

PABLO FESTEJO, PETITIONER, VS. CARMEN P. CRISOLOGO, AS GOVERNOR OF ILOCOS SUR, THE PROVINCIAL BOARD OF ILOCOS SUR AND BRIGIDO VILOG, AS VICE-MAYOR OF STA. LUCIA, ILOCOS SUR, RES...*G.R. No. 25853. July 30, 1966*

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-25853-2/>**CONCEPCION, C.J.:**

This is an original action for certiorari with preliminary injunction.

Petitioner Pablo Festejo is the municipal mayor of Sta. Lucia, Ilocos Sur. On or about January 14, 1966, he received a communication of respondent Carmeling P. Crisologo, as Provincial Governor of Ilocos Sur, suspending him as such mayor effective January 17, 1966, in view of an administrative complaint filed against him by said respondent. The latter's amended complaint charged petitioner with alleged: (1) oppression and grave abuse of authority, in that, on several occasions, petitioner had prevented Brigido Villog, as Vice-Mayor of Sta. Lucia from assuming the duties of acting mayor thereof, whenever petitioner was on leave or travelling outside Sta. Lucia, by designating the municipal secretary or one of the members of the municipal council of Sta. Lucia to perform said duties, and (2) dishonesty, in that, contrary to law, and with intent to defraud the municipal government of Sta. Lucia, on June 15, 1965, petitioner had collected travelling allowances and per diems in the amount of nineteen pesos (P19.00), by making it appear in a municipal voucher that he was on official business in Manila, when in truth and in fact he was in Sta. Lucia, Ilocos Sur, and, in December, 1965, he collected P100 as his salary from December 16 to 31, 1965, notwithstanding the fact that he had not performed his duties as mayor from December 19 to 28, 1965. However, on February 7, 1966, petitioner secured from the Supreme Court, in case G. R. No. L-25566, entitled "Pablo Festejo vs. Carmen E. Crisologo," an order restraining respondent Crisologo from enforcing or giving effect to the aforementioned order of suspension dated January 14, 1966.

Less than a month later, or on March 4, 1966, petitioner received another communication from respondent Governor, advising him (petitioner) that he was suspended effective March 5, 1966, in view of the filing of another administrative complaint against him, charging neglect of duty, corruption, dishonesty and grave abuse of authority. It was alleged in this complaint, likewise, filed by respondent Governor:

"That on or about the 29th day of June, 1965, in the Municipality of Sta. Lucia, Province of Ilocos Sur and within the jurisdiction of the Provincial Board, the above-named Pablo Festejo, with unfaithfulness and abuse of confidence did then and there will fully, unlawfully, and feloniously defraud the municipal government of Sta. Lucia, Ilocos Sur, to wit: that Pablo Festejo, being then the Municipal Mayor of said Municipality withdrew from the municipal treasury of Sta. Lucia the amount of five thousand pesos (P5,000.00) which was deposited with the treasury under O. R. No. 943028, dated December 1, 1964 under Voucher No. 132 without authority of law, the amount of P5,000.00 was the gross proceed from the popularity contest for the town fiesta of December 13, 1964 said withdrawal being evidenced by Voucher No. 366, dated June 29, 1965, which amount said Pablo Festejo did then and there will fully, unlawfully and feloniously misappropriate and convert

for his personal use and benefit to the damage and prejudice of the municipal government of Sta. Lucia, Ilocos Sur, in the amount of P5,000.00.

"The above-cited acts of Mayor Pablo Festejo constitute NEGLECT OF DUTY, CORRUPTION, DISHONESTY and GRAVE ABUSE OF AUTHORITY which are violation of the Revised Administrative Code, as amended, and the crime of Estafa punishable under the Revised Penal Code."

Soon thereafter, petitioner instituted the present civil action for prohibition with preliminary injunction, upon the ground that the second administrative complaint against him was merely a means to circumvent the restraining order in G. R. No. L-25566, and to harass him for having sought the protection of this Court in said case; that respondent Brigido Vilog, as vice mayor of Sta Lucia, had threatened to take over the office of mayor of Sta. Lucia, on the basis of the aforementioned second order of suspension issued by respondent Governor; that respondent Provincial Board of Ilocos Sur intends to give due course to and investigate the aforementioned administrative complaint dated March 4, 1966; and that, since the allegations of fact therein made, if true, would constitute a crime, respondent Governor acted in excess of authority or with grave abuse of discretion in issuing the second order of suspension, for no administrative action may be taken against the petitioner until final judgment of conviction shall have been rendered against him.

Petitioner prayed, therefore, that the second order of suspension be declared null and void; that respondent Governor be restrained from enforcing said order of suspension; that respondent vice-mayor be restrained from assuming the powers and duties of acting mayor of Sta. Lucia; and that respondent provincial board be restrained from giving due course and investigating the aforementioned second administrative complaint.

In their answer, respondents denied that said complaint had been filed to circumvent the restraining order of this Court in G. R. No. L-25566 and alleged that the second administrative complaint was filed and the order of suspension based thereon was issued after the discovery of the acts alleged in the said complaint and "the availability of the requisite proof or evidence" establishing the commission of said acts.

Impressed by the allegation that the second administrative complaint has been filed as a means to circumvent the restraining order in case G. R. No. L-25566, this Court gave due course to the petition herein; but, when this case was heard, petitioner did not even try to establish the truth of his aforementioned allegation. Instead, he relied exclusively upon the proposition that, when a municipal official is charged with a crime involving moral turpitude, no administrative action may be taken against him until after the rendition of a final judgment finding him guilty of said crime, even if the same consists of acts constituting neglect of duty, oppression, corruption, or other forms of maladministration of office.

There is no merit in this pretense. When a municipal officer is charged with "neglect of duty, oppression, corruption or other form of maladministration of office," and upon "conviction by final judgment of any crime involving moral turpitude", the Provincial Governor may, "if in his opinion the charge be one affecting the official integrity of the officer in question," suspend him, pursuant to Section 2188 of the Revised Administrative Code. It should be noted that the grounds enumerated by law belong to two (2) categories, namely: (1) those related a the discharge of the function of the officer concerned ("neglect of duty, oppression, corruption or other form of Maladministration of office") ; and (2) those not so connected with said function (commission "of any crime involving moral turpitude"). Conviction by final judgment is not required, as a condition precedent to administrative action, except in cases falling under the second category, when the crime involving moral turpitude is not linked with the performance of official duties, and for an obvious reason. Not being associated with said duties, it should not ordinarily warrant any administrative action unless there be previous final judgment of conviction.

Upon the other hand, an act or omission constituting "neglect of duty, oppression, corruption or other form of maladministration of office", is necessarily connected with the office, and, hence, may be the object of administrative action, even if no crime had been committed thereby. As a consequence, it would be absurd to deny the authority to take such action, when the aforementioned act or omission is serious enough to constitute, not only a crime, but, also one involving moral turpitude. Indeed, all that is required for the exercise of the power of suspension, vested in the Provincial Governor by said Section 2188, is that the charge "in his opinion, be one affecting the official integrity of the officer in question." In the case at bar, the charge contained in the second administrative complaint against petitioner herein (misappropriation of public funds of the municipality of Sta. Lucia) certainly affects his official integrity. The legal justification for the preventive measure taken by respondent Governor is, accordingly, obvious.

Wherefore, the petition herein is hereby dismissed and the writ prayed for denied, with costs against the petitioner. It is so ordered.

Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Writ denied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.