

[ADMINISTRATIVE ORDER NO. 21, April 07, 1954]

REMOVING MR. JOSE ESGUERRA FROM OFFICE AS JUSTICE OF THE PEACE OF PASACAO, CAMARINES SUR.

This is an administrative case filed by one Rodolfo Peñas against Justice of the Peace Jose Esguerra of Pasacao, Camarines Sur, for alleged inefficiency, partiality and corruption. The charges were investigated by the District Judge who found the same duly established and recommended respondent's removal from the service, which recommendation is concurred in by the Secretary of Justice.

The record discloses the following facts to have been duly established:

On March 23, 1950, complainant Peñas filed in respondent's court criminal case No. 53 for serious physical injuries against Chief of Police Juan de Guzman and Policemen Macario Martires and Benjamin Nepomuceno. The following day the respondent, accompanied by the three accused, repaired to the house of the complainant and asked the latter to withdraw his complaint against the peace officers, but he refused. The party left only to return the next morning for the same purpose. This time, however, the respondent informed Peñas that if he did not accede to his request, the former would accuse him of a more serious offense than that for which De Guzman and his companions were being prosecuted. Fully aware that he had not committed any crime, Peñas did not give much thought to respondent's threat and stood pat against his request.

In the morning of March 27, 1950, complainant's wife went to the office of the respondent to inquire whether the three accused had already been arrested, and was informed by him that there would be no such arrest inasmuch as her husband had already been accused of direct assault by Chief of Police De Guzman. That same day in the afternoon Mrs. Peñas returned to respondent's office and, not finding him there, went to his residence. Respondent's wife told her that her husband, the chief of police and Policemen Nepomuceno and Martires were in the residence of one Gregorio Olivan, which was on the second floor of the same building occupied by the respondent and his family. Parenthetically, it may be stated that Olivan owns the building and the ground floor thereof was leased by him to the respondent. While in respondent's residence, Mrs. Pefias overheard Olivan telling the respondent to take care of the case against the three officers, to which the respondent replied, "Bahala na." According to Mrs. Peñas, Olivan further remarked: "Had you killed Rodolfo Peñas, it would have been better," obviously addressing the three accused.

On March 30, 1950, Peñas was arrested because of a warrant of arrest issued by the respondent in the direct assault case (also docketed by the respondent as criminal case No. 53) filed against him by the chief of police, and he had to post a bond of P6,000 for his temporary release. In that case the complaining witness was Policeman Nepomuceno, one of those accused by Peñas of serious physical injuries. The preliminary investigation of the case was held the following day despite the