

MALACAÑANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 212

REMOVING MR. JOSE A. STRACHAN FROM OFFICE AS JUSTICE OF THE
PEACE OF ESCALANTE, NEGROS OCCIDENTAL.

This is an administrative case against Justice of the Peace Jose A. Strachan of Escalante, Negros Occidental, for misconduct in office, which was investigated by a District Judge of the same province.

It is alleged that respondent refused to receive from complainant Pedro Damalerio the fine of ₱20 imposed on the latter by the former in Criminal Case No. 530, but instead ordered his imprisonment for twenty days; and that once complainant was in jail and wanted to file a notice of appeal, respondent refused to receive the same.

Respondent admits the filing of said criminal case in his court against complainant and the subsequent rendition of the decision therein convicting and sentencing the latter to pay a fine of ₱20 but denies the other allegations of complainant.

It appears that before noon of October 18, 1952, respondent read his decision to complainant as accused in Criminal Case No. 530, convicting the latter of light coercion and sentencing him to pay a fine of ₱20. When complainant manifested his desire to appeal from said decision, respondent irritatingly remarked that had he known that the former would appeal he would have sentenced him to thirty days' imprisonment instead of a fine of ₱20 only. Left no alternative but to accept the notice of appeal, the respondent required an excessive bond of ₱200, with the apparent intention of ordering complainant's incarceration if he failed to do so, as confirmed by the following entry in his criminal docket book (Exh. 2):

"Oct. 18, 1952 - Notice of appeal presented. Reading of sentence to defendant. The accused upon hearing sentence, manifests intention to appeal. Court advises him to file ₱200.00 appeal bond and in lieu thereof may be committed to jail."

Unable to put up the bond that same day, complainant stayed in jail. The following day, October 19, 1952, with the mayor's permission, complainant, escorted by a policeman,

Jose A. Strachan

left the jail to raise the amount to pay the fine. He succeeded in getting the money, but as it was Sunday he had to wait for the following day to tender the amount. On Monday, October 20, 1952, complainant together with the mayor and the chief of police went to respondent to pay the fine. However, respondent refused to accept the tender upon finding in the police blotter the entry for the imprisonment of complainant for his failure to pay the fine or to post the required bond.

In view of the above circumstances, complainant continued to be confined in jail. On October 23, 1952, he instructed his nephew who had visited him in jail to consult Atty. Amado Parreño as to what step complainant should take in view of the predicament he was in. Atty. Parreño prepared a written notice of appeal which the respondent refused to accept on the ground that the complainant had already begun serving his sentence. So, complainant continued to be confined in jail until November 6, 1952.

Having heard rumors that complainant and his relatives were contemplating to file charges against him, respondent made the entry of November 3, 1952, in his criminal docket book which appears to have been altered and falsified by him, obviously to correct or cure the conflicting entries made therein in order to suit his defense in this case that he had nothing to do with complainant's incarceration because he had accepted his notice of appeal. Previous to its alteration, the entry in Exhibit 2 read as follows:

"Nov. 2, 1952 - The accused not having filed the corresponding appeal bond within the reglamentary period of 15 days from the date of the promulgation of judgment on October 18, 1952, the said decision became final and executory."

As altered, by the changing, superimposition and addition of words, the said entry now reads as follows:

"Nov. 3, 1952 - The accused above having filed the corresponding appeal notice within the reglamentary period of 15 days from the date of the promulgation of judgment on October 18, 1952, the said decision doesn't become

final and executory, and effective today all original papers and a transcript of all docket entries in the cause, will be forwarded to the Court of First Instance, with Prov. Fiscal furnished brief statements of substance of the testimony of witnesses."

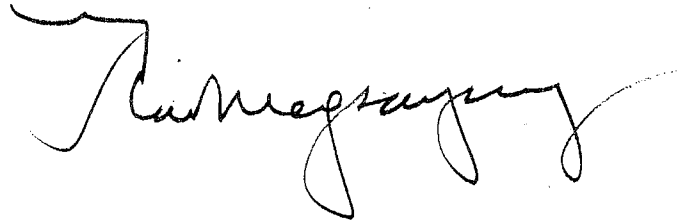
The above entry completely changed the meaning and substance of the original entry - from one that the judgment had become final by the non-filing of the appeal bond within the prescribed period to another that the judgment had not become final by the timely filing of the notice of appeal. In making the alterations, respondent forgot several important details. He overlooked the obvious inconsistencies between his entries. The entry of October 18, 1952, contradicts that of November 3, 1952. Under the first entry, complainant, upon hearing the sentence, presented his notice of appeal; so respondent required him to post a ₱200 bond. This complainant did not comply with, because on October 23, 1951, he wanted to pay the fine. Respondent refused to accept the fine as, according to him, complainant had already commenced serving his sentence. It being admitted that complainant never filed the appeal bond, respondent did not have to wait until November 3, 1952, to commit the latter to jail for his failure to post the required appeal bond. On the other hand, if it were true that respondent accepted complainant's notice of appeal without the required appeal bond, after the reading of the sentence on October 18, 1952, there was no need for him to wait until November 3, 1952, to forward the records of the case to the Court of First Instance. The truth of the matter is that up to the time of the submission of the investigator's report on August 4, 1954, said records had not been forwarded to that court.

In the light of the foregoing, I agree with the investigator that the respondent is guilty of arbitrarily ordering the imprisonment of the complainant and of having falsified public records under his control and custody. I am, therefore, constrained to take drastic action against him.

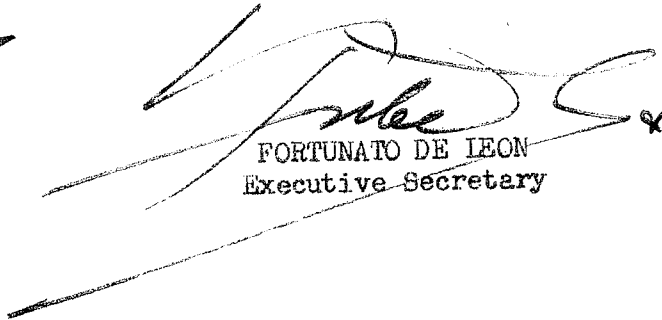
Wherefore, and upon the recommendation of the Secretary of Justice and the District Judge who investigated the case, Mr. Jose A. Strachan is hereby removed from office as justice of the peace of Escalante, Negros Occidental, effective as of the date of his preventive suspension.

Done in the City of Manila, this 24th day of August ,

in the year of Our Lord, nineteen hundred and fifty-six,
and of the Independence of the Philippines, the eleventh.



By the President:



FORTUNATO DE LEON
Executive Secretary