

**[ADMINISTRATIVE ORDER NO. 122, June 22,
1955]**

**REMOVING MISS CONCEPCION BUENCONSEJO FROM OFFICE AS
JUSTICE OF THE PEACE OF ALCOY, CEBU.**

This is an administrative case against Miss Concepcion Buenconsejo, Justice of the Peace of Alcoy, Cebu, for collecting fees in excess of that allowed by Republic Act No. 145 in connection with the prosecution of a claim for compensation benefits from the United States Veterans Administration (USVA). The case was investigated by one of the district judges of Cebu who found the respondent guilty of the charge.

Complainant Ramon Indaya testified that sometime in 1947 he sought the services of the respondent to help him prepare his claim papers with the USVA as beneficiary of his deceased son, Mariano Indaya, a sergeant in the U. S. Army during the last world war. For her services, it was agreed that he would pay her P20 as soon as his claim was approved. The first check he received from the USVA was for P800, which he brought to the respondent so that she could help him cash it. They both went to the City of Cebu where they cashed the check in a bank and of this amount she gave complainant P550 and retained P250 for herself. The second check for P3,000 was likewise cashed with the aid of the respondent in the same bank, the latter retaining for herself the sum of P1,000. The third check for P800 was delivered by Indaya to the respondent who alone went to cash it in Cebu City. The next day Indaya, with his son and daughter, went to the respondent's house to get the money. Respondent gave them P480 retaining P320 as her fee, and the first sum was divided equally between him and his two children. The fourth was for P1,500 which respondent also cashed alone. Of this amount she gave P1,000 to Indaya and kept P500 for herself.

Aside from these four checks, Indaya also received for thirteen months a monthly pension of P60 from the USVA out of which respondent obtained the total sum of P130.

Denying the charge, the respondent claimed that she had received from complainant only the total sum of P30 as reimbursement for her expenses in the preparation and mailing of complainant's claim papers and for travel expenses. She admitted having helped other claimants who, she said, had voluntarily given her the sum of P20 each.

The District Judge found the charge substantially established. We find no justification for disturbing his conclusion, for the question of whether or not the respondent is guilty of the charge depends solely on the credibility of the witnesses, and the investigator who has observed the demeanor of the witnesses is in the best position to appraise their credibility. It is true that there are discrepancies between the amounts testified to by the complainant as having been received by him and the sums appearing in the checks (Exhs. D, E, F and G), but, as pointed out by the Judge, such discrepancies may be attributed to complainant's weak memory and his