

**[ADMINISTRATIVE ORDER NO. 163, December
31, 1955]**

**REMOVING MR. EMILIANO PATRON FROM OFFICE AS CLERK OF
COURT OF SULU.**

This is an administrative case against Mr. Emiliano Patron, clerk of court of Sulu, which is an aftermath of his prosecution and conviction for less serious physical injuries. The case was investigated by the District Judge and was submitted by mutual agreement on the evidence taken at the trial of the criminal case in the Court of First Instance of Sulu.

It appears that the aggrieved party, Atty. Esteban Bumanglag, had brought an action in respondent's office in behalf of a client. A dispute arose between Attorney Bumanglag and the respondent regarding fees and the man-behalf of a client. A dispute arose between Attorney Bumanglog and the respondent regarding fees and the manner of affixing the court seal to the complaint. Apparently the lawyer had made insinuations that the official receipt which the respondent had issued to the former's client was for an amount less than what the client had paid. Beyond that, no untoward incident occurred. Mr. Bumanglag walked out to the adjoining room – the Overseas Club – where refreshments were sold. While Mr. Bumanglag was in this room taking soft drinks with another attorney, he was assaulted by the respondent, who went in about one hour after Mr. Bumanglag had left the clerk's office. According to Mr. Bumanglag and an eyewitness, the attack was sudden and without warning. The assailant struck the complainant with bare fist and knocked him down unconscious. Mr. Bumanglag sustained a wound in the upper lip which bled profusely and took twelve days to heal with medical attention. The respondent was taller and heavier than the offended party.

I agree with the Secretary of Justice that the evidence established beyond doubt that it was the respondent, not his brother as respondent alleged, who attacked Bumanglag in the manner set forth above.

Although committed outside respondent's office, the aggression was directly connected with the discharge of his official duties and constituted, therefore, misconduct in office. The record fails to show any justification, excuse or even mitigation for respondent's bullish behaviour. The assault was devoid of any influence of passion or obfuscation which could have overcome the attacker's power of reason or self-control. It was deliberate, treacherous and with abuse of superior strength. Under the circumstances, the aggression involved a large degree of moral turpitude.

Despite the pendency of the criminal case in the Court of Appeals, action on this administrative case does not have to await the final outcome thereof, because this is an independent proceeding and the decision of the Appellate Court, even if favorable to the accused, cannot alter the conviction that Mr. Patron is guilty of serious