

**[ADMINISTRATIVE ORDER NO. 245, December
23, 1953]**

**REMOVING MR. NEMESIO GANAN FROM OFFICE AS JUSTICE OF
THE PEACE OF BADAJOZ, DESPUJOLS, AND ODIONGAN,
ROMBLON**

This is an administrative case against Mr. Nemesio Ganan, Justice of the Peace of Badajoz, Despujols, and Odiongan, Romblon, for alleged abuse of authority, partiality, and falsification. The charges were investigated by the district judge and respondent was given full opportunity to be heard in his defense.

As regards the charge of abuse of authority, it appears that in the afternoon of September 11, 1947, respondent summoned one Angela Estores to appear in his court at Badajoz and when she refused to heed his suggestion that she respect an agreement previously entered into between her and a certain Emilia Orencio, upon which the dismissal by his predecessor of the civil case between them was based, respondent ordered Angela to be confined in jail where she stayed for twenty-five minutes. It turned out that respondent had been the attorney of Emilia Orencio in that case prior to his appointment as justice of the peace.

In his defense respondent denied having ordered the incarceration of Angela Estores, claiming that he must have been misunderstood by the policeman when he ordered the latter to take her out of his room for raising her voice and creating a scandal when he tried to remind her of her obligation under the agreement referred to.

I am not impressed by respondent's explanation. If the policeman was not ordered by the respondent to confine Angela in jail, certainly she would have vigorously remonstrated against being deprived of her liberty by the policeman. That she acquiesced therein only goes to prove that she was ordered jailed by one who, by the nature of his official position, can give that kind of order. Moreover, when one Carlos Montesa who had been requested by Angela to bail her out went to see respondent, the latter remarked that she was hardheaded but that there was no need of bonding her because he was ordering her immediate release. Such remark of respondent indicates that he was aware of Angela's confinement pursuant to his order.

Relative to the charge of partiality, the record shows that in Criminal Case No. 46 against Romulo Manalon for slight physical injuries, the accused, a minor and relative of complainant herein, was sentenced by respondent to four days' imprisonment, whereas in a similar case (criminal case No. 28) against Crisostomo Romero, also a minor, respondent merely placed him under the custody of another person. I concur with the investigator and the Secretary of Justice that there is no evidence of partiality in the two cases and that respondent merely committed an error in imposing the proper penalty in both instances.