

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 223

REINSTATING MR. BENJAMIN ZARAGOZA IN OFFICE AS JUSTICE OF THE PEACE OF SANTA LUCIA AND SANTA CRUZ, ILOCOS SUR, WITH WARNING.

This is an administrative case against Justice of the Peace Benjamin Zaragoza of Santa Lucia and Santa Cruz, Ilocos Sur, who is charged by the municipal council and a number of residents of the first-named municipality with irregularities summarized as follows:

(1) That he has demonstrated lack of good moral character by living and associating with lawless elements who terrorized and robbed the townspeople of Santa Lucia, Ilocos Sur, with his knowledge and consent;

(2) That he has purposely deferred action in criminal cases wherein the accused were his house companions, those referred to in the first charge, thereby deliberately obstructing the course of justice; and

(3) That, with abuse of authority, he has acted dishonestly in certain private transactions to the prejudice of innocent persons.

The charges were investigated by the District Judge and the respondent was given full opportunity to present his side of the case.

CHARGE I

It appears that some eight townsmen (from Narvacan, Ilocos Sur) of the respondent were staying in his house in Santa Lucia; that they used to go around the town of Santa Lucia with unlicensed firearms; that sometime in May 1951 while respondent was playing mahjong in a certain house several shots were heard which alarmed the people; that presently a policeman arrived to consult the respondent as to what the police should do to the person or persons responsible therefor; that respondent directed the policeman to advise the former's companions in the house to get their arms and proceed to the place where the shots came from and kill the person responsible therefor, if necessary; and that, accordingly, three of respondent's house companions, together with the policeman, went to the aforesaid place, although nothing happened as the man who had fired the shots had already been placed under custody when they arrived.

The evidence also shows that during the time that those townsmen of the respondent were residing with him in Santa Lucia criminality was rampant; that because of the impotence of the local authorities to apprehend the criminals and check the crime wave, the mayor, several councilors and the entire police force of Santa Lucia were suspended from office; that not long after the appointment of an acting mayor and an entirely new set of police force, the constabulary unit assigned to Santa Lucia succeeded in bringing to justice the perpetrators of many of the unsolved crimes committed therein; that in at least three cases, two for robbery and one for robbery with frustrated homicide, some of said townsmen of the respondent were among the accused (criminal cases Nos. 102, 104, and 105, Justice of the Peace Court of Santa Lucia).

With particular reference to criminal case No. 104, it appears that in the original complaint only one of respondent's companions, named Severo Gines, was included among the accused but during respondent's temporary absence from office the acting justice of the peace admitted and gave due course to an amended complaint filed by a constabulary officer implicating two more of respondent's companions (Federico de Guzman and Alberto Clarin). This act of the acting justice of the peace was resented by the respondent who contended that inasmuch as it was he who had accepted the original complaint the

acting justice of the peace should not have given due course to the amended complaint.

From the above, it is evident that the respondent not only tolerated but to a certain extent encouraged his townsmen who were staying with him in his house in Santa Lucia to keep unlicensed firearms which they carried in public places. As a justice of the peace, he should have persuaded them to surrender their unlicensed firearms or at least dissuaded them from toting them in public places. Not only has he miserably failed in this respect but, as already shown, in one instance he even directed them to shoot and kill the person responsible for causing an alarm to the people by firing shots somewhere in the town. His claim that he never saw them carrying firearms is, under the attendant circumstances, rather flimsy.

The fact that respondent resented the acceptance by the acting justice of the peace of the amended complaint in criminal case No. 104, implicating two more of his companions in addition to the one originally charged, would support complainants' assertion that he tolerated their nefarious activities. His contention that the amended complaint should have waited for his action finds no legal justification. It is seriously doubted whether he would have adopted the same attitude had the two additional accused been other than his friends and companions.

CHARGE II

It likewise appears that although criminal case No. 102 for robbery against five of respondent's companions had been docketed by him since August 9, 1951, it had not been set for preliminary investigation up to February 29, 1952, when the investigation of this administrative case was concluded; in fact, according to official information, the preliminary investigation thereof was held only on August 1, 1952, one year after.

The record further shows that one early morning an old man named Anastacio Ablang accompanied two women fish vendors to respondent's house to report to him the practice of some of his (respondent's) companions of getting fish from them in the market without paying therefor, and that they were not able to tell him their mission because upon seeing them, respondent angrily told them to report what they wanted to tell him at the municipal building.

These two instances prove beyond doubt the charge that respondent deliberately failed to take immediate action in cases involving his friends. His explanation that he deferred action in criminal case No. 102 because he needed the record thereof as evidence during the investi-

gation of his administrative case is unworthy of belief, since said record would still be available for his supposed purpose even if it had already been elevated to the Court of First Instance. In the other case respondent did not only delay action on the complaint but even refused to hear it, apparently because it again involved his friends.

CHARGE III

It has also been established that the respondent has engaged in business ventures which have brought upon himself unwholesome consequences and given the public occasion to doubt his honesty and integrity. To cite an instance, one Catalino Jadornic who was the agent of the respondent and his wife in the buying and selling of leaf tobacco in Santa Lucia, in which business the latter are engaged, claimed that he was made to sign under pressure by the respondent a document to the effect that he received from respondent's wife on August 23, 1950, the sum of ₱1,400 for the purchase of leaf tobacco on commission, when he received only ₱600 and a different date.

In another transaction, wherein the respondent practically assumed the role of agent for both vendors and vendee, it turned out that the land object of the sale was involved in a pending litigation between the vendor and the actual possessors thereof, contrary to his assurances to the vendee that there was no question about its title. Not only that, he even perverted the truth by stating in the deed of sale prepared by and ratified before him that the consideration of the sale was ₱2,000 instead of ₱2,700 in his desire to hide from the vendors the fact that he was realizing a handsome profit in the transaction.

The seriousness of the irregularities committed by the respondent warrants the imposition on him of drastic disciplinary action, even to the extent of removal. Considering, however, that he has been under suspension without pay since August 1952 and that this is the first case wherein he has been found guilty of charges, the Secretary of Justice recommends that he be given another chance to vindicate himself. I concur in the recommendation of the Secretary of Justice.

Wherefore, the suspension undergone by Mr. Benjamin Zaragoza is considered sufficient penalty for the irregularities committed by him. He is, however, strongly warned that repetition of a similar irregularity in the future will be sufficient cause for his removal from the service. He is hereby reinstated in office immediately upon receipt of a copy hereof, without right to receive salary during the period of his suspension.

Done in the City of Manila, this 24th day of November,
in the year of Our Lord, nineteen hundred and fifty-three,
and of the Independence of the Philippines, the eighth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary
