

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 190

REMOVING MR. FELIX SANIEL FROM OFFICE AS MUNICIPAL JUDGE OF
MAKILALA, COTABATO.

This is an administrative case filed by Marion V. Abundo against Municipal Judge Felix Saniel of Makilala, Cotabato, for (1) bribery and/or extortion, (2) defiance and/or disobedience of law, (3) grave irresponsibility and/or serious imprudence and infidelity, (4) illegal exaction and (5) ignorance of law and abuse of discretion. Of these, the Secretary of Justice found respondent innocent of charges Nos. 3, 4 and 5.

Regarding charge No. 1, it has been established that on March 26, 1967, Pablo Villamor, accused in Criminal Case No. 724, paid respondent judge the sum of ₱210 representing damages and costs taxed against him; that out of said sum, ₱200 was to be paid to complaining witness Dionisio Omayao as consequential damages adjudged in the latter's favor; and that on the same date, respondent caused Omayao to sign a receipt for the sum of ₱200 without turning over the money. Believing that he would not be paid the ₱200 because respondent had spent the same, Omayao reported the matter to the chief of police for which he executed a sworn statement dated March 31, 1967 (Exhibit "F"). It was not until April 4, 1967, that respondent delivered the ₱200 to Omayao and remitted ₱10, representing costs, to the Bureau of Internal Revenue.

The amount of ₱200 received by the respondent was not bribe money, but evidently money due a party litigant in a case decided by him and he spent it without authority. This transgresses Canon 5 of the Canons of Judicial Ethics which states: "A Judge's official conduct should be free from the appearance of impropriety, and his personal behaviour, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach".

Regarding charge No. 2, it appears that respondent found Elias Sardido and Epifanio Manlangit, accused in Criminal Cases Nos. 316 and 320, respectively, guilty of "Destruction in the National Park" punishable under Section 8, Act No. 3951, as amended by Republic Act No. 122, with imprisonment for not less than four nor more than six months, fine of four times the regular government charges on the timber and other forest products so unlawfully destroyed, the eviction of the offender from the land, and the forfeiture in favor of the government of all timber or other forest products collected thereon. In Criminal Case No. 316,

Daniel Felix

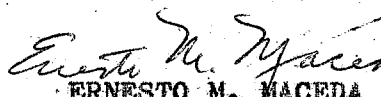
respondent sentenced Elias Sardido to pay a fine of P100.64 and Epifanio Manlangit was fined P119.24. The respondent reasons out that he did not order the eviction of the accused because an ocular investigation showed that there were no improvements of value in the portion occupied by them, and that they voluntarily abandoned the clearing upon knowing that it was part of the national park.

Respondent, however, omitted to impose the mandatory penalty of imprisonment. It is no excuse for him to say that only the penalty of fine was recommended by the prosecution, since the penalty of imprisonment is clearly required by the law.

The Secretary of Justice recommends that respondent be suspended from office for six months without pay. Considering the serious nature of the offenses committed by him which affects his integrity and knowledge of the law, I believe he deserves to be dismissed. Wherefore, Mr. Felix Saniel is hereby removed from office as municipal judge of Makilala, Cotabato, effective upon receipt of a copy of this order.

Done in the City of Manila, this 17th day of November in the year of Our Lord, nineteen hundred and sixty-nine.

By the President:


ERNESTO M. MACEDA
Executive Secretary

12-88