

[ADMINISTRATIVE ORDER NO. 181, April 30, 1952]

REMOVING MR. EPIFANIO R. TUPAS FROM OFFICE AS JUSTICE OF THE PEACE OF SAGAY, NEGROS OCCIDENTAL

Mr. Epifanio R. Tupas, justice of the peace of Sagay, Negros Occidental, is charge with a number of irregularities, including neglect of official duties, serious misconduct and vindictiveness. The charges were investigated by the district judge who found the following facts to have been duly established:

Due to respondent's unexplained absence from office after issuing the warrants of arrest, the accused in criminal case Nos. 171 and 310 of his court, much as they wanted to file bonds for their temporary release, were detained from March 18 to 20, 1947, and from August 28 to September 4, 1948, respectively. In another criminal case, that against Rosela Katalbas, defense counsel had to travel a distance of eighty-three kilometers from Sagay to Bacolod City, where respondent maintains his private law office, to secure the approval of the bond for the provisional liberty of the accused, otherwise the latter would have been detained also for some time.

With regard to criminal case No. 171 above referred to, it appears that, upon learning on the afternoon of March 22, 1947, that the accused therein had been released on bail by the municipal mayor earlier that day, the respondent asked for the record of the case, tore the bail bond and ordered the rearrest of the accused who was, however, subsequently set at liberty upon filing another bond.

In criminal case No. 222 for grave threats filed in respondent's court on October 2, 1947, one of the accused named Jovito Carmales could not walk, having been suffering from paralysis for a long time. Respondent nevertheless prepared the affidavits of merit, gave due course to the complaint and ordered the arrest of the accused, including Carmales who had to be parried from his barrio to the municipal building. The case against Carmales was dismissed by the court of First Instance on motion of the provincial fiscal based on the ground that said accused was seriously ill and could not even rise from his bed on the elate of the alleged commission of the offense.

It appears that way back in 1924 Carmales was one of the witnesses for the prosecution in a case for murder against respondent's father who was convicted and sentenced to life imprisonment. This fact was admittedly known to the respondent. No satisfactory explanation having been offered by him for giving due course to the criminal action against Carmales, I am convinced, in the light of surrounding circumstances that he was impelled by no other motive than to wreak vengeance on one of those responsible for the incarceration of his father.

The record also discloses that on August 25, 1950, the respondent was convicted by the Court of First Instance of Negros Occidental in criminal cases Nos. 2408 and