

**[ ADMINISTRATIVE ORDER NO. 210, April 21, 1953 ]**

**REMOVING MR. JOVITO P. BARRERAS FROM OFFICE AS JUSTICE OF THE PEACE OF LAGAÑGILANG, ABRA**

Mr. Jovito P. Barreras, justice of the peace of Lagañgilang, Abra, is charged with ignorance of the law, grave abuse of discretion and authority and tampering with court records in connection with Criminal Cases Nos. 70 and 72 filed with his court. The charges were investigated by the Department of Justice and in his report the Secretary of Justice recommends respondent's dismissal from the service.

Insofar as Criminal Case No. 72 is concerned, I agree with the Secretary of Justice that the charges against respondent have not been substantiated.

As regards Criminal Case No. 70, it appears that one Melquiades Bayog and others were accused of theft of large cattle for which a warrant of arrest was issued by the respondent on February 22, 1950, fixing a bail bond of P4,000 for the provisional liberty of each accused; that as the record of that case now stands, the complaint was changed to malicious mischief on February 20, 1950, with the amount of bail fixed at only P1,000 for each accused; and that certain pages of said record which was under his custody are missing as evidenced by the altered paging thereof.

According to the respondent, the missing pages were mere duplicates of certain papers which he had detached to make the record not so voluminous, some of which he gave to the provincial fiscal upon request of the latter. The fiscal, however, denied on the witness stand having requested or received from the respondent any such duplicate copies. Evidently the respondent is wanting in truth and honesty.

Neither has respondent satisfactorily explained how and why the charge of theft of large cattle was converted into malicious mischief. His allegation that he just returned the complaint to the chief of police who supposedly made the change is not supported by the evidence. If that were true, there was no reason for him to still issue on February 22, 1950, a warrant of arrest for theft of large cattle, as the complaint for malicious mischief had been filed on February 20, 1950. Another circumstance indicative of the doubtful veracity of his claim is the disappearance of the original of the warrant of arrest for theft of large cattle from the record of that case. I am therefore inclined to believe that either the respondent was motivated by bad faith in issuing such warrant of arrest, when the complaint was only for malicious mischief, or there was really such complaint for theft of large cattle which was detached by him for one reason or another. The latter act constitutes a clear case of tampering with court record. In either case, respondent has violated his oath of office and has shown lack of a sense of responsibility demanded by the delicate nature of his position.

As regards the charge that respondent gravely abused his discretion in fixing the