

[ADMINISTRATIVE ORDER NO. 91, April 18, 1939]

DISMISSING JUSTICE OF THE PEACE MARCELO G. RAMOS OF LAS PIÑAS, RIZAL, AND DISQUALIFYING HIM FROM HOLDING PUBLIC OFFICE.

This is an administrative case filed by the law firm of Feria and La O against Marcelo G. Ramos, justice of the peace of the municipality of Las Piñas, Province of Rizal.

It is alleged in the complaint that the respondent required one Francisco Uy, who figured in a certain automobile accident, to file a bond of two hundred pesos for the latter's temporary release, and that thereafter when the case had already been settled amicably between the parties, he failed to return the said amount when required to do so by Francisco Uy, and only after repeated extensions of time given him to make payment was the respondent able to return the amount of one hundred fifty pesos in instalments, there being still due from the respondent the sum of fifty pesos. During the investigation conducted by the District Judge of Rizal the respondent admitted having received the sum of two hundred pesos, not in the form of a bond, however, but as a simple loan obtained from Francisco Uy sometime after the amicable settlement of the latter's case.

After a careful review of the record of this case, I am fully in accord with the conclusion of the District Judge to the effect that the respondent really exacted the sum of two hundred pesos from Francisco Uy as bond for the latter's provisional release and that thereafter he misappropriated said amount. The documentary evidence squarely corroborates the testimony of the complainant. In the receipt issued by Francisco Uy on May twenty-fifth, nineteen hundred and thirty-eight, which is countersigned by the respondent, it is stated that the sum of one hundred pesos was received from the respondent as "part payment of the two hundred pesos deposited with him." Moreover in a letter dated July eleventh, nineteen hundred and thirty-eight, written by the respondent to the lawyer of Francisco Uy asking said attorney to intercede in his behalf so that he might obtain another period of grace within which to make good his obligation, the respondent gave Francisco Uy "the option to prosecute him" should he fail to pay the balance due on the date promised by him. Even conceding for the sake of argument, the defense of the respondent that he borrowed the sum of two hundred pesos from Francisco Uy, whom he scarcely knew, through the intervention of a China man whose name he does not even remember, the respondent stands convicted, by his own admission, of extorting a loan from a prospective party litigant before his court. Such conduct is highly censurable, to say the least, and is in my opinion alone sufficient to cause his removal from the service.

It also appears of record that there is pending trial in the Court of First Instance of Rizal an information filed by the provincial fiscal against the respondent for the crime of estafa in that the respondent is alleged to have misappropriated a cash