

**[ADMINISTRATIVE ORDER NO. 176, December
14, 1951]**

**REMOVING MR. MARCIAL L. AGUIRRE FROM OFFICE AS
ASSISTANT PROVINCIAL FISCAL OF NEGROS OCCIDENTAL**

This is an administrative case against Assistant Provincial Fiscal Marcial L. Aguirre of Negros Occidental filed by one Mrs. Felisa D. de Rosado charging him with conduct unbecoming a public officer for having allegedly committed coercion, grave threats, etc. The charges were investigated by a special committee appointed by the Solicitor General, and the respondent was given full opportunity to present his side of the case. An examination of the evidence adduced by the parties shows the following facts to have been duly established:

Sometime in 1947 the respondent filed two war damage claims, one for the complainant, Mrs. Felisa D. de Rosado, and another for her husband, Dr. Felipe Rosado. Of her claim for P85,666.02 the War Damage Commission approved only P27,758.72 for which a check in the sum of P9,021.60 covering the initial payment of the approved claim was issued in her favor. Respondent demanded the immediate payment of five per cent of the amount of the approved claim plus the legal fees of P2,100 previously agreed upon by them. The complainant and her husband were, however, willing to pay only five per cent of the amount of the check and the balance upon receipt of the last payment from the War Damage Commission. Dr. Rosado even proposed that the matter of respondent's fees be referred to the Commission for decision. The couple's refusal to pay the amount demanded by the respondent and Dr. Rosado's proposal to refer the matter to the Commission aroused the ire of the respondent who immediately demanded the production of the check. Upon getting hold of the check, respondent cut it into two, took one-half thereof and gave the other half to Dr. Rosado, saying, "This is yours and this is mine; let us see if you can cash it." Shortly after, and in the heat of his anger respondent drew his pistol, cocked it and pointed it to Dr. Rosado, at the same time uttering the following threatening words, "If you will not give what amount I am asking now, I will gamble my life with you," to which Dr. Rosado replied, "We are not quarrelling; we will pay according to law." Thereafter respondent put down his revolver and went towards the balcony.

From the foregoing recital, there can be no doubt that the respondent is guilty of conduct unbecoming a public officer. It is regrettable that one in his high position, who is reasonably to be expected to exercise self-control even under trying conditions, should be the first one to lose his equanimity and composure at the slightest provocation and take the law into his own hands. He knew there were courts of justice to which he could apply for redress of any wrong or injury he believed might have been committed against him. As it is, a private citizen appears to have more respect for the law than the respondent who is one of the law officers of the Government.