

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 112

REMOVING MR. APOLINARIO P. ORIEL FROM OFFICE AS JUSTICE OF THE
PEACE OF LA PAZ, LEYTE.

This is an administrative case against Justice of the Peace Apolinario P. Oriel of La Paz, Leyte, who is charged with (1) abuse of authority, (2) bribery, (3) inducing a married couple to commit immorality, (4) extorting excessive amounts from the heirs of deceased soldiers and (5) mysterious accumulation of wealth. The case was investigated by one of the then District Judges of Leyte who found the respondent guilty under charges (3) and (4) and innocent as to the rest.

It appears that on June 9, 1945, respondent justice of the peace in his capacity as ex officio notary public ratified a joint sworn declaration (Exh. C-1) between the spouses Eutiquiano Loreno and Trinidad Salego, purporting to be a contract of marital separation, one of the clauses of which reads as follows:

"Likewise, we are declaring in this our joint declaration that each and everyone of us will not be aggrieved in that each of us consent to anyone who may assert that sexual instinct which is common to man and woman, or to do and act according to his or her way of life, without anybody responsible therefor, or complain to authorities."

The above stipulation virtually authorizes the spouses to commit adultery and concubinage and hence is immoral and against public policy. A good number of lawyers and notaries public have been taken to task, even suspended or disbarred, by the Supreme Court for ratifying similar agreements, tending, as they do, "to subvert the vital foundation of the legitimate family."

His claim that he did not prepare the instrument in question but the chief of police and that he hurriedly read the contents thereof is clearly unsatisfactory. Even if he merely ratified the agreement without reading its contents, still he is legally responsible, for "while the duty of a notary public is principally to ascertain the identity of the affiant and the voluntariness of the declaration, it is nevertheless incumbent upon him at least to guard against having anything to do with an illegal or immoral arrangement."

It also appears that in 1947, 1948, 1950 and 1951 respondent received a total sum of ₱1,260 from the war widow of Longinus Maaño out of a total benefit of ₱11,000 plus received by her from the Philippine Veterans Board and the U.S. Veterans Administration for his services in prosecuting her claim; and that in 1953 he also received a total sum of around ₱6,000 for similar services out of the total amount of ₱16,000 received by the heirs of the late soldier Emilio Denaya from the U.S. Veterans Administration. Included in said sum of ₱6,000 was the ₱1,200 which he promised to return to the Veterans Administration as supposed overpayment but which apparently went into his pocket.

Respondent denied having obtained the amounts in question, claiming that he received only ₱50 from the aunt of the deceased Emilio Denaya for incidental expenses in filing her claim and that he rendered free service to the widow of Maaño. He alleged that the widow testified against him because she erroneously suspected him of having denounced her to the Veterans Administration as living illicitly with another man by reason of which her pension was cut off. After a review of the record, I am convinced that he did receive the exorbitant amounts involved for prosecuting the claims of said heirs, thereby violating Republic Act No. 145.

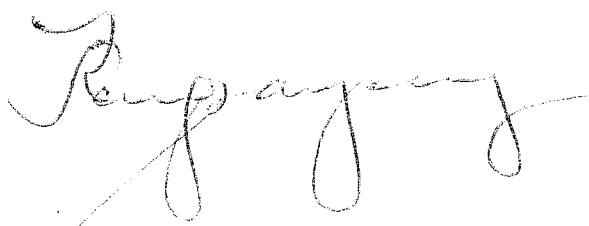
In ratifying a palpably illegal and immoral contract of marital separation and in unduly profiting out of the bounties extended by the Philippine and American Governments to the unfortunate heirs and survivors of those who gave their lives for the cause of democracy, the respondent has shown himself sadly wanting in moral scruples, thereby rendering him unfit to remain in the judiciary.

Wherefore, and upon the recommendation of the Secretary of Justice who concurs in the findings and recommendation of the investigator, Mr. Apolinario P. Oriel is hereby removed from office as justice of the peace of La Paz, Leyte, effective as of the date of his preventive suspension.

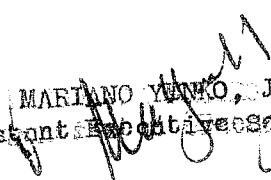
Let the records of this case be referred to the Department of Justice for the institution of appropriate disbarment and criminal proceedings against the respondent for ratifying a contract which is against public policy and good morals and for violating Republic Act No. 145 which penalizes the receipt

by any person of any fee or compensation exceeding P20 for services rendered in filing any claim for benefits under the laws of the United States administered by the U.S. Veterans Administration.

Done in the City of Manila, this 12th day of April, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:


MARIANO YANO, Jr.
Assistant Executive Secretary