

**[ ADMINISTRATIVE ORDER NO. 241, December  
23, 1953 ]**

**REMOVING MR. MARIANO VILLALVA FROM OFFICE AS ACTING  
JUSTICE OF THE PEACE OF ITBAYAT, BATANES**

Mr. Mariano Villalva, Acting Justice of the Peace of Itbayat, Batanes, is charged with certain regularities involving, among others, partiality, abuse of authority and discretion, and dishonesty. The charges were investigated by the district judge and respondent was given full opportunity to defend himself.

After going over the record of investigation, it appears duly established that in criminal case No. 424 of this court respondent ordered the arrest of the accused who were charged with alarm and scandal; when a mere summons would have sufficed as provided in the Rules of Court; that he did not allow the accused Joaquin Labrador and three other defense witnesses to testify; that the accused were not given, despite their petition, ample time to prepare for their defense, the trial having been held the day following their arrest; and that during the trial he required one of the accused to sing one of the hymns sung by them in connection with their religious services held in a public place which supposedly disturbed the public peace, to the great embarrassment of the latter before the amused spectators inside and outside the courtroom.

From the way respondent railroaded the case, considered in the light of surrounding circumstances, there seems to be basis for the charge that he has allowed himself and his office to be a tool of certain religions fanatics in the persecution of the accused who belonged to a different sect or religion. At least he has shown partiality and has grossly abused his authority and discretion in the premises.

In another criminal case No. 429 of respondent's court, for the same offense of alarm and scandal, it has also been satisfactorily established that the accused were arrested and put in jail for one day and one night without being told that they could file bail bonds for their provisional liberty; that they were not given enough time to prepare for trial; and that they were not allowed to testify in their defense. Although respondent claimed that the accused had pleaded guilty, the fact that, as admitted by him, he asked them whether they had anything more to say or any more witnesses to present would indicate that the accused had not pleaded guilty. The proceedings from beginning to end were very irregular and smack of a travesty on justice.

The record further shows that respondent declared in his name some parcels of land belonging to, and possessed by, other persons, took possession thereof and had them cultivated. He explained, however, that the lands were public lands, having been declared so by the mayor for not having been claimed by the supposed owners during the measurement thereof for purposes of tax revision. Before declaring them in his name he had gone with the mayor to said parcels of land and measured them.