

**[ ADMINISTRATIVE ORDER NO. 70, October 27, 1948 ]**

**REMOVING MR. NICOMEDES GARCIA FROM OFFICE AS JUSTICE OF THE PEACE OF POLILLO, PROVINCE OF QUEZON**

This is an administrative case against Mr. Nicomedes Garcia, Justice of the Peace of Polillo, Province of Quezon, for abuse of authority and corruption in office.

With respect to the first charge, it appears that sometime in November, 1947, one Florencia Calong, upon a criminal complaint for theft of coconuts, was ordered arrested by the respondent. After four days' detention, she was released upon her posting the required bond. But she had hardly regained her freedom when the respondent recommitted her to jail "for contempt" due to her failure to comply with his order to reduce in writing her motion renouncing her right to a preliminary investigation. It was only after a clerk in the office of the municipal treasurer of Polillo had prepared and submitted the desired written motion that the accused was released.

The action of the respondent in ordering the confinement of Florencia Calong under the circumstances narrated above is a clear case of abuse of authority. It was too much for him to expect an ordinary housewife, like Florencia Calong, to know how to prepare a written pleading which he wanted her to submit. The action of the respondent becomes more palpably unjust when it is considered that the law does not require such a pleading to be reduced in writing.

In connection with the same charge, the records show that on December 22, 1947, one Lorenzo Culata was placed under custody upon a criminal complaint for illegal possession of firearms filed in respondent's court. Wishing to see him out of jail on Christmas, his friends and relatives managed to raise the required amount of bail. In the morning of December 25th, they requested the respondent to go to the municipal building to approve the bond. It so happened, however, that one of the bondsmen, Julian Puchero, was not there when the respondent arrived. After waiting for some time, the respondent decided to go home because, according to him, it was already past 1:00 o'clock. When he was about to go down the stairs, he was met by bondsman Puchero and Councilor Albino Pueyo. Right at the stairway, Councilor Pueyo requested the respondent to approve the bail bond of detained prisoner Lorenzo Culata to enable him to enjoy his Christmas outside the jail. The respondent answered that, as it was already late, he would just return in the afternoon for the approval of the bond. Invoking the Christmas spirit, Councilor Pueyo pleaded with respondent, but when he pressed his plea for the third time, the respondent declared him guilty of contempt of court and ordered the Chief of Police to detain him in jail for three hours. However, Councilor Pueyo stayed in jail for only thirty minutes due to the timely intervention of the Municipal Mayor who, upon being informed of the incident, immediately went to release him.