

**[ADMINISTRATIVE ORDER NO. 276, March 04,
1971]**

**REMOVING MR. FRANCISCO D. BOTER FROM OFFICE AS
MUNICIPAL JUDGE OF MIDSALIP, ZAMBOANGA DEL SUR**

This is an administrative case against Municipal Judge Francisco D. Boter of Midsalip, Zamboanga del Sur, for (1) falsification of his age, (2) abandonment of his legitimate wife and children and (3) living with a common-law wife. The District Judge-Investigator found the first and second charges to be without sufficient basis.

As regards the third charge, respondent admits that on December 14, 1929, he was married to Leonila Rivera by whom he has six children, three of whom died. They lived in Cebu City where respondent was then employed as chief clerk in the office of the city engineer. Violent quarrels marred their marriage, which ultimately resulted in her abandoning the conjugal home. She refused to go with him to Naga where he was assigned in May 1941.

Respondent also admits that since 1942 up to the present, he and Gliceria Go have been living together as common-law husband and wife with eleven (11) children begotten from their union. In 1945 the estrangement between respondent and Leonila Rivera became more serious when he learned that the latter had been consorting with another man.

The separation in fact between respondent and Rivera does not legalize his union with Gliceria Go as his common-law wife. Such union is immoral and renders the respondent unfit to continue in office as municipal judge.

"Undoubtedly, respondent's immorality is condemnable. He is a Justice of the Peace and, as such, he is considered a high government official in the community of his assignment. Being in direct contact with the people thereof, he is expected to be above and beyond reproach, not only in his private, but also in his public or official conduct, dealings and actuations. He ought to be a person of exemplary character, if not a model citizen — attributes so necessary if the citizenry are to keep faith in the proper and impartial administration of justice. . . ." (Viojan vs. Duran, 61 O.G. 4071; 4 SCRA 390.)

Wherefore, and as recommended by the Secretary of Justice, Mr. Francisco D. Boter is hereby removed from office as municipal judge of Midsalip, Zamboanga del Sur, effective upon receipt of a copy of this order.

Done in the City of Manila, this 4th day of March, in the year of Our Lord, nineteen hundred and seventy-one.