

[ADMINISTRATIVE ORDER NO. 147, July 25, 1941]

REQUIRING JUSTICE OF THE PEACE FELISBERTO A. BROCE OF CALATRAVA, NEGROS OCCIDENTAL, TO RESIGN HIS OFFICE

Two separate administrative complaints were filed against Justice of the Peace Felisberto A. Broce of Calatrava, Negros Occidental, for purposely delaying the issuance of a warrant of arrest in a criminal case to favor the defendants therein who are his political followers, and for partisan political activities, respectively.

With regard to the first charge, the records show that at noon time of July 10, 1940, the chief of police of Calatrava went to respondent's house for the purpose of presenting a criminal action, for trespass to dwelling, against two defendants. The chief of police was accompanied by the offended party and the latter's witness and brought with him already prepared the criminal complaint and its supporting affidavits. The respondent ratified these affidavits of the complainant and his witness and promised to issue the warrant for the arrest of the defendants on the following day. The respondent, however, did not fulfill his promise and issued the warrant of arrest only on July 13th, purposely to give the defendants in the meantime the opportunity to settle the case amicably. As a matter of fact, on July 11th, the respondent suggested to one of the accused upon the latter's inquiry as to how an amicable settlement of the case could be reached, that he see the chief of police and the offended party. Effectively, on July 22nd, the offended party asked for the dismissal of the case, although the petition was not granted on account of the Fiscal's opposition.

In regard to the charge for partisan political activities, it has been shown that before the December elections of 1940, the respondent actively campaigned for his candidate for mayor of Calatrava in several instances. At one time, the respondent personally counselled the father of an alleged minor who had illegally registered as a voter that he could allow his son to vote, provided the two of them should vote for respondent's candidate. The father consented to the suggestion and he was afraid that his son would be jailed if he should disobey respondent's wishes. The records further show that in three other instances the respondent personally interviewed several voters and asked them to vote for his candidate. In one of these instances the respondent summoned the voter to his house, and in the other two cases, he personally went in company with his candidate and several other persons to the voters' homes.

The respondent further showed his partisan political activity when he personally delivered during the second registration day a telegram addressed by a candidate for membership in the provincial board to one of the election inspectors in a far away precinct. The respondent was interested in insuring the prompt delivery of the telegram to its addressee as it contained certain directions relative to a change of election inspector favorable to respondent's candidate.