

[ADMINISTRATIVE ORDER NO. 196, May 08, 1956]

REMOVING MR. BRIGIDO C. GENEBRALDO FROM OFFICE AS JUSTICE OF THE PEACE OF DIGOS, DAVAO.

This is an administrative case filed by Miguel Chicote against Mr. Brigido C. Genebraldo, Justice of the Peace of Digos, Davao, for allegedly solemnizing a fictitious marriage, which was investigated by the District Judge.

It appears that on January 26, 1951, Virgilio Llanto, then Justice of the Peace of Governor Generoso, Davao, and married to one from Sibonga, Cebu, invited Adelina Chicote, complainant's daughter, residing in Governor Generoso, to go with him to respondent's office in Digos, Davao, so that they could be married by respondent who was his friend. Respondent forthwith "solemnized" the "marriage" and gave to Llanto a copy of the "marriage certificate" signed by the parties and the witnesses, Paciano Bangoy and Ofelia Lasala. Thereafter Adelina and Virgilio lived as husband and wife, and two girls were born to them.

When Adelina's father came to know that respondent did not enter the marriage in his register of marriages, nor send a copy thereof to the local civil registrar, and that Llanto was already married to one from Sibonga, Cebu, Miguel Chicote filed a complaint against Llanto in the fiscal's office of Davao which was later withdrawn by him upon Llanto's promise to return to Cebu and leave Adelina, which he did, at the same time resigning from his position as Justice of the Peace.

Respondent admitted that sometime in January 1951 Llanto, Adelina, Paciano Bangoy (Adelina's uncle) and a Mrs. Lasala came to his office in Digos, asking him to solemnize the marriage between Llanto and Adelina, but that he refused to do so because their papers were defective as the marriage license was not signed by the local civil registrar. An affidavit executed by Adelina, wherein she denied having contracted any marriage with Llanto, was presented to support respondent's claim that he never celebrated any marriage between the two. However, Adelina testified that she signed said affidavit at Llanto's bidding without knowing or reading its contents, which was not disproved by the respondent.

After a careful review of the evidence on record, I am inclined to believe Adelina Chicote's testimony that on January 26, 1951, respondent "solemnized" her "marriage" with Llanto. There is no reason or motive for her to testify falsely against the respondent. The fact that the "marriage" between Adelina and Llanto was not registered evidently prompted respondent to deny having solemnized one between the two. That fact also shows that the marriage solemnized by him was fictitious and simulated for no other purpose than to help Llanto, his boyhood friend, from possible criminal prosecution, it appearing that Adelina, a minor, was then in the family way. Considering their intimate relationship, respondent must have known that Llanto had been married in Cebu.