



MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 198

REMOVING CAPT. ROMEO MAGHIRANG FROM OFFICE AS CHIEF OF  
POLICE OF THE CITY OF SAN PABLO.

This is an administrative case against Capt. Romeo Maghirang, chief of police of the City of San Pablo, who is charged with (1) maltreatment of Sgt. Isidro Batralo of the San Pablo City police force; (2) maladministration of the city jail resulting in the escape of three detention prisoners; and (3) grave neglect of duty in connection with the release and escape of Alfredo Azurin, accused of attempted rape and frustrated homicide.

No evidence having been presented to substantiate the first and second charges, the same are hereby dismissed.

With respect to the last charge, the evidence discloses that in the night of November 21, 1954, at about 10:30 o'clock, two sisters named Conchita and Minerva Guinto while walking down Mabini Street, San Pablo City, from a beauty parlor, were waylaid by two unknown persons who attempted to abuse them. One person held Conchita covering her mouth in an attempt to prevent her from shouting for assistance. Her sister Minerva who came to her rescue, was stabbed on her breast. At this juncture, Conchita was able to scream for help.

The assailant fled but he was recognized by Conchita to be "Fred" later identified as Alfredo Azurin.

Shortly thereafter, the respondent, Chief of Police Maghirang, came to know of the incident. He immediately issued instructions for the apprehension of the assailant. At about past midnight of the same day, Alfredo Azurin was apprehended and brought in for questioning. In a signed statement, he admitted having stabbed Minerva but claimed he did not know what he was doing as he was drunk.

In the morning of November 22, 1954, the written

*M. Maghirang Romeo*

declarations of Alfredo Azurin, Conchita and Minerva were sworn to before the respondent. Instead of forwarding immediately the sworn statements or record of investigation to the City Attorney, the respondent took no further action thereon until requested by the former on November 24, and again on November 26, 1954, when the said papers were finally forwarded to the said official.

In the meantime, the respondent ordered the release of Alfredo Azurin in the morning of November 22, 1954, six hours after his apprehension by the police, notwithstanding the fact that the respondent had then in his possession the sworn statements aforementioned, which were sufficient to establish a prima facie case against Azurin. In fact, the city attorney immediately upon receipt thereof on November 26, 1954, filed two informations in the court charging Azurin with frustrated homicide and attempted rape. However, the warrant issued by the court for the arrest of the accused could not be served as he had fled and is nowhere to be found until now.

The respondent contends that he should not be held liable for two reasons, namely: (1) that under the Charter of San Pablo City (Com. Act No. 520), the respondent is not the official charged with the duty of preparing criminal complaints or informations; and (2) that he ordered the release of Azurin after six hours of detention to preclude the possibility of being accused of arbitrary detention in view of the fact that no complaint had as yet been filed in the court against Azurin.

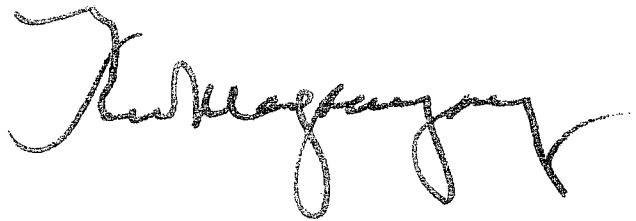
It is the duty of the city attorney to "investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused" (Sec. 24 (f), Com. Act No. 520). However, the same charter charges the chief of police with the duty to prosecute violators of any law or ordinance [Sec. 25 (b)]. Since the City Attorney is charged ultimately with the investigation of all crimes and misdemeanors committed within the city and to file the necessary informations before the Court against the accused, it was the duty of the respondent chief of police to transmit immediately the records of the case against Azurin to the City Attorney, for appropriate action, considering that the accused was under his custody.

His failure to act accordingly is very strange to

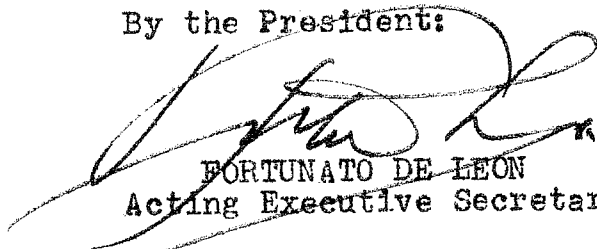
say the least. If he were in doubt as to the sufficiency of the evidence on hand to serve as a basis for the filing of the complaints, he could have consulted with the city attorney. He was well aware of the gravity of the offenses committed and had the written admission of the offender. And yet he had the temerity to release the offender without in the least exhibiting any qualm or concern for the outraged rights and interests not only of the offended parties but also of the good people of San Pablo. By such conduct, he has manifested gross irresponsibility and ignorance of his duties which render him totally unfit to continue in his present position.

Wherefore, Mr. Romeo Maghirang is hereby removed from office as chief of police of San Pablo City effective upon receipt of notice hereof.

Done in the City of Manila, this 14<sup>th</sup> day of May, in the year of Our Lord, nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.



By the President:



FORTUNATO DE LEON  
Acting Executive Secretary