

[ADMINISTRATIVE ORDER NO. 182, March 06, 1956]

REINSTATING MR. RUFINO ABUDA IN OFFICE AS JUSTICE OF THE PEACE OF QUINAPONDAN AND MACARTHUR, SAMAR.

This is an administrative case against Mr. Rufino Abuda, Justice of the Peace of Quinapondan and MacArthur, Samar, which arose from his conviction for libel.

It appears that on July 28, 1952, the respondent was found guilty of libel by the Court of First Instance of Samar and was sentenced to pay a fine of P200.00. Due to a misapprehension of the rules on appeal, he was not able to elevate the case to the appellate court and the decision became final. In view of his conviction, and upon the recommendation of the former Undersecretary of Justice, the respondent was required to resign and, if he failed to do so, he would be removed from service.

As, in the opinion of the Secretary of Justice, respondent's conviction, did not in itself afford legal basis for his separation, administrative proceedings being necessary for the purpose, the case was ordered investigated formally by the District Judge of Samar.

The investigation discloses that the respondent was accused and found guilty of libel for writing on February 11, 1952, while he was already a Justice of the Peace, a very derogatory letter to a certain Justiniano Esperanzate about one Fortunato Vasquez as being allegedly a cheater and landgrabber.

The investigator believes that under the law respondent's conviction for libel is not a cause for his suspension, much less his removal from office, and accordingly recommends his exoneration. However, the Secretary of Justice disagrees with the recommendation that the respondent be fully exonerated. As the offense committed by the respondent is not serious and was not directly connected with the discharge of his official duties, the Secretary recommends that he be reinstated in office without salary during his suspension, such suspension being considered as punishment for his misdeed.

After considering the matter carefully, I agree with the Secretary of Justice. Respondent's conviction cannot but reflect somehow on his fitness for the position, in view of which he should be punished accordingly.

Wherefore, Mr. Rufino Abuda is hereby reinstated in office as Justice of the Peace of Quinapondan and MacArthur, Samar, without right to salary during the period of his suspension.

Done in the City of Manila, this 6th day of March, in the year of Our Lord, nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.

(Sgd.) **RAMON MAGSAYSAY**
President of the Philippines