

MALACANANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 208

REMOVING MR. MARCELO T. MANGANAS FROM OFFICE AS JUSTICE OF THE PEACE OF PANAMAQ, LUUK, PATA AND TONGKIL, SULU.

This is an administrative case against Mr. Marcelo T. Manganas, justice of the peace of Panamao, Luuk, Pata and Tongkil, Sulu, for alleged bribery and irregular conduct in connection with a theft case heard by him when he was acting justice of the peace of Indanan, Sulu.

The evidence for the complainant shows that on July 10, 1954, the Chief of Police of Indanan, Sabu, prepared a complaint for theft against Ramalan Salilaja and Salip Atari Harid at the instance of Jumlahani Jumlahani. On the same day the offended party engaged the services of complainant herein, Atty. Eugenio Akim, as private prosecutor, and they went to the house of respondent to file the complaint. Respondent examined Jumlahani and his witnesses and afterwards caused them to sign affidavits.

On July 13, 1954, Jumlahani and a companion went to respondent's house to inquire about his complaint as the police had not received a warrant for the arrest of the accused. Upon reaching the house, Jumlahani peeped through a slit in the door and saw Salip Harid giving money to respondent. Jumlahani heard Salip requesting respondent to take care of the accused (Salip's granddaughter and son) in the theft case. The incident was immediately reported by Jumlahani to Atty. Akim, and they went to respondent who charged them with filing a trumped-up case, which they denied. When respondent was reminded that the warrant of arrest had not been issued, he said that he would subpoena the accused to appear on July 20, 1954, and if they failed to do so he would order their arrest. On July 20, 1954, Jumlahani and his lawyer appeared in court but the accused did not and yet respondent did not order their arrest.

In the meantime, or on July 14, 1954, a complaint for abduction with rape was filed with respondent by Ramalan Salilaja, one of the accused in the theft case, against Jumlahani, his brother Anilhusin and others. Warrants for their arrest were promptly issued by respondent and the accused had to file a bond of P12,000 each.

On July 29, 1954, Atty. Akim wrote to respondent asking why no warrant of arrest had been issued in the case for theft

*Marcelo T. Manganas*

although the complaint had been filed "three weeks ago." Respondent failed to answer the inquiry. On August 12, 1954, respondent finally conducted a preliminary investigation of the theft case, which was dismissed on August 17, 1954, after respondent had a talk with Atty. Benjamin Abubakar, counsel for the accused, who informed him that the accused Ramalan and the offended party were relatives by marriage and were living in the same house.

Respondent conducted on August 6 and 21, 1954, a preliminary investigation of the case for abduction with rape and dismissed it on August 26, 1954, on the basis of complainant's own affidavit that she had eloped with Amilhusin, Jumlahani's brother, and lived with him as his wife.

During the time that the above-mentioned cases were under investigation, respondent rode at least twice in the same jeep with the Deputy provincial governor and the accused in the theft case, one of whom was the complainant in the case for abduction with rape.

In his defense, respondent denied receiving a bribe and alleged that Jumlahani had gone to his house to ask for a postponement. He claimed that the complaint for theft was filed with him, not on July 10, 1954, but on July 19, 1954, and that its dismissal was in accordance with law and the facts. He admitted riding in the jeep of the deputy governor, together with the latter and the accused in the theft case.

After going over the record, I am inclined to agree with the investigator that respondent may be given the benefit of the doubt on the bribery charge. However, it is manifest that he delayed action on the theft case in order to give one of the accused time to file a counter-complaint for abduction with rape for the evident purpose of forcing the offended party to withdraw his complaint. There is no doubt that the theft case had been filed as early as July 10, 1954, as shown not only by the positive testimony of complainant's witnesses but also by the fact that respondent did not attempt to correct the statement in Atty. Akim's letter of July 29, 1954, that the complaint had been filed "three weeks ago." While respondent dillydallied in the theft case, he acted with unusual haste in the abduction case although it had the earmarks of being a fabrication, having been allegedly committed way back on March 10, 1954.

It is also evident that respondent dismissed the theft case not on the plea formally interposed by the accused but for

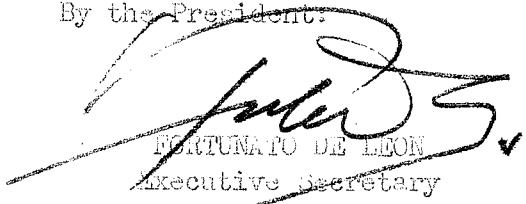
for some reason not appearing in the record. Thus, at the preliminary investigation the defense presented by Ramalan was that the jewelries were pawned or pledged to her, but the ground for dismissal was that the accused Ramalan was the sister-in-law of the complainant with whom she was staying when the alleged theft was committed. What is worse, he appears to have come upon that ground for the dismissal of the case through extraneous sources, possibly through counsel for the accused with whom he had a talk after the preliminary investigation of the case but before its dismissal and who must have influenced him into dismissing the case. In thus allowing a lawyer to discuss with him out of court the merits of a case which was pending in his court, the respondent violated judicial ethics.

The District Judge recommends that respondent be transferred to another province. He observes that "in order to aid the faith of Moros in the administration of justice in this province it is important that justices of the peace who are the ones directly in contact with, and accessible to, the masses be not only honest but also appear to be so." The Secretary of Justice, however, believes that it will not serve the ends of justice merely to transfer respondent to another province, as he has not only shown himself incapable of administering justice impartially but also allowed his office to be used for subverting the same, and should therefore be separated from the service. I fully agree with the Secretary of Justice.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Marcelo T. Mangahas is hereby removed from office as justice of the peace of Panamao, Luuk, Pata and Tongkil, Sulu, effective upon receipt of notice hereof.

Done in the City of Manila, this 11th day of July, in the year of Our Lord, nineteen hundred and fifty-six, and of the independence of the Philippines, the eleventh.

By the President:

  
FORTUNATO DE LEON  
Executive Secretary

