

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 25

REMOVING MR. MARCELINO P. RAMIREZ FROM OFFICE  
AS MUNICIPAL JUDGE OF POLOMOLOK, COTABATO.

Mr. Marcelino P. Ramirez, municipal judge of Polomolok, Cotabato, is charged with (1) gross ignorance of the law, (2) grave abuse of authority and (3) partiality, malice, irresponsibility and propinquity to violence, intimidation and corruption.

The charges, which respondent denied, were investigated by the District Judge who found the respondent guilty on three counts as specified hereunder and recommended that he be suspended for ten (10) days without pay with a warning. However, the former Secretary of Justice (Alejo Mabanag), while concurring in the findings of the investigator, found the latter's recommendation too lenient for the serious offenses committed and recommended respondent's dismissal.

I. Abuse of authority

The record shows that on December 5, 1958, while the respondent was acting as justice of the peace of General Santos, Criminal Case No. 863 for homicide was filed in court and submitted therewith, as an exhibit, was a "Star" pistol, cal. 38. On January 8, 1959, respondent dismissed the case and ordered the return of the pistol to its owner. On January 4, 1959, however, the same pistol was found in the possession of one Cesar Escuadra, who said that it belonged to the respondent. The pistol was confiscated and turned over to the chief of police of Polomolok.

Respondent denies that he gave the pistol to Escuadra, as it was turned over to him by the chief of police of General Santos only on January 12, 1959, after the dismissal of Criminal Case No. 863, which he brought home in Polomolok with the intention of returning it to the owner. He further explains that he deposited the pistol with the chief of police of Polomolok on January 17, 1959, and on January 28, 1959, directed its transfer to Deputy Clerk of Court Villodres for delivery to the owner.

*Marcelino P. Ramirez*

The respondent fails to explain satisfactorily how the pistol came into Escuadra's possession, if not from him, to substantiate the claim that the pistol was in the possession of the chief of police of General Santos prior to January 4, 1959, when it was found in Escuadra's possession, and why he accepted said firearm when it was turned over to him after the dismissal of Criminal Case No. 863, since he had already ordered its return to the owner. Evidence of respondent's relationship with Escuadra, like the fact that the latter was assigned as janitor in the office of the respondent and that he used to stay in the latter's house, tends to point to respondent as the source of the pistol.

## II. Dereliction of Duty

In connection with the incident in which Escuadra was found in the illegal possession of a firearm and ammunition, complainant Chief of Police Magalong of Polomolok alleges that he prepared a complaint and presented it to the respondent, but that the latter told him to fix up the case amicably; so he had to refer the matter to the provincial fiscal. Respondent denies the complaint as having been presented to him.

The testimony of the chief of police that the respondent was interested in fixing the case of Escuadra carries greater weight, not only because of its positive nature but primarily because of the evidence establishing respondent's connection with the firearm involved and his interest in Escuadra's welfare. Such interest on respondent's part makes it highly probable that he refused to accept the case when presented to him by the chief of police, an act constituting dereliction of duty.

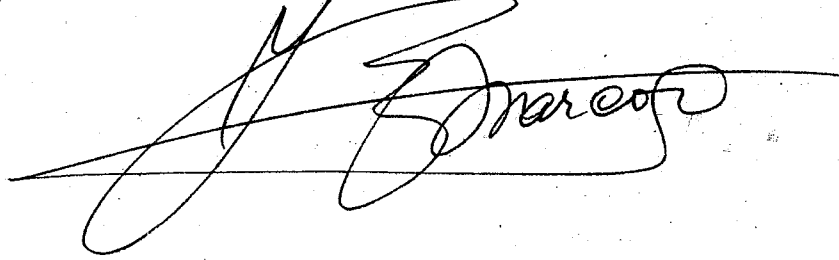
## III. Illegal contempt proceedings

The record shows that Attorneys Jose Barranda and Lucenio O. Gologan were opposing counsel in a case pending before the court of the respondent who issued a notice setting the case for hearing on November 28, 1958, which Atty. Barranda changed to November 29 and Atty. Gologan to November 30. For such alteration, the respondent issued a warrant of arrest against them, as they were in fact arrested, and summarily imposed upon them a penalty of one-day imprisonment and ₱10 fine, which was later reduced to ₱5. The respondent justifies his actuations in that the act of said attorneys constituted direct contempt.

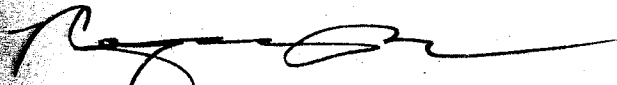
The investigating judge, with the former Secretary of Justice concurring, held that the alteration in question could not be considered as direct contempt, which would justify summary action. If said lawyers, as observed by the Judge, committed any disobedience to the order of the court, they could have been charged with constructive or indirect contempt. Respondent therefore exceeded his jurisdiction in summarily adjudging the lawyers in contempt of court and penalizing them accordingly.

After examining and evaluating the evidence on record, I concur in the finding that respondent is guilty of the charges above discussed. In view of the serious nature of the irregularities committed, and upon the recommendation of the Department of Justice, Mr. Marcelino P. Ramirez is hereby removed from office as municipal judge of Polomolok, Cotabato, effective upon receipt of a copy of this order.

Done in the City of Manila, this 9th day of November, in the year of Our Lord, nineteen hundred and sixty-six.



By the President:



RAFAEL M. SALAS  
Executive Secretary