

MALACATANG
RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 14

REQUIRING JUDGE LUIS ORTEGA TO RESIGN FROM OFFICE

This is an administrative case against Judge Luis Ortega of the Court of First Instance of Laguna for misconduct in office consisting in having supposedly committed acts of lasciviousness and attempted rape on the person of a certain public school teacher in Santa Cruz, Laguna, on January 10 and 11, 1951, respectively. Upon resolution of the Supreme Court, the case was investigated by Justice Roberto Concepcion of the Court of Appeals who, after a painstaking analysis of the evidence, found the following:

"1. That there is sufficient evidence that respondent embraced and kissed the complainant, without her consent or over her objection, on January 10, 1951;

"2. That one can only speculate on whether or not he then touched her private parts;

"3. That, although he may have, also, embraced and kissed complainant on January 11, 1951, the proof thereon is hardly sufficient to constitute a preponderance of the evidence;

"4. That the evidence of record is, likewise, insufficient to conclude, with reasonable certainty, that respondent attempted to ravish the complainant, on the date last mentioned, particularly in the manner testified to by her;

"5. That Mrs. Adao signed her affidavit, Exhibit 2, under some moral pressure;

"6. That Mrs. Adao was not present when respondent asked Notary Public Bernardo Cagandahan to sign the certification, at the foot of Exhibit 2, to the effect that she had subscribed and sworn to the truth thereof before him;

"7. That, this notwithstanding, Cagandahan made said certification because the respondent had asked him to do so and had assured him that everything was all right; and

"8. That respondent appended said Exhibit 2 to his answer to the charges of complainant herein, and introduced said affidavit in evidence, knowing that said certification, and some of the material statements made in said affidavit, are false."

After a careful examination of the evidence of record the Supreme Court arrived at the conclusion that the investigator's findings are correct. However, it made the following observations:

"It should be taken into consideration that the act mentioned in Paragraph 1 was committed in the premises of the Court of First Instance of Laguna. It should also be noted that with regard to Paragraphs 6, 7, and 8 Judge Ortega exerted moral pressure upon Mrs. Adao to make her sign the affidavit (Exhibit 2) and induced Notary Public Bernardo Cagandahan to certify that Mrs. Adao had subscribed and sworn to before him said affidavit, when in fact she had not done so, and that Judge Ortega attached said affidavit to his answer, and introduced it in evidence during the investigation, knowing that the notarial certification and material statements in said affidavit are false.

"The findings in Paragraphs 6, 7, and 8 are serious, for the Judge induced the notary public, who was under his jurisdiction, to make a false certification, and the Judge, knowing that said certification and some material statements in said affidavit were false, relied upon it in his answer and introduced it in evidence, thus falsifying a public document and introducing it in an investigation, before an official commissioned by this Court to hear the evidence."

In view of the foregoing, the Supreme Court recommends that Judge Luis Ortega be required to resign. After carefully going over the record of the case, I fully concur in the investigator's findings and the observations and recommendation of the Supreme Court.

Wherefore, Judge Luis Ortega is hereby required to resign within five (5) days from receipt of copy hereof. Should he fail to do so, he would be considered as having been removed from office effective on the day following the expiration of said period, with prejudice to reinstatement and to his receiving whatever retirement benefits, if any, he may have earned.

Done in the City of Manila, this 17th day of March, in the year of Our Lord, nineteen hundred and fifty-four, and of the Independence of the Philippines, the eighth.

By the President:


FRED RUIZ CASTRO

Executive Secretary

