

**[ADMINISTRATIVE ORDER NO. 123, June 22,
1955]**

**REQUIRING MR. PABLO S. DE JOYA TO RESIGN AS JUSTICE OF
THE PEACE OF PINAMALAYAN AND BONGABON, ORIENTAL
MINDORO.**

These are administrative cases against Mr. Pablo S. de Joya, justice of the peace of Pinamalayan and Bongabon, Oriental Mindoro, for alleged abuse of authority and partiality which were investigated by the District Judge.

A review of the records discloses the following facts to have been duly established: Sometime in August 1953 the respondent offered to buy complainant Eufonio Custodio's land situated in Pinamalayan, Oriental Mindoro, adjacent to that of respondent, but complainant refused. In December of the same year complainant received through a policeman (Juan Licop) a subpoena from the respondent requiring him to appear before the latter, which subpoena did not mention the title or number of the case in connection with which he was being summoned. When he appeared before the respondent, the latter told him to return the following day and bring with him the certificate of title, plan and the deed of sale in his favor covering the land in question, inasmuch as the persons who had sold the land to the complainant were claiming a portion of it. On the next day, he delivered the aforesaid documents to the respondent in the presence of Lorenzo Macailao. Sometime thereafter the respondent returned to him the title and the plan but not the deed of sale, the receipt of which deed the respondent then denied. In May 1954 the respondent, as counsel for the vendors, filed a petition in the Court of First Instance of Oriental Mindoro to annul the inscription at the back of Original Certificate of Title No. 4199 of the deed of sale in favor of the complainant. It also appears that respondent issued four other subpoenas addressed to other persons in undocketed cases.

The records further show that at the instance of Mrs. Natividad S. de Joya, respondent's sister-in-law, the acting chief of police of Pinamalayan filed with the respondent a complaint for qualified theft against Daniel Lacdan, twelve years of age. On June 16, 1953, the respondent ordered Lacdan's arrest and fixed the bail bond at P16,000. The following day, respondent committed Lacdan to jail for being unable to put up the required bail. Lacdan remained in prison until June 30, 1953, when the respondent dismissed the case upon petition of the chief of police.

I am not impressed by respondent's claim that he did not issue the subpoena in question to complainant Custodio nor relieve complainant of his muniment of title in the face of the positive and convincing testimony on these points. His interest in the land covered by the document in question, either for his clients or for himself, has been satisfactorily established. The issuance by him of similar subpoena on four other occasions confirm the charge.