

**[ADMINISTRATIVE ORDER NO. 188, November
17, 1969]**

**REMOVING MR. DIONILO MARFIL FROM OFFICE AS MUNICIPAL
JUDGE OF ESPERANZA, MASBATE**

This is an administrative case lodged, by Mr. Felix P. Casas, clerk of court, Municipal Court of Placer, Masbate, against Municipal Judge Dionilo Marfil of Esperanza, same province. It is alleged that respondent cashed and misappropriated a substantial portion of complainant's pay check in return for respondent's act of following up complainant's appointment papers in the Department of Justice, Manila. The case was investigated by the District Judge of Masbate.

Respondent explained that the special power of attorney executed by complainant authorizing him to follow up complainant's appointment includes the power to encash complainant's pay check.

On October 31, 1967, evidence for the complainant was received ex parte upon respondent's failure to appear thereat despite due notice. The Investigating Judge, however, reset the investigation for November 25 and December 23, 1967, and January 12, 1968, which were postponed at the instance of either party. On February 10, the Investigator intransferably set the case for hearing on March 8, 1968, but on this latter date both parties filed a joint motion for postponement asking that the case be reset to March 27, 1968, "on the ground that they are still discussing the possibility of settling their case amicably." This joint motion was denied, and for failure of respondent to adduce evidence, the case was deemed submitted for resolution. On June 4, 1968, the Investigator recommended that respondent be required by the Department of Justice to deliver to complainant the amount of P2,158.08 representing the balance of the amount due him.

A review of the records shows something that more than meets the eye and casts a stain on the integrity of respondent and his fitness for the bench.

An authority to follow up in Manila complainant's appointment as clerk of court of the Municipal Court of Placer was indeed given to respondent. Upon this authority, respondent received from the Department of Justice Treasury Warrant No. B-02, 171, 623 dated December 16, 1966, in the amount of P2,658.08, representing complainant's salary as clerk-stenographer of the Municipal Court of Placer from August 20, 1965, to December 15, 1966. Respondent encashed said warrant and merely gave the complainant P500s claiming that he spent no less than P1,500 for following up complainant's appointment papers in Manila.

Respondent's authority did not explicitly include the power to encash the check representing complainant's salary. And even if it did, respondent became a depository of the amount involved and he was bound to deliver to the complainant the full amount thereof. If, as respondent claimed, he had spent his own money in