

MALACANANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 176

ADMONISHING CONRADO C. FULE, MUNICIPAL JUDGE OF ALAMINOS, LAGUNA,  
AND SOLON F. CORDERO, AUXILIARY CITY JUDGE OF SAN PABLO CITY.

This refers to the administrative cases mutually instituted against each other by Solon F. Cordero, auxiliary city judge (formerly called municipal judge) of San Pablo City, and Conrado C. Fule, municipal judge (formerly called justice of the peace) of Alaminos, Laguna, who are first cousins. Fule is respondent in Cases Nos. 2, 3, 4, 5 and 6 for estafa through falsification of public documents and in Case No. SP-8 for notorious ignorance of the law, gross incompetence and inefficiency. Cordero in turn is respondent in Case No. 7 for blackmail and gross misconduct. Both cases were investigated by the District Judge.

Respondent Fule

Cordero has established that, on the dates specified in the pertinent charges, Fule appeared in the mornings in various Courts of First Instance, either as party or as counsel, but in his time records he made it appear that he was in office, and collected the corresponding salary. Fule did not deny this, but claimed that he went back to Alaminos in time to render office work in the afternoons, having been given authority by the then District Judge of Laguna (Hon. Nicasio Yatco) to practice law and to attend office in the afternoon if he could not do so in the morning.

Since Fule held office in the afternoon of the dates in question and not at the precise times indicated in his daily time records, it is evident that he made false entries therein. However, such misrepresentation and Fule's collection of salary for those days did not amount to estafa through falsification of public documents, as the government was not actually defrauded because he rendered the requisite hours of service in the afternoons.

While Fule is obviously not free from responsibility for the incorrect entries in his daily time records, the same is, however, mitigated by the absence of any ulterior motive on his part and the fact that the government has not been prejudiced. Moreover, it appears that the District Judge authorized justices of the peace in his jurisdiction to engage in the practice of their profession and to hold office in the afternoon whenever they could not do so in the morning.

*Conrado C. Fule*

The records of eight criminal cases show that Fule neglected to reduce to writing the testimony of the complainants in the preliminary investigation and to make an abstract or brief statement of the substance of the testimony of their witnesses as required by Section 6, Rule 108 of the old Rules of Court. Such neglect or omission may be attenuated by the fact that the municipal court was not provided with a clerical staff, not even an official clerk or messenger, so much so that the judge thereof had to do almost everything and every bit of work in the office. The same observation holds as to his failure to indicate the dates when certain pleadings were received.

As to his failure to forward to the Court of First Instance the records of cases dismissed by him on preliminary investigation, Fule explained that he only forwarded the same when so requested by an interested party. This practice is irregular because under Section 13 of Rule 108 of the old Rules of Court, as construed by the Supreme Court in *Biron vs. Cea* (73 Phil. 673), which decision was circularized to all justices of the peace, Fule was duty bound to forward to the Court of First Instance all criminal cases cognizable by said court after preliminary investigation. It is noted, however, that in his monthly report to the Secretary of Justice there appears the list and description of dismissed cases for the period. While this is not what the Rules of Court require, it may be considered as an irregular compliance with the requirements.

The foregoing amply supports the findings of the investigating Judge and the Secretary of Justice that respondent is guilty of neglect. It is observed, however, that while some damage was caused to the public service, no private rights seem to have been prejudiced thereby.

#### Respondent Cordero

Concerning the case against Cordero, it appears that he was an aspirant for the position of solicitor in the office of the Solicitor General as early as December 1956 in which Hector Fule, respondent Conrado Fule's brother, was also interested. Realizing that Hector was a stumbling block, he employed every possible means to persuade the former to withdraw. Failing through persuasion, he resorted to threats against Conrado Fule to compel Hector Fule to desist.

Sometime in October 1956 Archimedes Cordero met Hector Fule upon whom he impressed the necessity of settling the differences between their families, as Cordero was contemplating to file charges against Conrado Fule, showing him a photostatic copy of Conrado's

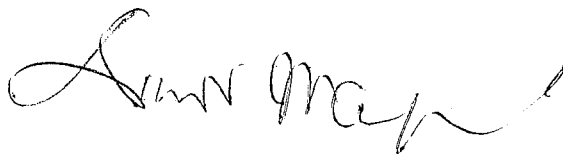
time record for October 1954. On November 19, 1956, Cordero met Hector Fule at the RFC (now DBP) canteen in Manila, with Attorney Delia Medina, a mutual friend, as moderator. Cordero reiterated his request that Hector Fule withdraw his application and when answered in the negative, the former said that, much to his regret, he would file charges against Conrado Fule. Sometime before Hector Fule qualified for the post of solicitor, Cordero told Hector, through Atty. Medina, to think it over before taking his oath.

Hector Fule was appointed solicitor on October 24, 1956, and Cordero learned of it from a subsequent issue of the Official Gazette. Hector Fule took his oath on December 11, 1956. Cordero filed administrative charges against Conrado Fule on December 22, 1956.

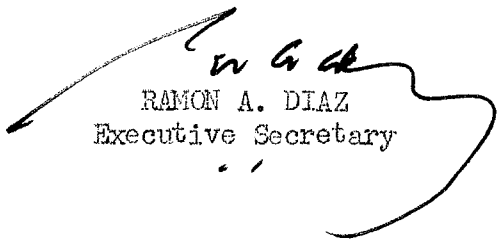
The above facts unmistakably show that Cordero filed the administrative and criminal cases against Conrado Fule because of Hector Fule's persistence in seeking the post of solicitor and subsequently accepting the appointment, which post he coveted. This becomes more evident when, despite Cordero's knowledge of the alleged falsification committed by Conrado Fule as early as 1954, he presented his complaints only after learning that Hector Fule was finally appointed. His complaints were not motivated by a sense of public duty but by personal motives and family vendetta. Although Cordero's acts had no connection with the discharge of his official duties, his conduct is unbecoming a public officer.

In view of the foregoing, respondents Conrado C. Fule and Solon F. Cordero are hereby admonished to be more careful in their actuation and behavior in the future.

Done in the City of Manila, this 27th day of December, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ  
Executive Secretary