

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 164

REMOVING MR. PORFIRIO ALTRES FROM OFFICE AS JUSTICE OF THE PEACE  
OF CABUCGAYAN, LEYTE.

This is an administrative case filed by the municipal mayor of Cabuegayan, Leyte, against Mr. Porfirio Altres, Justice of the Peace of the same municipality, who is charged with (1) being uncooperative with local officials, (2) unnecessarily delaying the disposal of cases filed in his court and (3) immorality for maintaining illicit relations with another woman despite his being a married man. The charges were investigated by the District Judge whose findings and recommendations were reviewed by the Secretary of Justice. After going over the record, I agree with the investigator and the Secretary of Justice that the first two charges are without merit and, therefore, should be, as they are hereby, dismissed.

Regarding the immorality charge, it appears that the respondent is married to Florentina Rocabo, a school teacher in Jaro, Leyte; that he lived with one Mrs. Juana Adlawan in one of the rooms of the house of Mrs. Preciosa Elatico in Cabuegayan, Leyte; and that as a result of their illicit relation a child was born. The above facts are supported not only by the affidavits of respondent's landlady, Mrs. Elatico, and a co-tenant in the same house, Mrs. Lourdes Mendoza, and by the sworn complaint filed with my office by respondent's wife who also claimed therein that the respondent was living under scandalous circumstances with Juana Adlawan, but also by the testimony of Mrs. Mendoza that she saw respondent and Juana Adlawan occupying and sleeping together in a room of the same house where she was living and by Mrs. Altres' own admission on cross-examination by the District Judge that respondent has a child by his paramour (Juana Adlawan) and that what she stated in her complaint was true.

The existence of amorous relations between respondent and Juana Adlawan also finds corroboration in the testimony and medical certificate of Dr. Vicente Montesclaros to the effect that the latter treated "Juana Altres" for intrauterine hemorrhage and by respondent's note to a certain midwife from Cabuegayan to attend to his wife. Respondent's explanation that the wife mentioned in his note was the real Mrs. Altres is unbelievable, since the latter was in Jaro which is separated by a channel from Cabuegayan where the midwife had come from. The weight of evidence points to the conclusion that both the doctor and the midwife rendered medical assistance, not to Mrs. Altres, but to Juana Adlawan whom the respondent had represented to be his wife.

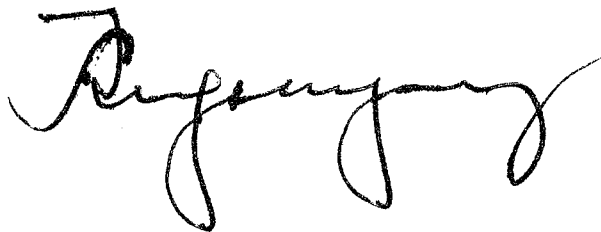
Respondent's and Juana Adlawan's denial of the existence of amorous relations between them is unavailing in the face of the damaging and convincing evidence to the contrary. The subsequent denial by respondent's landlady of the execution and knowledge of the contents of her affidavit by means of another affidavit deserves no credit, because both documents clearly show that they were signed by one and the same person and they bear identical residence certificate number and other details. Neither may credit be given to the belated disavowal by respondent's wife of actual knowledge of the facts concerning the existence of illicit relations between respondent and Juana Adlawan stated in her complaint to my office by claiming that her knowledge thereof was based on rumors as such pretense is contrary to the positive tenor of her complaint made under oath. As a public school teacher she can reasonably be presumed to know and understand the meaning and import of the contents of her complaint.

In thus publicly maintaining illicit relations with a married woman who is not his wife, the respondent is guilty of immorality of such a nature as to render him unfit to remain as town magistrate.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Porfirio Altres is hereby removed from office as justice of the peace of Cabugayan, Leyte, effective upon receipt of notice hereof.

Done in the City of Manila, this 31st day of December, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the tenth.

By the President:



MARIANO JENKO, Jr.  
Assistant Executive Secretary