

**[ ADMINISTRATIVE ORDER NO. 204, June 24, 1956 ]**

**REMOVING MR. RUPERTO JAVIER FROM OFFICE AS JUSTICE OF THE PEACE OF VALLADOLID AND SAN ENRIQUE, NEGROS OCCIDENTAL.**

This is an administrative case against Mr. Ruperto Javier, justice of the peace of Valladolid and San Enrique, Negros Occidental, which arose from a complaint filed with the United States Veterans Administration (USVA) by Mrs. Emiliana Quiatchon de Belandres (now deceased), charging respondent with violation of Republic Act No. 145 for having allegedly collected the sum of P150, which was in excess of the legal fee of P20 allowed by that law, in connection with her claim for benefits.

After a formal investigation at which only the respondent testified, complainant having died on November 23, 1953, the District Judge found respondent guilty as charged and recommended his dismissal from the service.

It appears that on April 6, 1951, Emiliana Quiatchon de Belandres sought respondent's aid in obtaining from the USVA the pension of her veteran son, Arturo Belandres. As complainant and her family were in financial difficulties, respondent and his wife gave her cash advances with the understanding that she was to reimburse them from the proceeds of her claim. When complainant's check for P460 was cashed, P150 was collected by respondent.

Respondent admitted in his answer that he received the amount of P150 in the honest belief that the total amount borrowed from him was about P130, the balance of P20 being his legal fee. However, it appears that in a previous investigation conducted by the City Attorney of Bacolod City, also for violation of Republic Act No. 145, respondent testified that the total indebtedness of Quiatchon was only P85.96, and he even itemized the amount. Nonetheless, respondent was not prosecuted by the City Attorney because on December 5, 1952, Quiatchon executed an affidavit saying:

"That my debt to him is P60.00 which was spent by us with my son for subsistence; that for his services in helping me, I gave him P20.00; that what he got from me was P150.00 and there was an excess of P70.00; that today Judge Ruperto S. Javier is returning the said excess to me; that because Judge Ruperto S. Javier has returned the excess of the money which is P70.00 and if I go on with my complaint against Judge Ruperto S. Javier, I don't have the material time to go back and forth to Bacolod, I am forgiving Judge Ruperto S. Javier of what he had done and today I am withdrawing my complaint against him."

It is to be noted that there is a variance between respondent's answer and his statement before the City Attorney. The discrepancy is substantial because if what he said before the latter was the fact, then he is guilty of violation of Republic Act