

[ADMINISTRATIVE ORDER NO. 135, October 08, 1940]

DISMISSING JUSTICE OF THE PEACE SANTIAGO INQUIMBOY OF MONTALBAN, RIZAL

This administrative case arose out of four complaints filed against Santiago Inquimboy, Justice of the Peace of Montalban, Rizal, for allegedly having misappropriated several amounts collected by him from judgment debtors in civil cases filed before his court by the Agricultural Credit Cooperative Association of Montalban.

It appears that in Civil Case No. 53 of the Justice of the Peace Court of Montalban, the Agricultural Credit Cooperative Association of said municipality obtained judgment on May 7, 1937, against certain defendants for the sum of ₱64.15. A few days thereafter, the respondent, through a policeman, summoned the daughter of the principal debtor, then deceased, and advised her that unless she paid the obligation of her father, his properties would be attached. The respondent received ₱3.00 as costs and ₱20.00 as part payment of the judgment amount, but he turned over only ₱3.00 to the Municipal Treasurer in the latter's capacity as Treasurer of the Cooperative Association, and retained the ₱20.00 until October 4, 1939, when he delivered it to the Municipal Treasurer upon being required to do so by the Provincial Auditor.

Sometime in 1937, another party paid to the respondent the sum of ₱10.00 as partial payment on the loan involved in Civil Case No. 53, but the respondent kept this amount until October 18, 1939, when he was again required to deliver it to the Municipal Treasurer.

In Civil Case No. 54, the same Cooperative Association obtained judgment on May 7, 1937, against certain parties in the sum of ₱100.00, plus ₱63.47 as interest. Thereafter, the respondent, through a policeman, summoned the wife of the principal debtor, then deceased, and advised her to pay her husband's obligation. The respondent received the sum of ₱63.47 on July 1, 1937, and ₱10.00 on March 17, 1938, but he failed to turn over the said amounts to the Municipal Treasurer in (spite of demands made upon him until the Municipal Treasurer had to deduct these amounts from the respondent's salary for September, 1939.

It further appears that the respondent also retained in his possession the sum of ₱20.00 which he received on account of a certain party's obligation with the Cooperative Association until he was required to turn over the amount to the Municipal Treasurer on October 10, 1939.

The respondent's defense that he retained the various amounts received by him pursuant to an agreement had between the Cooperative Association and the judgment debtors that he would keep the partial payments made by the latter until