

**[ ADMINISTRATIVE ORDER NO. 212, August 24, 1956 ]**

**REMOVING MR. JOSE A. STRACHAN FROM OFFICE AS JUSTICE OF THE PEACE OF ESCALANTE, NEGROS OCCIDENTAL.**

This is an administrative case against Justice of the Peace Jose A. Strachan of Escalante, Negros Occidental, for misconduct in office, which was investigated by a District Judge of the same province.

It is alleged that respondent refused to receive from complainant Pedro Damalerio the fine of P20 imposed on the latter by the former in Criminal Case No. 530, but instead ordered his imprisonment for twenty days; and that once complainant was in jail and wanted to file a notice of appeal, respondent refused to receive the same.

Respondent admits the filing of said criminal case in his court against complainant and the subsequent rendition of the decision therein convicting and sentencing the latter to pay a fine of P20 but denies the other allegations of complainant.

It appears that before noon of October 18, 1952, respondent read his decision to complainant as accused in Criminal Case No. 530, convicting the latter of light coercion and sentencing him to pay a fine of P20. When complainant manifested his desire to appeal from said decision, respondent irritatingly remarked that had he known that the former would appeal he would have sentenced him to thirty days' imprisonment instead of a fine of P20 only. Left no alternative but to accept the notice of appeal, the respondent required an excessive bond of P200, with the apparent intention of ordering complainant's incarceration if he failed to do so, as confirmed by the following entry in his criminal docket book (Exh. 2) :

"Oct. 18, 1952 – Notice of appeal presented. Reading of sentence to defendant. The accused upon hearing sentence, manifests intention to appeal. Court advises him to file P200.00 appeal bond and in lieu thereof may be committed to jail."

Unable to put up the bond that same day, complainant stayed in jail. The following day, October 19, 1952, with the mayor's permission, complainant, escorted by a policeman, left the jail to raise the amount to pay the fine. He succeeded in getting the money, but as it was Sunday he had to wait for the following day to tender the amount. On Monday, October 20, 1952, complainant together with the mayor and the chief of police went to respondent to pay the fine. However, respondent refused to accept the tender upon finding in the police blotter the entry for the imprisonment of complainant for his failure to pay the fine or to post the required bond.

In view of the above circumstances, complainant continued to be confined in jail. On October 23, 1952, he instructed his nephew who had visited him in jail to consult Atty. Amado Parreño as to what step complainant should take in view of the predicament he was in. Atty. Parreño prepared a written notice of appeal which the