

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

ADMINISTRATIVE ORDER NO. 100, July 28, 1939

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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 If 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 was fined fifty pesos.

Subsequently, or on January third, nineteen hundred and thirty-nine, Fiscal Alagar assisted Clemente de Leon in securing a student license to drive motor vehicles. Although Clemente de Leon was then only sixteen years old, he represented himself in his application as being eighteen years old. This application was sworn to before Fiscal Alagar.

Upon knowing that a license to drive motor vehicles was issued to Clemente de Leon, Chief of Police Quadra went to the office of the district engineer to inform them that Clemente de Leon, who represented himself as being eighteen years old in his application, was only sixteen years old. By virtue of this information, the district

engineer ordered the cancellation of the driver's license of Clemente de Leon.

Fiscal Alagar did not file any criminal action for perjury against Clemente de Leon. On the contrary, it appears that Fiscal Alagar was so incensed by the cancellation of the driver's license of Clemente de Leon that he told Chief of Police Quadra, when he met him: "You pretend to be somebody, you will have yours someday."

The record of the case also discloses that when Benjamin Alias, a friend of Fiscal Alagar, was arrested by Policemen Tomas Avila, Severo de la Cruz, and Corporal Catora of the Constabulary for causing much noise, drawing a knife, and trying to assault the policemen while in a state of drunkenness, Fiscal Alagar again intervened and requested that the case be settled. When his request was not granted, the respondent fiscal threatened Policeman Severo de la Cruz saying that he will also file a complaint against them.

In the morning of January twenty-sixth, nineteen hundred and thirty-nine, the corresponding criminal complaint was filed with the justice of the peace of Vigan, Ilocos Sur, against Benjamin Alias. A few days later, however, Fiscal Alagar maliciously filed with the Court of First Instance an information charging Policemen Severo de la Cruz, and Chief, of Police Quadra with the arbitrary detention of Benjamin Alias. The accused were acquitted of this charge.

These acts of Assistant Provincial Fiscal Alagar, together with the fact that he used his office as a means of illegally practising the law profession, have rendered him unfit to remain in his present position. A person who uses his office as a means of serving his friends and of wreaking vengeance upon his enemies, and who looks upon it, not as a public trust, but as a source of private profit, has no place in the public service.

In view thereof, and in accordance with the recommendation of the Honorable, the Secretary of Justice, Assistant Provincial Fiscal Mariano G. Alagar of Ilocos Sur is hereby ordered dismissed from the public service, for cause.

Done at the City of Manila, this twenty-eighth day of July, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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