

[ADMINISTRATIVE ORDER NO. 105, February 26, 1955]

REMOVING MR. BONIFACIO YUSON FROM OFFICE AS JUSTICE OF THE PEACE OF MANDAWÉ, CEBU.

This is an administrative case against Justice of the Peace Bonifacio Yuson of Mandawé, Cebu, for allegedly (1) receiving the sum of P45 for his "services" in solemnizing a marriage which was declared null and void, (2) being irregular in his office attendance because of his teaching activities and (3) being involved in employment agency irregularities. The charges were investigated by the District Judge who found the respondent guilty under the first charge and innocent as to the rest.

The record shows the following facts duly established: On May 6, 1950, Rosario Ty and Tomas Torrefranca went to Mandawé, Cebu, to get married. When they were in the municipal building they signed, together with their two companions who acted as witnesses, a marriage contract in the absence of the respondent justice of the peace and afterwards returned to Cebu City. Thereafter Rosario Ty did not see Tomas Torrefranca any more as she left for Leyte in the afternoon of the same day. About a week after arriving in Leyte she wrote Torrefranca, asking about the outcome of their trip to Mandawé and expressing that somehow she did not feel like a wife. Torrefranca in answer recounted his difficulties before he could get respondent's signature to their marriage contract and succeeded only after paying P45 through the respondent's clerk.

Respondent averred that the marriage was regularly solemnized by him and that he merely received the legal fee of P1 for his services, as confirmed by his clerk and Tomas Torrefranca. It is claimed that although the contracting parties signed the contract in his absence they subsequently acknowledged their signatures before the respondent who thereupon solemnized the marriage.

The defense of the respondent does not deserve credence. From the exchange of letters between Rosario Ty and Tomas Torrefranca it can be clearly inferred that these two did not consider themselves married and that the justice of the peace was not in his office and did not sign the marriage contract in the presence of the supposed contracting parties. Thus, Rosario in her note to Tomas said that she did not "feel like a wife" and she wanted to know how their marriage came out "with the judge." And Tomas in his answer made the following revealing statement: "So I had to secure the signature of the 'Court' by persuasion that the signatures appearing on the piece of paper were real and genuine - corroborated by the testimony of that who was required to appear (the clerk)."

Tomas' testimony for the respondent that he stated in his letter to Rosario that he gave the respondent P45 through the latter's clerk merely to make her believe that he had spent something for their marriage is preposterous. It does not tally with his