

[ADMINISTRATIVE ORDER NO. 48, April 01, 1967]

REMOVING MR. HORACIO T. AQUINO FROM OFFICE AS MUNICIPAL JUDGE OF PANGANIBAN, CATANDUANES

This is an administrative case filed by Dr. Alfredo Canoy and Mr. Francisco Talion against Municipal Judge Horacio T. Aquino of Panganiban, Catanduanes, for gross misconduct.

Complainant Canoy alleges that in January or February of 1962, about noontime, respondent, while drunk, entered the Viga Emergency Hospital dining hall where said complainant, then chief of hospital, and his subordinates were having a baptismal celebration, and at the top of his voice called them voracious eaters. When led out of the hospital, respondent boxed and broke two glass windows of the hospital ambulance parked outside.

Complainant Talion avers that in or about September 1962 he brought his wife to the hospital for mental checkup in the truck of a certain Tiago. On the way, respondent judge, who was drunk, boarded with them to the hospital. Upon alighting, respondent picked up a stone and hit the glass screen window of the hospital. Later, he conducted Mrs. Talion inside, seated her on a bench, embraced and kissed her and tried to lie over her. Upon seeing complainant, respondent slapped him and left the hospital.

Respondent, in answer to the charges, denies the allegations thereof. However, he admits that he was in the hospital in September of 1962 at 4:30 P.M. to invite the Hospital staff to his late daughter's concluding prayer (catapusan) and it was at this time that he accidentally broke the screen glass window when, at the information desk, he picked up a paper weight stone and jokingly threw it at the clerk to call his attention, but the stone accidentally hit the glass screen, breaking the same.

After a formal investigation, the District Judge found the evidence convincing that respondent, induced by liquor, committed the acts imputed to him. Thus, the Judge found as follows:

"As I see it, the troubles of the respondent are mainly due to alcoholism. In Administrative Case No. 9 wherein he was found guilty and ordered suspended by the President of the Philippines in Administrative Order No. 386 (Exh. F), the respondent was found to have committed a series of indiscretions due to drunkenness. The evidence in this case is fairly convincing that during the incidents in question the respondent was drunk.

"The incident at the baptismal party at the dining hall of the Viga Emergency Hospital in February, 1962 is a proven fact. The holding of the