

[ADMINISTRATIVE ORDER NO. 154, September 22, 1941]

REQUIRING JUSTICE OF THE PEACE ESTEBAN RIVERA OF SAN FELIPE, ZAMBALES, TO RESIGN

This is an administrative case against Esteban Rivera, Justice of the Peace of San Felipe, Zambales, whom the complainant, Florentino Pioscos, charged as follows: (1) that in Criminal Case No. 790 of his court, for malicious mischief, the respondent ordered the arrest of the accused, the complainant herein, in violation of the provisions of Act No. 4178; and (2) that with the assistance of the Chief of Police of San Felipe, he falsified public documents in an attempt to justify the illegal arrest of the defendant.

It appears that on April 3, 1940, the Chief of Police of San Felipe, Zambales, instituted a criminal action against Florentino Pioscos for malicious mischief, in connection with the killing of a carabao worth P60.00. Instead of summoning the accused, as provided in Act No. 4178 which was applicable to the case, the respondent ordered his arrest. As a result of his arrest, the accused was detained in jail for about eighteen hours before he was released on bail.

The respondent set up the defense that after he had accepted the complaint, he had accepted the complaint, he issued a summons requiring the defendant to appear and answer the accusation, but as the accused refused to accept the summons, the Chief of Police filed a petition praying for the defendant's arrest which the respondent granted. This defense is unacceptable. If these proceedings alleged by the respondent really took place, the summons, petition for arrest and order granting the petition which were exhibited by the respondent in the investigation, would have been included in the record of the case which was forwarded to the Court of First Instance when the accused appealed, and would have appeared in the criminal docket of the Justice of the Peace Court. However, such was not the case. Although owing to the circumstantial nature of the evidence against the respondent, it cannot be concluded with absolute certainty in the sense of precluding every possibility to the contrary, that he fabricated these documents to build up his defense, the circumstances of the case are such as to at least produce serious doubt in his honesty and probity and to warrant his separation from the high office he holds.

It may not be amiss to reiterate the policy of this administration of allowing to sit on the bench only men of unquestioned integrity and honesty. When there are good grounds to believe that a judge has not kept faith with the norm of honest conduct that is expected of men who dispense justice, the cause of the proper administration of justice requires that such official step out of his position.

In view of the foregoing, the respondent, Esteban Rivera, Justice of the Peace of San Felipe, Zambales, is hereby required to resign from office within a period of fifteen