

**[ ADMINISTRATIVE ORDER NO. 223, November  
24, 1953 ]**

**REINSTATING MR. BENJAMIN ZARAGOZA IN OFFICE AS JUSTICE  
OF THE PEACE OF SANTA LUCIA AND SANTA CRUZ, ILOCOS SUR,  
WITH WARNING**

This is an administrative case against Justice of the Peace Benjamin Zaragoza of Santa Lucia and Santa Cruz, Ilocos Sur, who is charged by the municipal council and a number of residents of the first-named municipality with irregularities summarized as follows:

- (1) That he has demonstrated lack of good moral character by living and associating with lawless elements who terrorized and robbed the townspeople of Santa Lucia, Ilocos Sur, with his knowledge and consent;
- (2) That he has purposely deferred action in criminal cases wherein the accused were his house companions, those referred to in the first charge, thereby deliberately obstructing the course of justice; and
- (3) That, with abuse of authority, he has acted dishonestly in certain private transactions to the prejudice of innocent persons.

The charges were investigated by the District Judge and the respondent was given full opportunity to present his side of the case.

**CHARGE I**

It appears that some eight townsmen (from Narvacan, Ilocos Sur) of the respondent were staying in his house in Santa Lucia; that they used to go around the town of Santa Lucia with unlicensed firearms; that sometime in May 1951 while respondent was playing mahjong in a certain house several shots were heard which alarmed the people; that presently a policeman arrived to consult the respondent as to what the police should do to the person or persons responsible therefor; that respondent directed the policeman to advise the former's companions in the house to get their arms and proceed to the place where the shots came from and kill the person responsible therefor, if necessary; and that, accordingly, three of respondent's house companions, together with the policeman, went to the aforesaid place, although nothing happened as the man who had fired the shots had already been placed under custody when they arrived.

The evidence also shows that during the time that those townsmen of the respondent were residing with him in Santa Lucia criminality was rampant; that because of the impotence of the local authorities to apprehend the criminals and check the crime wave, the mayor, several councilors and the entire police force of Santa Lucia were suspended from office; that not long after the appointment of an

acting mayor and an entirely new set of police force, the constabulary unit assigned to Santa Lucia succeeded in bringing to justice the perpetrators of many of the unsolved crimes committed therein; that in at least three cases, two for robbery and one for robbery with frustrated homicide, some of said townsmen of the respondent were among the accused (criminal cases Nos. 102, 104, and 105, Justice of the Peace Court of Santa Lucia).

With particular reference to criminal case No. 104, it appears that in the original complaint only one of respondent's companions, named Severo Gines, was included among the accused but during respondent's temporary absence from office the acting justice of the peace admitted and gave due course to an amended complaint filed by a constabulary officer implicating two more of respondent's companions (Federico de Guzman and Alberto Clarin). This act of the acting justice of the peace was resented by the respondent who contended that inasmuch as it was he who had accepted the original complaint the acting justice of the peace should not have given due course to the amended complaint.

From the above, it is evident that the respondent not only tolerated but to a certain extent encouraged his townsmen who were staying with him in his house in Santa Lucia to keep unlicensed firearms which they carried in public places. As a justice of the peace, he should have persuaded them to surrender their unlicensed firearms or at least dissuaded them from toting them in public places. Not only has he miserably failed in this respect but, as already shown, in one instance he even directed them to shoot and kill the person responsible for causing an alarm to the people by firing shots somewhere in the town. His claim that he never saw them carrying firearms is, under the attendant circumstances, rather flimsy.

The fact that respondent resented the acceptance by the acting justice of the peace of the amended complaint in criminal case No. 104, implicating two more of his companions in addition to the one originally charged, would support complainants' assertion that he tolerated their nefarious activities. His contention that the amended complaint should have waited for his action finds no legal justification. It is seriously doubted whether he would have adopted the same attitude had the two additional accused been other than his friends and companions.

## **CHARGE II**

It likewise appears that although criminal case No. 102 for robbery against five of respondent's companions had been docketed by him since August 9, 1951, it had not been set for preliminary investigation up to February 29, 1952, when the investigation of this administrative case was concluded; in fact, according to official information, the preliminary investigation thereof was held only on August 1, 1952, one year after.

The record further shows that one early morning an old man named Anastacio Ablang accompanied two women fish vendors to respondent's house to report to him the practice of some of his (respondent's) companions of getting fish from them in the market without paying therefor, and that they were not able to tell him their mission because upon seeing them, respondent angrily told them to report what they wanted to tell him at the municipal building.

These two instances prove beyond doubt the charge that respondent deliberately