

[ADMINISTRATIVE ORDER NO. 116, May 16, 1955]

REMOVING MR. HONORATO N. BAUTISTA FROM OFFICE AS FIRST ASSISTANT PROVINCIAL FISCAL OF LANAOS.

These are administrative cases against Mr. Honorato N. Bautista for supposed irregularities committed by him as First Assistant Provincial Fiscal of Lanao and while on special detail to the Office of the City Attorney of Davao City. The charges were looked into by special investigators of the Department of Justice.

After going over the records of investigations, I find the following duly established:

(1) That respondent, a married man, contracted a second marriage or, in any event, had illicit relations with another woman not his wife, of which relationship two children were born whom he refused to support later;

(2) That he wilfully refused to pay his just debts to several persons and entities and, what is worse, issued "rubber" checks to three of his creditors;

(3) That he acted with abuse of authority and with partiality in capriciously moving for the dismissal of Criminal Case No. 4014 of the Municipal Court of Davao City against Jacinto Sampaga for less serious physical injuries and in trying to convince the offended party therein to amicably settle the case out of court;

(4) That he showed gross ignorance of the law when he filed Criminal Cases Nos. 4012 and 4015 of the Municipal Court of Davao City for maltreatment and grave slander, respectively, against a number of accused among whom was Clarina Yap, fourteen years of age, without any evidence that she (Clarina) acted with discernment, which cases, together with the two other criminal cases (Nos. 3930 and 3931) brought by these accused against the offended parties in Criminal Cases Nos. 4012 and 4015, were dismissed by the court for non-appearance of the respondent at the trial; and

(5) That he also showed a vindictive disposition when he revived and refiled those criminal cases against Clarina Yap et al. but not those filed by the latter, after he had been charged administratively, such refiling having been evidently prompted by the fact that the Yaps were represented in said four cases by the same attorney suspected by respondent as behind the filing of the complaint against him.

The foregoing shows that the respondent is guilty of immorality and highly reprehensible conduct both as a public official and as a private citizen necessarily reflecting adversely on his fitness to remain in the public service, particularly in the prosecuting arm of the Government.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Honorato N. Bautista is hereby removed from office as first assistant provincial fiscal of Lanao,