

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER No. 103

REINSTATING MR. ASAAD USMAN IN THE SERVICE
AS JUSTICE OF THE PEACE OF SIASI AND
TAPUL, PROVINCE OF SULU, WITH THE RIGHT
TO COLLECT HIS SALARY DURING THE PERIOD
OF HIS SUSPENSION.

This is an administrative case against Mr. Asaad Usman, Justice of the Peace of Siasi and Tapul, province of Sulu, on the following charges:

1. That through deceit and preconceived intent to exploit the persons accused before the justice of the peace court of Siasi, he demanded money from the accused and their relatives, promising to acquit said accused or to dismiss the cases against them upon payment of the amount demanded;
2. That he settles criminal cases pending in his court by imposing fines extrajudicially and that he profits therefrom;
3. That motivated by revenge, he willfully promised to dismiss a criminal case, provided the accused would sign an affidavit implicating the chief of police of Siasi in a bribery case, thus inducing persons to make false statements;
4. That he maliciously delayed the trial or preliminary hearing of criminal cases for several months for the purpose of exploiting the accused or their relatives;
5. That he falsely stated in his order, dated June 26, 1947, in criminal case No. 90 that the prosecuting officer and the accused were present and introduced evidence, when in fact the prosecuting

officer (the chief of police) was never notified of the trial and was never present when the case was tried and that the accused pleaded guilty without any trial;

6. That he is keeping a woman in his house by the name of Emma Gonzales whom he holds out as his wife, when in fact his wife by the name of Dominga Usman is in Manila; and

7. That he is ignorant of the law and maliciously approved the bail bond of the accused charged with robbery in band with murder in the amount of only P3,000 notwithstanding the circular of the Department of Justice on the matter.

Charges Nos. 2 and 4 were withdrawn during the hearing, in view of which the investigation was limited to Charges Nos. 1, 3, 5, 6 and 7. After a careful consideration of the evidence adduced, this Office finds that Charges Nos. 1, 3, 5 and 6 have not been established.

With respect to Charge No. 7, it appears that in criminal case No. 66 for robbery in band with murder against Jailani et. als., the respondent approved the bail bond in the amount of P3,000 each for three of the accused and P1,000 each for the other two accused. Considering the nature of the crime charged and the fact that under circular No. 47 of the Secretary of Justice, dated June 5, 1946, provincial fiscals and city attorneys are directed to recommend to the judge that bail should be fixed at the rate of P2,000 for every year of imprisonment, this Office finds that the bail fixed by the respondent was manifestly inadequate.

Respondent claims that he allowed the accused to be bailed at P3,000 each because, the evidence against them was not, in his opinion, very strong—a fact borne out by the subsequent dismissal of the case in the Court of First Instance of Sulu. Nevertheless, this fact will not excuse the act of the respondent as the amount of the bail must be determined primarily by the gravity of the offense charged and not by the strength of the evidence against the accused.

The respondent also claims that inasmuch as the assessment of real properties in Sulu is very low, the amount of P3,000 fixed by him, which represents the assessed valuation of the properties offered as security, is reasonable and sufficient to guarantee the appearance of the accused; that if a high bail is required, the result will be to place it beyond the reach of most persons because of the low assessment of real properties in Sulu and the absence of bonding companies thereat; and that this would be tantamount to a denial of the right to bail guaranteed by the Constitution. While there may be some merit in this argument, the same does not justify the granting of a bail manifestly insufficient to secure the appearance of the accused in court. That the respondent realized his error in approving the bail in question is shown by the fact that on April 12, 1948, or after the filing of Charge No. 7 against him, he *motu proprio* issued an order for the

arrest of the accused in criminal case No. 66 and required them to post bail in the amount of P30,000 each for their temporary release.

In view of all the foregoing, the respondent is hereby exonerated from charges Nos. 1, 3, 5 and 6. With respect to charge No. 7, in the light of the mitigating circumstances above narrated, he is hereby admonished to exercise more care in performing his duties. Wherefore, respondent Asaad Usman is hereby ordered reinstated immediately as justice of the peace of Siasi and Tapul, Province of Sulu, with the right to collect his salary during the period of his suspension.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and forty-nine, and of the Independence of the Philippines, the fourth.

ELFIDIO QUIRING

President of the Philippines

By the President:

TEODORO EVANGELISTA

Executive Secretary