

MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 12

EXONERATING JUDGE QUIRICO ABETO FROM CHARGES WHICH GAVE RISE TO HIS INVESTIGATION IN 1941 AND ORDERING THE PAYMENT TO HIM OF HIS SALARY FROM THE DATE OF SUSPENSION, AUGUST 1, TO DECEMBER 31, 1941, INCLUDING THE THREE MONTHS' ADVANCE PAY AUTHORIZED IN ADMINISTRATIVE ORDER NO. 167, DATED DECEMBER 12, 1941, AND THE GRATUITY EQUIVALENT TO TWO MONTHS' SALARY AUTHORIZED IN ADMINISTRATIVE ORDER NO. 27, DATED DECEMBER 7, 1945.

This is an administrative case against the Honorable Quirico Abeto, Judge of the Court of First Instance of Manila, on charges of serious misconduct.

Acting on a letter dated 25 July 1941, signed by Attorneys C. A. DeWitt, E. A. Perkins and Alfonso Ponce Enrile, addressed to the Secretary of Justice and which was referred to the Supreme Court for investigation, this Court recommended to the President of the Philippines the suspension of the respondent pending such investigation. The President forthwith suspended the respondent. Mr. Justice Hermogenes Reyes of the defunct Court of Appeals was named investigator, and after an investigation which lasted more than one month, he recommended complete exoneration of the respondent in his report to the Supreme Court.

While this report was pending consideration in the Supreme Court, the war broke out, and in the course of the battle for the liberation of Manila, all the records of the Supreme Court, including the records of this case, were burned. In July, 1945, the Supreme Court, on petition of the respondent, ordered the reconstitution of the records of this case. Thereafter, the attorney for the respondent presented a motion for dismissal to which the complainants gave their conformity. The Supreme Court, however, denied this motion and forthwith ordered a new investigation appointing Justice Perfecto as investigator. While not all the records, such as the stenographic notes and the report of Justice Reyes, of the previous investigation were presented because of their loss, some documents, however, were produced, and the Supreme Court, on the basis of these documents, and by a majority vote, found the respondent guilty of improper conduct and recommended to the President of the Philippines that he be allowed to resign or not to return to office. The dispositive part of the resolution of the majority of the Supreme Court is as follows:



"From all the foregoing, and conformably to the vote of the majority, this Supreme Court resolves that it considers it its duty to signify to the President of the Philippines that it believes that the best interests of the administration of justice will be better served if Judge Quirico Abeto who committed such an improper conduct should be allowed to resign or not to return to office".

In favor of the majority resolution, six justices voted, one justice concurring only in the recommendation but disagreeing with his brethren on the facts. A vigorous and strong dissenting opinion voted by four justices has been registered. The justice who concurred in the recommendation of the majority has expressed his conformity to the findings of fact of the minority.

The law governing the case is Section 173 of the Revised Administrative Code, which reads, in part, as follows:

"No judge or (auxiliary judge) judge-at-large of first instance shall be separated or removed from office by the (Governor-General) President of the Philippines unless sufficient cause shall exist, in the judgment of the Supreme Court, involving serious misconduct or inefficiency, for the removal of said judge from office after the proper proceedings. The Supreme Court of the (Philippine Islands) Philippines is authorized, upon its own motion or upon information of the (Attorney-General) Secretary of Justice of the (Philippine Islands) Philippines to conduct an inquiry into the official or personal conduct of any judge appointed under the provisions of this law, and to adopt such rules of procedure in that regard as it may deem proper, and, after such judge shall have been heard in his own defense, the Supreme Court may recommend his removal to the (Governor-General) President of the Philippines who, if he deems that the public interest will be subserved thereby, shall thereupon make the appropriate order for such removal.

"The (Governor-General) President of the Philippines, upon recommendation of the Supreme Court, may temporarily suspend a judge pending proceedings under this section. In case the judge suspended is acquitted of the cause or causes that gave rise to the investigation, the (Governor-General) President of the Philippines shall order the pay-



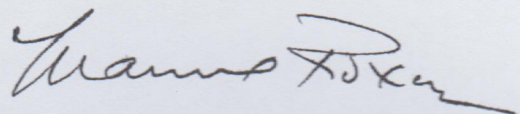
ment to him of the salary, or part thereof, which he did not receive during his suspension, from any available funds for expenses of the judiciary.

"The cost and expenses incident to such investigations shall be paid from the funds appropriated for contingent expenses of the judiciary, upon vouchers approved by the Chief Justice of the Supreme Court."

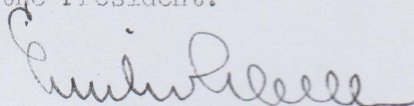
The records in this case are so scant that there is no way by which to judge the facts thoroughly. However, as the Supreme Court is divided in its opinion on the facts and in justice to the respondent who has served the Government for more than thirty years, I have examined the existing records very carefully, especially the evidence discussed in both the majority and dissenting opinions of the Supreme Court, and I have found the evidence insufficient to establish the relationship between Judge Abeto and the two parties charged with having mediated in the proposition of bribery, object of the complaint. The complainants themselves are unanimous in saying that in all their interviews with the intermediary, this party assured them that the respondent was completely a stranger to the proposition. I am satisfied, therefore, that the responsibility of the respondent has not been sufficiently proven.

For the foregoing considerations, I hereby exonerate the respondent Judge Quirico Abeto from the charge which gave rise to his investigation, but because his office has already been filled, his reinstatement or re-appointment is not now possible. I also hereby order the payment to him of his salary from the date of his suspension, August 1, 1941 to December 31, 1941, including the three months' advance pay authorized in Administrative Order No. 167, dated December 12, 1941, and the gratuity equivalent to two months' salary provided in Administrative Order No. 27, dated December 7, 1945.

Done in the City of Manila, Philippines, this <sup>12<sup>th</sup></sup> day of October, in the year of Our Lord, nineteen hundred and forty-six, and of the Independence of the Philippines, the first.



By the President:



EMILIO ABELLO

Chief of the Executive Office