

[ADMINISTRATIVE ORDER NO. 231, February 13, 1957]

REMOVING MR. ULДАРICO A. MATA FROM OFFICE AS JUSTICE OF THE PEACE OF MALANGAS, ZAMBOANGA DEL SUR.

This administrative case against Justice of the Peace Uldarico A. Mata of Malangas, Zamboanga del Sur, is an offshoot of Criminal Case No. 1900 of the Court of First Instance of Zamboanga del Sur in which the respondent was accused of the crime of malversation of public funds.

By agreement of the parties, the criminal and administrative cases were tried jointly by the District Judge, the evidence for both sides in the former being considered their evidence in the latter.

During the period from June 28 to August 15, 1952, respondent was justice of the peace of Malangas, Zamboanga del Sur, and also acting justice of the peace of Alicia, a newly created municipality of the same province. On June 28, 1952, several twenty-year-old males were arraigned in his court in Alicia for violation of the National Defense Act as amended for failure to register for military training (Crim. Case No. 21). Some of them pleaded guilty and respondent forthwith imposed upon each of them a fine of fifty pesos (P50) plus costs of five pesos (P5) which were either paid to him personally or through the chief of police and a police corporal with his authority and for which receipts were duly issued. One receipt, which is typical of the rest, reads in part: ". . . as payment for the fine to be paid to the Office of the Municipal Treasurer after all cases be disposed with." All in all, respondent collected one hundred and seventy-five pesos (P175). The local municipal treasurer demanded from him several times that he deliver the money to the former, but he failed to do so.

On April 1, 1953, on the occasion of the turn-over of the office of the justice of the peace of Alicia by respondent to his successor, the former caused the word "pending" in the docket and records of said Criminal Case No. 21 to be erased and the word "dismissed" superimposed thereon.

In the light of the above-established facts, the Court of First Instance of Zamboanga del Sur found him guilty of the crime of malversation and sentenced him to a prison term ranging from 4 months and 1 day to 4 years, 9 months and 10 days, to indemnify the Government in the sum of P175, to pay a fine in the same amount, etc. The Court ruled out as untenable his defense that the various sums were received by him as mere deposits to be applied in case the accused were convicted. On the strength of the same evidence against the respondent, the District Judge recommends that he be removed from office.

After a careful review of the record of this case, I agree with the findings and recommendation of the District Judge which are also concurred in by the Secretary of Justice.