

[ADMINISTRATIVE ORDER NO. 156, October 24, 1941]

REQUIRING JUSTICE OF THE PEACE ARSENIO ACURANTES OF MATI, DAVAO, TO RESIGN HIS OFFICE FOR CAUSE

This is an administrative case against Arsenio Acurantes, Justice of the Peace of the municipality of Mati, province of Davao, who is charged with having refused, for money consideration, to accept a complaint for homicide against a Chinese subject.

The crime was committed on May 21, 1939, at the barrio of Buso, municipality of Mati. On the following day, after the Chief of Police of Mati had investigated the incident, an eye-witness signed an affidavit describing the commission of the crime. This affidavit was subscribed and sworn to before the respondent on May 26, 1936. Subsequently, on June 1, 1939, the same eye-witness, together with the father and wife of the deceased, were brought to the house of the respondent by a notary public and the father of the accused. The eye-witness right then and there subscribed and swore to another affidavit before the respondent, retracting his previous sworn declarations. The relatives of the deceased likewise subscribed and swore to an affidavit purporting to exempt the accused from criminal responsibility.

Notwithstanding the foregoing attempt to quash the criminal action, the Chief of Police of Mati presented on June 1, 1939, a complaint for homicide against the perpetrator thereof. However, he attached to the complaint the retraction of the eye-witness, whereupon the respondent refused to accept it. Thereafter, without taking any further action on the matter, the respondent left Mati for the City of Davao. Only upon his return to Mati on June 27, 1939, did he request the Provincial Commander of Constabulary to conduct further investigation in regard to the crime. This new investigation brought out the declaration from the eye-witness that his first affidavit was true and that the second one was false; and on July 3, 1939, the respondent accepted the complaint for homicide with the first affidavit supporting it.

In the meantime, the accused was able to escape from the Philippines and efforts to extradite him have met with no success.

Upon the foregoing facts, I am satisfied that the respondent is guilty of serious dereliction of duty. The various negotiations between the parties should have impressed him that they were deliberately "fixing" the case and were attempting to defeat the administration of justice. Knowing that such was the attitude of the parties, and considering the seriousness of the crime committed, he should have advised the Chief of Police to support the complaint with the first affidavit of the eye-witness, for, having been executed just after the commission of the crime, the statements contained therein were more spontaneous and credible than those in the second affidavit. As a matter of fact, he could have ordered the arrest of the author of the crime after the eye-witness, in company with the Chief of Police, had subscribed and sworn to before him the first affidavit. But he defaulted in the prompt performance of this duty and preferred to tolerate the amicable settlement