

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 273

REMOVING MR. FELIPE B. PAREJA FROM OFFICE AS CITY TREASURER OF
CEBU.

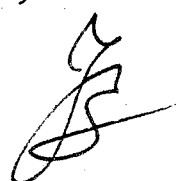
This is an administrative case filed by the Department of Finance against Mr. Felipe B. Pareja, suspended City Treasurer of Cebu, for grave misconduct on two counts, to wit: (1) participation in the murder of Atty. Antonio Abad Tormis, editor of the Republic News of Cebu City and (2) malversation of public funds through falsification of public documents and/or illegal use of public funds.

Respondent was preventively suspended from office on July 24, 1962, upon recommendation of the Department of Finance.

The records show that on September 12, 1963, respondent was convicted by the Court of First Instance of Cebu in Criminal Case No. V-8601 for the murder of Atty. Tormis, for which he and his co-defendants were sentenced to suffer the penalty of reclusion perpetua and to pay the heirs of the victim, jointly and severally, the total sum of ₱131,785.65. On the basis of his conviction, the Secretary of Finance recommended his dismissal from the service, which was not given due course, in view of his pending appeal to the Supreme Court. Likewise, and upon the recommendation of the Secretary of Finance, the administrative proceedings were held in abeyance pending final decision of the criminal case until such time as respondent was out on bail, whichever was earlier.

However, upon representations of the widow of the deceased, the Secretary of Finance on April 27, 1967, was directed to proceed with the hearing of the case and to withhold action on any claim for retirement and/or other benefits of respondent, who was due for compulsory retirement, pending final disposition of his case.

In its 2nd indorsement dated May 10, 1967, the Department of Finance informed the Office of the President that respondent reached the compulsory retirement age of 65 years on May 1, 1967, and was therefore "beyond the reach of administrative processes." This notwithstanding, the Department of Finance was directed to pursue the prosecution of the administrative case against respondent in view of Opinion No. 5, series of 1962, of the Secretary of Justice



that the retirement of an officer or employee does not nullify or render moot the investigation of the administrative charges filed against him, although it may render academic the imposition of certain penalties like removal, etc.; and that the consequential penalties of forfeiture of retirement benefits and leave privileges incidental to dismissal from the service for cause may still be given effect.

On November 29, 1969, the Supreme Court affirmed respondent's conviction and his co-defendants by the Court of First Instance of Cebu. On the basis of respondent's final criminal conviction the Department of Finance recommends that he be formally dismissed from the service.

Considering that the afflictive penalty of reclusion perpetua imposed upon respondent carries with it the accessory penalty of perpetual absolute disqualification (Art. 41, Revised Penal Code), his dismissal from the government service has, of legal necessity, become a matter of course or fait accompli. Such is the clear and unmistakable import of the provisions of Article 30 of the Revised Penal Code, which reads:

"ART. 30. Effects of the penalties of perpetual or temporary absolute disqualification. - The penalties of perpetual or temporary absolute disqualification for public office shall produce the following effects:

"1. The deprivation of the public offices and employments which the offender may have held, even if conferred by popular election.

"2. The deprivation of the right to vote in any election for any popular elective office or to be elected to such office.

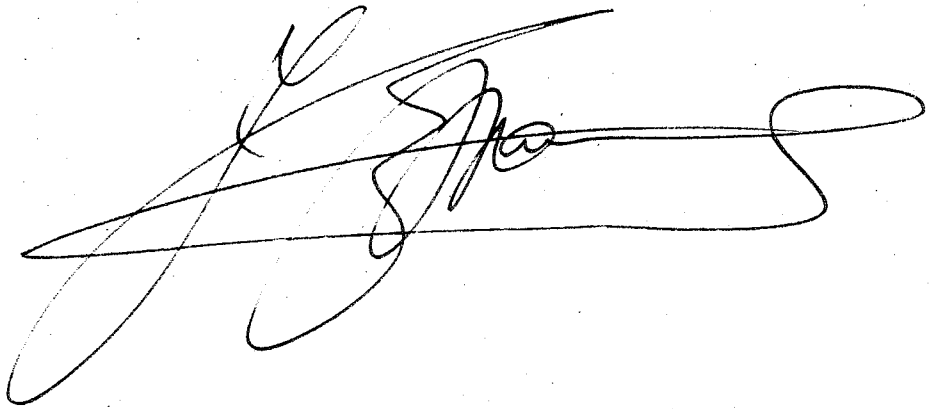
"3. The disqualification for the offices or public employment and for the exercise of any of the rights mentioned.

"In case of temporary disqualification, such disqualification as is comprised in paragraphs 2 and 3 of the article shall last during the term of the sentence.

"4. The loss of all rights to retirement pay or other pension for any office formerly held." (Emphasis added.)

Wherefore, and in view of his final criminal conviction by the Supreme Court, Mr. Felipe B. Pareja is hereby declared dismissed from office as City Treasurer of Cebu, effective as of the date of his preventive suspension.

Done in the City of Manila, this 18th day of February , in the year of Our Lord, nineteen hundred and seventy-one.



By the President:



AMERILDO MELCHOR
Executive Secretary