

Malacañang

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 11

CONSIDERING MR. MANUEL I. RIVERA RESIGNED AND SEPARATED AS JUSTICE OF THE PEACE OF CARAGA AND MANAY, DAVAO.

This is an administrative case against Justice of the Peace Manuel I. Rivera of Caraga and Manay, Davao, which arose from an anonymous complaint containing various charges against him involving, among other things, irregularities in the performance of his duties. The case was investigated by the District Judge.

It appears that Criminal Case No. 93 of respondent's court for estafa against Lazaro Mocam was filed on October 4, 1952, but the preliminary investigation was conducted by him only on August 5, 1953, when the case was dismissed. The delay of nine months tends to prove that he gave the parties an opportunity to settle the case amicably and the accused to raise the money therefor. At any rate, his failure to act for so long a time shows inefficiency on his part.

In Criminal Case No. 89 for estafa Constancio Mandaya was sentenced by respondent on October 6, 1952, to imprisonment for two months and one day to four months, to indemnify the offended party in the sum of ₱60 and to pay the costs. Four days later respondent amended his decision by sentencing the accused to pay a fine of ₱40 without subsidiary imprisonment in case of insolvency. The amount allegedly swindled being ₱30, the proper penalty was arresto mayor in its medium and maximum periods (Par. 4, Art. 315, Rev. Penal Code). In imposing a fine merely without subsidiary imprisonment in case of insolvency, respondent revealed ignorance of the law.

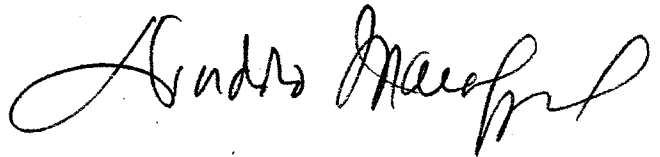
Again in Criminal Case No. 124 for less serious physical injuries, Teodoro Basoc was convicted of slight physical injuries and sentenced by the respondent on June 23, 1954, to a prison term of one month of arresto menor. On June 25, 1954, respondent amended his decision by imposing only a fine of ₱50 on the accused. Here, too, respondent showed gross ignorance of the law because when he amended his original decision, the accused had already commenced serving sentence, and therefore the judgment had become final and he had lost jurisdiction over the case.

Rivera, Manuel I.


From the established facts, it is clear that the respondent is guilty of inefficiency and gross ignorance of the law, which render him unfit to continue in the judiciary. Competence and devotion to duty are indispensable to the proper discharge of official duties, and respondent is sadly wanting in those basic requisites.

Wherefore, Mr. Manuel I. Rivera is hereby considered resigned and separated from the service as justice of the peace of Caraga and Manay, Davao.

Done in the City of Manila, this 3rd day of April, in the year of Our Lord, nineteen hundred and sixty-two, and of the Independence of the Philippines, the sixteenth.



By the President:



AMELITO R. MUTUC
Executive Secretary