

**[ADMINISTRATIVE ORDER NO. 238, December
23, 1953]**

**SUSPENDING MR. VICENTE CUSTODIO FROM OFFICE AS JUSTICE
OF THE PEACE OF SANTA, ILOCOS SUR**

Justice of the Peace Vicente Custodio of Santa, Ilocos Sur, is charged with falsifying his daily time record for the month of February 1950 by making it appear therein that he was present in his office from eight to twelve o'clock in the morning of the 6th, 7th and 8th of said month, when in truth and in fact he was then in Vigan, Ilocos Sur, on purely personal matters.

In his defense the respondent denied having been absent from his office on the days in question. He admitted, however, that while he went to his office at eight o'clock in the morning of February 6, 1950, he left for Vigan at nine o'clock to confer with the provincial governor, staying there for about thirty minutes, after which he returned to his office in Santa, arriving there at ten o'clock that same morning; and that to make up for his under time he held office in the afternoon from two to four o'clock. He likewise declared that on February 7, 1950, he went to his office at 8 a.m. and left thirty minutes later for Vigan, returning to his office between 10:30 and 11 a.m. and staying there up to twelve o'clock noon; and that he held office in the afternoon to make up for his under time in the morning.

The district judge who investigated this case gave full credit to respondent's testimony. In view, however, of his admission that he left his office on February 6 and 7, 1950, without justification, the judge recommends his suspension from office for one month without pay.

In compliance with a long-standing regulation of the Department of Justice, respondent fixed his office hours from eight to twelve o'clock in the morning every working day, from which he may not deviate at will. The Department found it necessary that justices of the peace should have a fixed schedule of office hours so that the public who may have official matters to transact with them may know when to go to their office.

What is reprehensible in this particular case is not so much respondent's leaving his office during office hours without justification as his making false entries in his daily time record. He was fully aware that if his undertimes were indicated in his time record his salary would suffer corresponding deduction. Evidently, he made those untruthful entries to avoid any deduction in his salary. This act of his certainly deserves disciplinary action. Having been previously reprimanded by the district judge in connection with another administrative case against him, respondent deserves a stiffer penalty.

Wherefore, and upon the recommendation of the Secretary of Justice and the investigating judge, Mr. Vicente Custodio is hereby suspended from office for a period of one month without pay, effective upon receipt of notice hereof, with a