

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 123

REQUIRING MR. PABLO S. DE JOYA TO RESIGN AS JUSTICE OF THE PEACE
OF PINAMALAYAN AND BONGABON, ORIENTAL MINDORO.

These are administrative cases against Mr. Pablo S. de Joya, justice of the peace of Pinamalayan and Bongabon, Oriental Mindoro, for alleged abuse of authority and partiality which were investigated by the District Judge.

A review of the records discloses the following facts to have been duly established: Sometime in August 1953 the respondent offered to buy complainant Eufronio Custodio's land situated in Pinamalayan, Oriental Mindoro, adjacent to that of respondent, but complainant refused. In December of the same year complainant received through a policeman (Juan Licop) a subpoena from the respondent requiring him to appear before the latter, which subpoena did not mention the title or number of the case in connection with which he was being summoned. When he appeared before the respondent, the latter told him to return the following day and bring with him the certificate of title, plan and the deed of sale in his favor covering the land in question, inasmuch as the persons who had sold the land to the complainant were claiming a portion of it. On the next day, he delivered the aforesaid documents to the respondent in the presence of Lorenzo Macallao. Sometime thereafter the respondent returned to him the title and the plan but not the deed of sale, the receipt of which deed the respondent then denied. In May 1954 the respondent, as counsel for the vendors, filed a petition in the Court of First Instance of Oriental Mindoro to annul the inscription at the back of Original Certificate of Title No. 4199 of the deed of sale in favor of the complainant. It also appears that respondent issued four other subpoenas addressed to other persons in undocketed cases.

The records further show that at the instance of Mrs. Natividad S. de Joya, respondent's sister-in-law, the acting chief of police of Pinamalayan filed with the respondent a complaint for qualified theft against Daniel Lacadan, twelve years of age. On June 16, 1953, the respondent ordered Lacadan's arrest and fixed the bail bond at ₱16,000. The following day, respondent committed Lacadan to jail for being unable to put up the required bail. Lacadan remained in prison until June 30, 1953, when the respondent dismissed the case upon petition of the chief of police.

I am not impressed by respondent's claim that he did not issue the subpoena in question to complainant Custodio nor relieve complainant of his muniment of title in the face of the positive and convincing testimony on these points. His interest in the land covered by the document in question, either for his clients or for himself, has been satisfactorily established. The issuance by him of

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similar subpoenas on four other occasions confirm the charge.

Neither am I convinced that he acted in good faith in fixing the excessive bail for the release of the youthful accused in the theft case. Even if the respondent, who had not previously seen the accused, was unaware of the latter's age when the warrant of arrest was issued, yet the accused boy, when arrested and committed to jail the following day, was brought before him. The respondent should have then realized that the youthful defendant could not have gathered and stolen coconuts worth ₱10, which would have numbered well over a hundred nuts, and that a 12-year-old youngster was not likely to flee from justice. Being a lawyer, he knows or should know that a minor of such age, even if convicted of a heinous offense, would not have to serve in prison.

The harsh and illegal treatment accorded the accused by the respondent justice of the peace can only be reasonably explained by the fact that the offended party happened to be the respondent's sister-in-law and, consequently, it was difficult for him to view the case objectively. That is precisely the reason why judges are forbidden to sit in judgment over their kin's cases.

In not refraining from acting on the aforementioned criminal case from its inception, the respondent justice of the peace committed a wilful violation of Section 1 of Rule 126 of the Rules of Court providing for disqualification of judges with which every law student is familiar. Considering his obvious motives for assuming jurisdiction of the case and the evident tyranny of his orders, his refusal to heed the injunction of the Rules of Court becomes doubly reprehensible.

To entrust the administration of justice to such a man, especially in remote communities where the bulk of litigants, for reasons of poverty or distance from the provincial capital, are unable to secure the assistance of counsel, is exceedingly dangerous. The two cases involved herein graphically illustrate this danger. In these cases the respondent did not merely fail to live up to his oath, but used his office in flagrant violation of property rights and personal liberty to promote personal or professional ends.

The judge who investigated these cases recommends the complete exoneration of the respondent, as he finds, among other things, no sufficient evidence that the respondent issued the subpoena in question to complainant Custodio and that he acted in good faith in considering the offense committed by Lacdan as qualified theft as denominated in the complaint. However, the Secretary of Justice

believes otherwise and recommends respondent's removal from the service. After considering the matter carefully, I am inclined to agree with the Secretary of Justice. I believe, however, that with the attendant circumstances the respondent should be required to resign.

Wherefore, Mr. Pablo S. de Joya is hereby required to resign as justice of the peace of Pinamalayan and Bongabon, Oriental Mindoro, within fifteen days from receipt of a copy of this order, with forfeiture of all leave and retirement privileges to which he may be otherwise entitled. Should he fail to resign within the period above specified, he shall be considered removed from the service on the day following the expiration of said period.

Done in the City of Manila, this 22nd day of June, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.

By the President:



MARIANO TENKO, Jr.
Assistant Executive Secretary