

[ADMINISTRATIVE ORDER NO. 25, November 09, 1966]

**REMOVING MR. MARCELINO P. RAMIREZ FROM OFFICE AS
MUNICIPAL JUDGE OF POLOMOLOK, COTABATO**

Mr. Marcelino P. Ramirez, municipal judge of Polomolok, Cotabato, is charged with (1) gross ignorance of the law, (2) grave abuse of authority and (3) partiality, malice, irresponsibility and propinquity to violence, intimidation and corruption.

The charges, which respondent denied, were investigated by the District Judge who found the respondent guilty on three counts as specified hereunder and recommended that he be suspended for ten (10) days without pay with a warning. However, the former Secretary of Justice (Alejo Mabanag), while concurring in the findings of the investigator, found the latter's recommendation too lenient for the serious offenses committed and recommended respondent's dismissal.

I. Abuse of Authority

The record shows that on December 5, 1958, while the respondent was acting as justice of the peace of General Santos, Criminal Case No. 863 for homicide was filed in court and submitted therewith, as an exhibit, was a "Star" pistol, cal. 38. On January 8, 1959, respondent dismissed the case and ordered the return of the pistol to its owner. On January 4, 1959, however, the same pistol was found in the possession one Cesar Escuadra, who said that it belonged to the respondent. The pistol was confiscated and turned over to the chief of police of Polomolok.

Respondent denies that he gave the pistol to Escuadra, as it was turned over to him by the chief of police of General Santos only on January 12, 1959, after the dismissal of Criminal Case No. 863, which he brought home in Polomolok with the intention of returning it to the owner. He further explains that he deposited the pistol with the chief of police of Polomolok on January 17, 1959, and on January 28, 1959, directed its transfer to Deputy Clerk of Court Villodres for delivery to the owner.

The respondent fails to explain satisfactorily how the pistol came into Escuadra's possession, if not from him, to substantiate the claim that the pistol was in the possession of the chief of police of General Santos prior to January 4, 1959, when it was found in Eseuadra's possession, and why he accepted said firearm when it was turned over to him after the dismissal of Criminal Case No. 863, since he had already ordered its return to the owner. Evidence of respondent's relationship with Escuadra, like the fact that the latter was assigned as janitor in the office of the respondent and that he used to stay in the latter's house, tends to point to respondent as the source of the pistol.

II. Dereliction of Duty