

[ADMINISTRATIVE ORDER NO. 119, February 03, 1940]

**DISMISSING JUSTICE OF THE PEACE ISIDORO IBAY OF
URDANETA, PANGASINAN, FOR CAUSE**

This is administrative case arising out of three separate complaints against Isidoro Ibay, Justice of the Peace of Urdaneta, Pangasinan, for alleged irregularities in office.

After due investigation, the Secretary of Justice found the respondent guilty of the charges as follows:

(1) In Criminal Case No. 3065 for robbery with physical injuries filed before his court, the respondent dismissed the case without prejudice to the filing of a complaint for less serious physical injuries. However, the complaint subsequently filed (Criminal Case No. 3077) was not for less serious physical injuries, but for robbery, and the respondent, after docketing the complaint, without apparently knowing the crime charged therein, issued a warrant of arrest for the crime of physical injuries. This irregularity was aggravated by the fact that after the arrest of the defendants, they were provisionally released after filing a bond which did not bear the respondent's signature. Moreover, the respondent appears to have dismissed the case for failure of the offended party to prosecute without a formal order to that effect.

(2) In Criminal Case No. 3029 for less serious physical injuries, the respondent dismissed the complaint without prejudice to the filing of another complaint for slight physical injuries. The latter crime being necessarily included in the former, the respondent should have proceeded with the trial of the case upon the basis of the offense proven by the evidence for the prosecution.

(3) The respondent was found to be residing at Villasis without proper permission, in violation of Circular No. 12, series of 1938, of the Department of Justice requiring justices of the peace to reside in their respective jurisdictions, except when otherwise permitted by the Department or by the District Judge.

(4) The respondent also falsified public documents by certifying that he solemnized a certain marriage on April 7, 1937, when the marriage certificate was merely signed by the parties in his absence, and by invariably stating in his time record that he held office from 9:00 to 11 a.m. and from 3:00 to 4:00 p.m. from February to May, 1939, when on several occasions within the period mentioned he was attending to his private cases in the Court of First Instance at Lingayen. According to the minutes of the Court of First Instance of Pangasinan it usually opened sessions at eight thirty o'clock in the morning and it was physically impossible for the respondent, assuming his cases were heard first, to be back by nine o'clock at Urdaneta which is forty-five kilometers away and separated from Lingayen by a wide