

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89

ADMONISHING MUNICIPAL JUDGE ULPIANO P. RAMAS OF NEW PIÑAN,
ZAMBOANGA DEL NORTE.

Mr. Ulpiano P. Ramas, municipal judge of New Piñan, Zamboanga del Norte, is charged in three separate complaints with (1) bribery, maladministration of justice, abuse of authority, immorality, electioneering and suspicious strategy; (2) receiving his full salary for days when he was absent or incurred undertime; and (3) being responsible for the mishandling by irresponsible elements of complainant Pedong Simulatan Luminding (a Subano), who was suspected of stealing respondent's camera, and fooling said complainant by obtaining from him, ₱20 compensation for a supposed license to solemnize Subano marriages issued by the respondent in his favor, the sum of ₱20 in addition to five valuable ancient China earthen jars which he had already given the respondent.

The charges were originally investigated by the Provincial Fiscal of Zamboanga del Norte at the request of the District Judge. On the basis of the record of investigation and the investigator's report, the Department of Justice found the first complaint, which was anonymous, without merit, but found respondent guilty under the second and third complaints of the following specific acts:

- (1) Appearing in court as private counsel without special permission from the District Judge;
- (2) Collecting his full salary for days when he was either absent or incurred undertime during his regular office hours in the morning; and
- (3) Inducing an ignorant non-Christian to give him his precious possessions in consideration of a worthless certificate issued by him.

Respondent disagreed with the above inculpatory findings of the Department of Justice and asked for a reinvestigation of the case to establish his innocence, which was granted by this Office.

I concur in the Department's findings in the original investigation absolving respondent from the other charges. What remain to be disposed of, therefore, are the three specific counts where he was previously found guilty by the Department which later recommended the dismissal of two of them (counts 1 and 3) for insufficiency of evidence.

Ulpiano P. Ramas

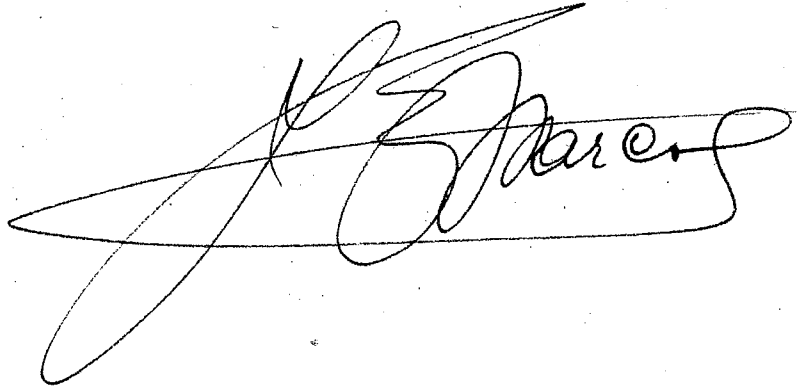
1. In the reinvestigation conducted by the District Judge of Zamboanga del Norte, upon authority of this Office, the respondent submitted a certificate issued by the then Presiding Judge (Patricio C. Ceniza) of the Court of First Instance of Zamboanga del Norte when Civil Case No. 353 thereof was filed on April 5, 1951, wherein respondent appeared as private counsel. In said certificate (Exh. "1"-Reinvestigation) Judge Ceniza certified that as District Judge of Zamboanga del Norte he gave permission to respondent judge to appear as counsel in the civil case referred to. Considering this new evidence which is uncontradicted, respondent should also be absolved from the count that he appeared as private counsel without permission from the District Judge.

2. The second count refers to respondent's collecting his full salary for August 13, November 19 and 24, 1954, and for March 11 and 19, 1955, although he was absent or incurred undertime. While admitting that he was absent from office in the morning of August 13, November 19 and 24, 1954, and incurred undertime on March 11 and 19, 1955, the respondent proved in the reinvestigation that he compensated these absences and undertimes by holding office in the afternoon of said dates. The explanation is not completely satisfactory. Once a municipal judge has fixed his regular schedule of office hours from 8:00 to 12:00 o'clock in the morning, as respondent had done, he cannot legally hold office at any other time to the prejudice of the public service. Neither can he deviate therefrom unless previously authorized and notice given to the public in advance. He should thus be considered absent on August 13, November 19 and 24, 1954, and as having incurred undertime of 2 hours on March 11, 1955, and 1 1/2 hours on March 19, 1955.

3. During the reinvestigation complainant, Fedong Sinulatan Luminding filed, through counsel, a motion dated December 14, 1959, withdrawing his complaint against the respondent. Attached to the motion as an integral part thereof is an affidavit of the complainant himself dated February 21, 1959, wherein he stated, among other things, that he was forced and threatened to file the case against the respondent by former Mayor Candido Dagpin of New Pifian; and that the charges were false and fabricated and merely told to him. Failing to appear in court on the first day of the reinvestigation, complainant Luminding was summoned by the District Judge to appear on March 4, 1960, and he did. However, he simply ratified and confirmed the contents of his affidavit and reiterated his desire to withdraw his charges for the reason that the respondent had done him no wrong. With complainant's admission of the falsity of his charges and his unwillingness to testify in the reinvestigation, the dismissal thereof for lack of merit is likewise in order.

In view of the foregoing, Municipal Judge Ulpiano P. Ramas is hereby admonished to follow strictly his fixed schedule of office hours, which is the basis for the collection of the salary due him, and warned that a repetition of similar acts will be dealt with more severely. He is also required to refund the salary he received for August 13, November 19 and 24, 1954, and the amount corresponding to his total undertime of 3 1/2 hours on March 11 and 19, 1955.

Done in the City of Manila, this 23rd day of October,
in the year of Our Lord, nineteen hundred and sixty-seven.



By the President:



JOSE J. LEIDO, JR.
Assistant Executive Secretary