

REMOVING MR. JOVITO P. BARRERAS FROM OFFICE AS JUSTICE OF THE PEACE OF LAGAÑGILANG, ABRA

ADMINISTRATIVE ORDER NO. 210, April 21, 1953

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Mr. Jovito P. Barreras, justice of the peace of Lagañgilang, Abra, is charged with ignorance of the law, grave abuse of discretion and authority and tampering with court records in connection with Criminal Cases Nos. 70 and 72 filed with his court. The charges were investigated by the Department of Justice and in his report the Secretary of Justice recommends respondent's dismissal from the service.

Insofar as Criminal Case No. 72 is concerned, I agree with the Secretary of Justice that the charges against respondent have not been substantiated.

As regards Criminal Case No. 70, it appears that one Melquiades Bayog and others were accused of theft of large cattle for which a warrant of arrest was issued by the respondent on February 22, 1950, fixing a bail bond of P4,000 for the provisional liberty of each accused; that as the record of that case now stands, the complaint was changed to malicious mischief on February 20, 1950, with the amount of bail fixed at only P1,000 for each accused; and that certain pages of said record which was under his custody are missing as evidenced by the altered paging thereof.

According to the respondent, the missing pages were mere duplicates of certain papers which he had detached to make the record not so voluminous, some of which he gave to the provincial fiscal upon request of the latter. The fiscal, however, denied on the witness stand having requested or received from the respondent any such duplicate copies. Evidently the respondent is wanting in truth and honesty.

Neither has respondent satisfactorily explained how and why the charge of theft of large cattle was converted into malicious mischief. His allegation that he just returned the complaint to the chief of police who supposedly made the change is not supported by the evidence. If that were true, there was no reason for him to still issue on February 22, 1950, a warrant of arrest for theft of large cattle, as the complaint for malicious mischief had been filed on February 20, 1950. Another circumstance indicative of the doubtful veracity of his claim is the disappearance of the original of the warrant of arrest for theft of large cattle from the record of that case. I am therefore inclined to believe that either the respondent was motivated by bad faith in issuing such warrant of arrest, when the complaint was only for malicious mischief, or there was really such complaint for theft of large cattle which was detached by him for one reason or another. The latter act constitutes a clear case of tampering with court record. In either case, respondent has violated his oath of office and has shown lack of a sense of responsibility demanded by the delicate nature of his position.

As regards the charge that respondent gravely abused his discretion in fixing the amount of bail of the accused in said case, he admits having originally required P4,000 for each accused which he finally reduced to P1,000 upon their petition. While he may not have erred in reducing the bail to P1,000, nevertheless he showed ignorance of the law relative to the fixing of reasonable bail when he originally required P4,000 for a crime which he knows to be punishable with only six months' imprisonment as the maximum.

In the light of the foregoing, I find respondent guilty of tampering with court record which also constitutes grave abuse of authority, of ignorance of the law and improper conduct in the handling of cases.

In going over the record of this case, I noted that respondent, in a memorandum he submitted to this Office to impugn the findings of the investigator who was no other than the judge of first instance of Abra, employed scathing invectives against the judge whom he gratuitously charged with partiality, high-handedness and servility to a high and influential individual, instead of limiting his discussion to the merits of the case. Such conduct and the use of abusive and disrespectful language against a high judicial officer, especially by one who is supposed to lead in showing respect for the dignity of the court, cannot be tolerated. I also noticed that respondent involved himself in petty quarrels with some members of the community, a behavior highly unbecoming of a small-town magistrate. My attention has also been called to the fact that he was previously warned by the Secretary of Justice for irregularly ordering the arrest and confinement of several persons accused before his court for their failure to appear on the date of trial without a proper charge having been filed against them and opportunity given them to be heard in their defense as required by the Rules of Court.

The acts committed by the respondent call for drastic administrative action. A justice of the peace who, in order to favor or persecute certain parties, or due to sheer ignorance of the law or for any ignoble motive, goes to the extent of tampering with court record to attain his ulterior purpose, deserves no place in the judiciary.

WHEREFORE, Mr. Jovito P. Barreras is hereby removed from office as justice of the peace of Lagañgilang, Abra, effective upon receipt of notice hereof.

Done in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and fifty-three, and of the Independence of the Philippines, the seventh.

(Sgd.) ELPIDIO QUIRINO

President of the Philippines

By the President:

(Sgd.) MARCIANO ROQUE

Acting Executive Secretary

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