

**[ ADMINISTRATIVE ORDER NO. 100, July 28, 1939 ]**

**IN RE ADMINISTRATIVE CASE AGAINST ASSISTANT  
PROVINCIAL FISCAL MARIANO G. ALAGAR OF VIGAN, ILOCOS  
SUR**

This is an administrative case against Assistant Provincial Fiscal Mariano G. Alagar of Ilocos Sur. The Honorable, the Secretary of Justice, has found that:

(1) The respondent abused his office by maliciously filing a criminal complaint against Chief of Police Apolonio Quadra and Policeman Severo de la Cruz of Vigan, Ilocos Sur, without any justification whatsoever, motivated solely by revenge because of the refusal of the said policemen to comply with the request of the respondent fiscal not to prosecute two of his friends who had been arrested for certain violations of law;

(2) While acting as an assistant provincial fiscal, the respondent indirectly engaged in the private practice of the law through his brother who was then a mere law student; and

(3) The respondent, while acting as assistant provincial fiscal, intervened in the execution of the sentence rendered in civil case number eight hundred and fifty-one of the court of justice of the peace of Vigan, Ilocos Sur, for which he received compensation.

A review of the record of the case conclusively shows that the respondent committed the following reprehensible acts:

When Clemente de Leon, a friend of the respondent, was arrested for driving an automobile without a license, the respondent went to the office of Chief of Police Apolonio Quadra of Vigan and requested that the case against De Leon be dropped. The chief of police, however, refused to comply with the request.

The day before the trial, Fiscal Alagar again called at the office of the chief of police and made the proposition ..that Jf the chief of police would present a motion for the dismissal of the case against Clemente de Leon, he (Alagar) in turn, would present a motion for the dismissal of the criminal case against Policeman Filomeno Avilo who was accused of physical injuries. Chief of Police Quadra also declined this proposition.

During the trial of the case, Fiscal Alagar, who was then present, requested the chief of police to allow him to handle the prosecution. The chief of police, knowing the interest of the fiscal in the case, refused to accede to the proposition.

Clemente de Leon was found guilty by the court of violating the Automobile Law and