

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 241

REMOVING MR. MARIANO VILLALVA FROM OFFICE
AS ACTING JUSTICE OF THE PEACE OF IT-
BAYAT, BATANES.

Mr. Mariano Villalva, Acting Justice of the Peace of Itbayat, Batanes, is charged with certain regularities involving, among others, partiality, abuse of authority and discretion, and dishonesty. The charges were investigated by the district judge and respondent was given full opportunity to defend himself.

After going over the record of investigation, it appears duly established that in criminal case No. 424 of this court respondent ordered the arrest of the accused who were charged with alarm and scandal; when a mere summons would have sufficed as provided in the Rules of Court; that he did not allow the accused Joaquin Labrador and three other defense witnesses to testify; that the accused were not given, despite their petition, ample time to prepare for their defense, the trial having been held the day following their arrest; and that during the trial he required one of the accused to sing one of the hymns sung by them in connection with their religious services held in a public place which supposedly disturbed the public peace, to the great embarrassment of the latter be-

fore the amused spectators inside and outside the courtroom.

From the way respondent railroaded the case, considered in the light of surrounding circumstances, there seems to be basis for the charge that he has allowed himself and his office to be a tool of certain religious fanatics in the persecution of the accused who belonged to a different sect or religion. At least he has shown partiality and has grossly abused his authority and discretion in the premises.

In another criminal case No. 429 of respondent's court, for the same offense of alarm and scandal, it has also been satisfactorily established that the accused were arrested and put in jail for one day and one night without being told that they could file bail bonds for their provisional liberty; that they were not given enough time to prepare for trial; and that they were not allowed to testify in their defense. Although respondent claimed that the accused had pleaded guilty, the fact that, as admitted by him, he asked them whether they had anything more to say or any more witnesses to present would indicate that the accused had not pleaded guilty. The proceedings from beginning to end were very irregular and smack of a travesty on justice.

The record further shows that respondent declared in his name some parcels of land belonging to, and possessed by, other persons, took possession thereof and had them cultivated. He explained, however, that the lands were public lands, having been declared so by the mayor for not having been claimed by the supposed owners during the measurement thereof for purposes of tax revision. Before declaring them in his name he had gone with the mayor to said parcels of land and measured them. When the mayor testified and was asked under what authority he declared these lands as public lands, he said there was none. Instead of advising the mayor that the procedure was illegal, the respondent was the first one to take advantage of the illegality in acquiring lands.

In another administrative case it appears that sometime in 1948 respondent submitted a reimbursement voucher, supported by a receipt, for supposed expenses in the sum of P366 for staying in Basco for 53 days on his way from Manila to assume his present position. The receipt purports to show that he paid one Pedro Mernelo that amount for subsistence and lodging corresponding to his stay in Basco. Upon verification, however, it was found that the amount in question was never received by the supposed payee. On another occasion respondent also tried to collect reimbursement of the sum of P332 for alleged expenses for subsistence and lodging while appearing as a witness in

a certain criminal case. Again, investigation disclosed that he had never paid the amount involved to the supposed creditor.

From the foregoing it is clear that respondent is totally unfit to remain in the judiciary. He has made a mockery of the administration of justice by exhibiting gross partiality in disposing of cases brought before him. What is worse, he has deprived the accused concerned of their constitutional right to due process. Finally, in declaring in his name other people's lands and in attempting to defraud the Government on two occasions he has shown want to honesty and strength of character required of all public servants, particularly those occupying positions in the judiciary who should always enjoy the faith and confidence of the people for whom they are sworn to minister justice.

Wherefore, Mr. Mariano Villalva is hereby removed from office as Acting Justice of the Peace of Itbayat, Batanes, effective upon receipt of notice hereof.

Done in the City of Manila, this 23rd day of December, 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