

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 307

EXONERATING MUNICIPAL JUDGE FEDERICO U. CRUZ OF MAPANDAN, PANGASINAN.

This is an administrative case filed by Mrs. Rosario G. Vda. de Fernandez against Municipal Judge Federico U. Cruz of Mapandan, Pangasinan, for (1) complicity in the commission of a crime and (2) partiality and ignorance of the law. The case was formally investigated by District Judge Sixto A. Domondon of the Court of First Instance of Pangasinan who found respondent not guilty of the charges and recommended that he be exonerated, in which the Secretary of Justice concurs.

With respect to the first charge, complainant alleges that her husband, Jose Fernandez, was liquidated upon the instigation and inducement of respondent, as a result of which Criminal Case No. D-1995 for murder was filed against him and another in the Court of First Instance of Pangasinan. The record shows, however, that the case was dismissed insofar as respondent was concerned for insufficiency of evidence. His alleged threatening remarks against the deceased by themselves do not in any way prove his complicity in the commission of the crime.

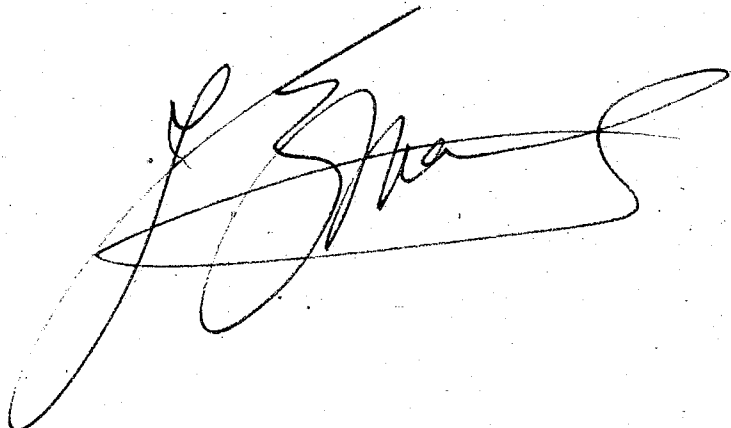
Anent the second charge of partiality and ignorance of the law, complainant claims that respondent caused the arrest and incarceration of her husband, Jose Fernandez, for the light offense of public scandal and fixed an excessive bail bond of ₱1,000 for his provisional liberty. The Secretary of Justice agrees with the finding of the District Judge-Investigator that respondent could not have caused the arrest of Fernandez. Complainant's own witness, Domingo Alican, testified that when respondent saw Fernandez in the afternoon of March 3, 1965, the latter was already in or near the office of the chief of police and that the corresponding complaint for public scandal against him had already been prepared prior to respondent's arrival thereat.

Neither is there merit that respondent fixed an excessive bail bond of ₱1,000 for Fernandez' provisional release. The crime of public scandal with which Fernandez was charged is punished under Article 153 of the Revised Penal Code with arresto mayor in its medium period to prision correccional in its minimum period and a fine not exceeding ₱1,000. The bail bond recommended by the

chief of police was ₱5,000 but respondent motu proprio reduced the same to ₱1,000. Pursuant to Circular No. 47 of the Department of Justice dated July 5, 1946, the bail bond should have been at least ₱2,000 if computed on the basis of minimum of the medium period of the imposable penalty.

Wherefore, and as recommended by the Secretary of Justice and the District Judge-Investigator, respondent is hereby exonerated from the charges.

Done in the City of Manila, this 31st day of August ,
in the year of Our Lord, nineteen hundred and seventy-one.



By the President:



ALEJANDRO MELCHOR
Executive Secretary