

MALACAÑANG
RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER No. 328

CONSIDERING MR. VICENTE T. REAL RESIGNED
FROM OFFICE AS JUSTICE OF THE PEACE OF
MANJUYID, ORIENTAL NEGROS

These are three administrative cases, Nos. 99, 100, and 103 of the Court of First Instance of Negros Oriental, against Justice of the Peace Vicente T. Real of Manjuyod, same province. Only the last two were formally investigated, as case No. 99 was dismissed on motion of counsel for the complainant.

The District Judge who investigated the case recommends that respondent be suspended from office for fifteen days in Case No. 100 and that he "be enjoined to desist from obtaining loans from any person, who are parties in cases pending before his court, in order to obviate any suspicion on the part of the public as regards his integrity," in Case No. 103.

In Administrative Case No. 100, respondent is charged with serious abuse of authority and malicious persecution by Sofia Blaso de Kadusale, who complains that respondent tried to compel her to sign a deed of sale against her will, and threatened her with criminal prosecution should she refuse to sign the document. The complainant, it appears, inherited some properties from her father. She testified that on March 24, 1958, respondent called her to his office and asked her to sign a deed for the sale of one of the properties she inherited from her father in favor of certain relatives. As she refused to sign documents, respondent threatened that a complaint for estafa would be filed against her and she would be arrested. The following day, March 25, 1958, a complaint for estafa was filed against her by Filomena Blaso and she was arrested on the same day upon a warrant issued by the respondent.

The testimony of Sofia Blaso de Kadusale is corroborated by Ignacio Blaso, one of those who signed the document, the then Acting Chief of Police of Manjuyod, Aurelio Arapoc, who said he was present when Sofia Blaso de Kadusale was being compelled to sign the document, and Municipal Secretary Timoteo Bangcairen, who read and translated the document in question to the complainant. Acting Chief of Police Aurelio Arapoc also testified that on March 25, 1958, respondent accompanied Filomena Blaso and Angel Saraña to his office, handed him a draft

of a complaint for estafa against Sofia Blaso de Kadusale and instructed him to reduce said draft in final form and to secure the affidavits of witnesses. After he had prepared the complaint and the supporting affidavits, as bid-den, they were handed to the respondent who issued the corresponding warrant of arrest.

In his defense, the respondent merely denied the accusation against him and put up the alibi that on March 24, 1958, he was in Payabon attending to another case. No evidence was presented to indicate any reason or motive why the complainant and her witnesses Timoteo Bangcail-ren, Aurelio Arapoc, and Ignacio Blaso, should testify false-ly against him. Respondent admitted that he was the one who prepared the deed of sale, although he said it was only a draft. He also averred that while he prepared the deed of sale for the signature of Sofia Blaso de Kadusale, his real purpose was to settle the estate of Sofia's deceased father in relation to the claims of the other pretending heirs.

Upon a thorough evaluation of the evidence, I am con-vinced that respondent really tried but failed to coerce Sofia Blaso de Kadusale into signing the document and vindic-tively abused the power of his office by immediately giving due course to the complaint for estafa, which he himself caused to be prepared and filed against the complainant. The respondent's mere denial and his alibi cannot stand against the clear, positive, and straight forward testimony of the complainant and her witnesses.

In Administrative Case No. 103, Victorio Sy complains that respondent acted hastily in dismissing Criminal Case No. 614 for light threats and that respondent borrowed money from Alipio Sy, who was the offended party in the said case.

A perusal of the proceedings taken in Criminal Case No. 614 does not indicate any irregularity nor abuse of dis-cretion committed by the respondent in dismissing the same. It appears that a motion to quash was filed by the accused and respondent decided the motion after finding that there was no *prima facie* case against the accused in view of the contradictory testimony of the witnesses for the prosecution.

The evidence also shows that respondent borrowed P150.00 from Alipio Sy when Criminal Case No. 614 was pending in his court. Although subsequent events prove that respondent was not influenced by the loan because he decided the case against his creditor, his act was highly improper and reprehensible, for it placed his integrity as a judge in grave doubt.

The above offenses committed by the respondent are be-lieved serious enough to call for mere suspension as re-commended by the District Judge. As observed by the

Secretary of Justice, "Judicial power is a menace in the hands of one who, like the respondent, would utilize the powers of his office to persecute a person after failing in his immoral attempt to coerce that person into doing an act against his will."

Wherefore, Mr. Vicente T. Real is hereby considered resigned as justice of the peace of Manjuyod, Oriental Negros, effective upon receipt of a copy of this order.

Done in the City of Manila, this 2nd day of April, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

CARLOS P. GARCIA

President of the Philippines

By the President:

NATALIO P. CASTILLO

Executive Secretary