

[ADMINISTRATIVE ORDER NO. 151, September 13, 1941]

REQUIRING JUSTICE OF THE PEACE RUFINO GONZALES OF SAN FABIAN, PANGASINAN, TO RESIGN HIS OFFICE

This is an administrative investigation conducted against Justice of the Peace Rufino Gonzales of San Fabian, Pangasinan, who is charged with malpractice and falsification of his time records for January, May and June, 1938, and March 1940.

In a confidential report submitted by the Division of Investigation, it was stated that respondent appeared as counsel for the plaintiff without previous authority in Civil Case No. 7524 of the Court of First Instance of Pangasinan. The evidence of record belies this charge, because it appears that the respondent's appearance as attorney for the plaintiff in the above-mentioned case was with the latter's knowledge and consent.

However, the charge of falsification has been sufficiently established. According to respondent's time record for January 1938, he was in office on the 17th of the month from 8:00 to 12:00 o'clock a.m. and from 2:00 to 4:00 o'clock p.m. Nevertheless, the respondent admitted that he stayed in his office in the morning of that day 8:00 to 9:00 o'clock and left for Malasiqui to attend the session of the Court of First Instance. Again in his time records for May 11 and June 2, 1938, and March 11, 1940, the respondent made similar false entries.

The respondent admitted that he received a copy of provincial auditor's memorandum No. 115 dated August 27, 1938, which provides that justices of the peace are required to hold office at least three consecutive hours a day either in the morning or in the afternoon; that after a justice of the peace has fixed his office hours he cannot occasionally depart therefrom at will; and that if a justice of the peace renders service in the morning when his schedule of office hours is in the afternoon, or vice versa, he is not entitled to salary for that day. Furthermore, respondent admitted that, in accordance with the said auditor's memorandum, he would be considered absent, and consequently not entitled to salary, if he did not render service in accordance with his schedule of office hours.

It results from the foregoing considerations that the erroneous entries made by respondent in his time records were deliberately done to enable him to collect his full salary despite his failure to render the required service. This shows the respondent to be lacking in the requisite honesty and sense of responsibility which a man in his position should possess. Following the action heretofore taken in similar cases, and in accordance with the recommendation of the Honorable, the Secretary of Justice, the respondent, Rufino Gonzales, is hereby required to resign as Justice of the Peace of the municipality of San Fabian, province of Pangasinan, within fifteen days from the receipt of a copy of this order, and upon failure to do so, he will be ordered removed from office.