

[ADMINISTRATIVE ORDER NO. 53, November 20, 1937]

REQUIRING JOSE ALMARIO TO RESIGN FROM OFFICE AS JUSTICE OF THE PEACE OF MASBATE, MASBATE

This case involves three administrative complaints against Jose L. Almario, Justice of the Peace of Masbate, Masbate. In the first complaint, the respondent was charged with acting in bad faith and with political considerations in issuing orders of injunction in two civil cases against the complainant, the Honorable Domingo Magbalon, Provincial Governor of Masbate. In the second complaint, the respondent was charged by one Raymundo Lim with trying a criminal case for serious physical injuries in which the complainant was the offended party, notwithstanding the fact that said case was beyond the jurisdiction of his court, and in maliciously acquitting the accused therein of the crime charged. In the last complaint, the respondent was charged with having acted summarily and without justifiable cause in ordering the complainant, the Honorable Jose Ma. Angustia who was then Acting Provincial Governor of Masbate, to leave the court room during the trial of a criminal case for estafa against one Agapito Guadayo.

The aforesaid complaints were duly investigated by the District Judge of Masbate who recommended the dismissal of the first charge for lack of proof but found the other two complaints to be substantiated. The Undersecretary of Justice concurred in the findings of the District Judge and recommended the suspension of the respondent for a period of two months. Considering, however, that in a previous administrative case the respondent was warned to be more careful in the performance of his duties, the respondent was on September seventeenth, nineteen hundred and thirty-seven, requested to tender his resignation from the office of Justice of Peace of Masbate within thirty days from the receipt of the aforesaid order.

In a memorandum dated October seventh, nineteen hundred and thirty-seven, the respondent moved for a reconsideration of the order of September seventeenth, nineteen hundred and thirty-seven. A subsequent motion filed by the respondent on October twelfth, nineteen hundred and thirty-seven, praying that the aforesaid order be stayed until the resolution of his motion for reconsideration, was verbally granted.

After a detailed review of the records and the evidence presented in the administrative complaints aforementioned and careful consideration of the new facts alleged in the respondent's motion for reconsideration, I find no reasons for disturbing the conclusions reached in the aforesaid order of September seventeenth, nineteen hundred and thirty seven.

It is observed in connection with the charge filed by Raymundo Lim that although there is no convincing evidence to support the allegation that the respondent acted