uttered in Zambal dialect insulting statements and threatened him with fist blows were it not for the intervention of the municipal treasurer of Palauig; and that failing in this, respondent got a tablespoon, scooped viand and then threw it at complainant smearing him from head to foot.

Respondent in his answer denied the acts imputed to him, insisting that he was sober during the occasion mentioned in the complaint, having drunk only one bottle of beer.

In support of the charges, complainant offered his testimony, as well as that of Municipal Treasurer Domingo Monato and Councilors Emilio Fulinara and Felicite Aranda. Complainant narrated that there were two tables intended for the guests, the bigger one being occupied by Mayor Ledina, Vice-Mayor Del Fierro, Councilors Apatan and Elefane, Fr. Dingcon and three others, while the smaller one was occupied by him and others. Soon thereafter, respondent arrived with Municipal Treasurer Domingo Monato, both of whom occupied also the table where complainant was. Respondent sat at complainant's left. Not long after, respondent said: "All the municipal councilors are stupid and the most stupid is Councilor Payoyo." Respondent then stood up intending to box complainant, but Municipal Treasurer Monato got up and told complainant to change his seat, which he did by sitting opposite res-

pendent. As complainant was already seated, respondent twice thrust his spoon full of viand to complainant smearing his face and other parts of the body.

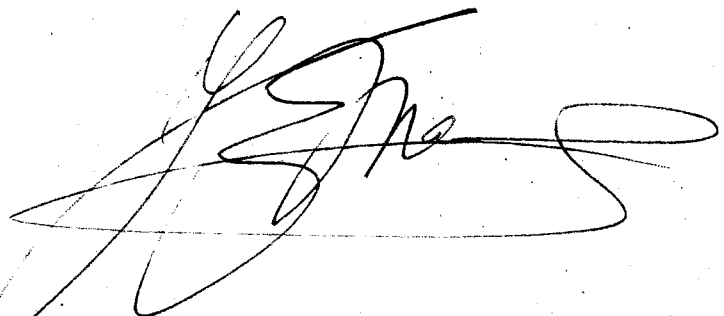
Upon the other hand, respondent's version of the incident is that as he was gesticulating in the course of his discussion with Municipal Treasurer Monato regarding the feasibility of purchasing office supplies for the municipal court at the time when the books of accounts of the municipality were about to be closed, his right hand touched the saucer in front of them, spilling the soy sauce contained therein, which smeared his trousers and spread to the direction of complainant; that he neither threw viand at nor uttered taunting remarks against complainant; that on his way down from his office, he was offered by Councilor Aranda a glass of Tanduay rum which he merely sipped; and that he only drank one bottle of beer at the luncheon party. Respondent's version was substantially corroborated by his cousin, Municipal Treasurer Monato, who, as hereinbefore stated, was a witness for the complainant.

The District Judge-Investigator found that respondent was really drunk on the occasion in question and did scoop viand and threw it at complainant, thereby giving more weight and credence to the testimony of the complainant than that of Monato, Aranda, Fulinara and respondent himself. Monato's corroboration of respondent's version cannot be free from bias, as they are cousins and Monato exerted efforts in vain to settle this case amicably. Likewise, Aranda was also for the settlement of the case. Withal, if the incident did not happen in the manner narrated by complainant, what was there to forgive?

As respondent admitted, he drank Tanduay rum in the office of the chief of police and a bottle of beer in the Riverside Restaurant, which was sufficient to cause a bellicose intoxication manifested by belligerency. The facts disclosed by the record show that respondent infringed Canon No. 5 of the Canons of Judicial Ethics which provides that "A judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach."

Wherefore, and as recommended by the Secretary of Justice, Mr. Pablo M. Amog is hereby suspended from office as municipal judge of Palauig, Zambales, for one (1) month without pay, effective upon receipt of a copy of this decision, and warned that repetition of similar offense will be dealt with more severely.

Done in the City of Manila, this 30th day of June , in the year of Our Lord, nineteen hundred and seventy-one.



By the President



FLORES BAYOT

Assistant Executive Secretary