

[ADMINISTRATIVE ORDER NO. 127, July 18, 1955]

REMOVING MR. GABRIEL DE GUIA FROM OFFICE AS JUSTICE OF THE PEACE OF ALLEN AND LAVEZARES, SAMAR.

These are administrative cases against Justice of the Peace Gabriel de Guia of Allen and Lavezares, Samar, who is charged, among other things, with gross ignorance, undue delay in the issuance of warrant of arrest and falsification. The cases were investigated by one of the district judges of Samar who found the respondent guilty of the charges enumerated.

1. It appears that in Criminal Case No. 21 of the Justice of the Peace Court of Allen, Samar, against Decoroso Rosales for grave oral defamation, the respondent issued on December 5, 1947, a warrant for the arrest of the accused without fixing a bond for his provisional release. On December 20 the accused was arrested and detained in Calbayog, and he immediately wired the respondent to fix the bond for his provisional liberty. Two days later respondent answered by telegram advising the accused that his bond had been fixed at P1,000 without, however, authorizing the Justice of the peace of Calbayog to accept and approve it as provided in Section 8, Rule 108 of the Rules of Court. On the same date (Dec. 22) the accused sent another telegram to the respondent, requesting him to authorize the Justice of the peace of Calbayog to approve his bond, and the respondent gave the authorization by wire the following day. However, before respondent's telegram could be received, the accused had been brought under guard to Allen where he filed his bond and was released.

In his defense the respondent pleaded inexperience, as he assumed office only in August 1946. He added that in ordering the arrest of Rosales he merely copied an old form in the office which did not mention about authority having to be given another judicial officer to accept and approve bail bond.

I am not impressed by respondent's explanation. He ought to have known that by his order of arrest Rosales would have to be brought from Calbayog to Allen, a distance of about one hundred kilometers by water, and detained until delivered to the justice of the peace, unless he was given an opportunity to be bailed out at the place of arrest. As it was, Rosales was under police custody and deprived of liberty for four days with all the physical inconvenience, humiliation and moral torture attendant thereto. If the respondent did not foresee those consequences, then he is dangerously ignorant, utterly careless and unmindful of the rights of people charged in his court.

But to all appearances this does not seem to be a mere lack of foresight on his part as presently to be shown.

2. On January 18, 1954, the Chief of police of Allen filed a criminal complaint for public disorder against Crisildo Banhawan and Justo Baconawa. Upon presentation of