

[ADMINISTRATIVE ORDER NO. 147, October 26, 1955]

REMOVING MR. CELSO AVELINO FROM OFFICE AS CITY ATTORNEY OF CALBAYOG CITY.

This is an administrative case against City Attorney Celso Avelino of Calbayog City for alleged (1) electioneering with grave abuse of authority (4 counts), (2) partiality and dereliction of duty (2 counts), and (3) ignorance of the law. The charges were investigated by a special investigator of the Department of Justice. A review of the record shows that the respondent is guilty under the charges with the exception of three counts of the first charge. For convenience, only those wherein he is guilty or otherwise wanting will be taken up.

I

It appears that on November 7, 1953, the mayor of Calbayog City requested the respondent to require the residents of the barrio of Caguit-itan of that city to appear at his office for constructing their houses in said barrio without first obtaining the necessary permit from the city government; that in accordance with the mayor's instructions complainants Dionisio Sabar and Magno Aguaviva and other residents of Caguit-itan appeared on November 8, 1953, at respondent's office where they, who were known to be Nacionalistas, were told by the respondent, in a loud and angry voice, not to be talking against the Liberal administration and to vote for the Liberal Party candidates on November 10, 1953, otherwise they would be ejected from the government land where they were squatting; and that because of fear complainants and their companions agreed to respondent's bidding although complainants voted for Nacionalista candidates just the same. The above acts of the respondent were attested to by simple and lowly folks who had no reason to testify falsely against him.

II

(a) It also appears that on December 4, 1953, Marcelo Getigan went to respondent's office to complain against Ruben Cano and Juling Caber who had allegedly robbed and assaulted him, and submitted to respondent three affidavits besides showing to the latter the injuries suffered by him; but the respondent never filed any information against the culprits. Complainant attributed respondent's attitude to the fact that he was a Nacionalista while one of the culprits, Cano, was the son of a Liberal councilor of Calbayog City and the other, Caber, was the son of another Liberal leader in the locality. Respondent, however, explained that he did not file the necessary information because he was not convinced that the persons implicated by the complainant had really committed the offense and he doubted complainant's veracity.

The investigator found that there was a prima facie case against Cano and Caber to warrant their prosecution for attempted robbery with serious physical injuries, and I