

MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 70

REMOVING MR. NICOMEDES GARCIA FROM OFFICE  
AS JUSTICE OF THE PEACE OF POLILLO, PROV-  
INCE OF QUEZON.

This is an administrative case against Mr. Nicomedes Garcia, Justice of the Peace of Polillo, Province of Quezon, for abuse of authority and corruption in office.

With respect to the first charge, it appears that sometime in November, 1947, one Florencia Calong, upon a criminal complaint for theft of coconuts, was ordered arrested by the respondent. After four days' detention, she was released upon her posting the required bond. But she had hardly regained her freedom when the respondent recommitted her to jail "for contempt" due to her failure to comply with his order to reduce in writing her motion renouncing her right to a preliminary investigation. It was only after a clerk in the office of the municipal treasurer of Polillo had prepared and submitted the desired written motion that the accused was released.

The action of the respondent in ordering the confinement of Florencia Calong under the circumstances narrated above is a clear case of abuse of authority. It was too much for him to expect an ordinary housewife, like Florencia Calong, to know how to prepare a written pleading which he wanted her to submit. The action of the respondent becomes more palpably unjust when it is considered that the law does not require such a pleading to be reduced in writing.

In connection with the same charge, the records show that on December 22, 1947, one Lorenzo Culata was placed under custody upon a criminal complaint for illegal possession of firearms filed in respondent's court. Wishing to see him out of jail on Christmas, his friends and relatives managed to raise the required amount of bail. In the morning of December 25th, they requested the respondent to go to the municipal building to approve the bond. It so happened, however, that one of the bondsmen, Julian Puchero, was not there when the respondent arrived. After waiting for some time, the respondent decided to go home because, according to him, it was already past 1:00 o'clock. When he was about to go down the stairs, he was met by bondsman Puchero and Councilor Albino Pueyo. Right at the stairway, Councilor Pueyo requested the respondent to approve the bail bond of detained prisoner Lorenzo Culata to enable him to enjoy his Christmas outside the jail. The

respondent answered that, as it was already late, he would just return in the afternoon for the approval of the bond. Invoking the Christmas spirit, Councilor Pueyo pleaded with respondent, but when he pressed his plea for the third time, the respondent declared him guilty of contempt of court and ordered the Chief of Police to detain him in jail for three hours. However, Councilor Pueyo stayed in jail for only thirty minutes due to the timely intervention of the Municipal Mayor who, upon being informed of the incident, immediately went to release him.

The action of the respondent in ordering the detention of Albino Pueyo for contempt of court allegedly committed on the stairway of the municipal building is likewise a clear case of abuse of authority since direct contempt may only be committed when the court is in session and not when the judge is going home. Respondent's statement that "had I acceded to Pueyo's request under those circumstances, it would show that I was, as Justice of the Peace, subservient to his will, thus lowering the dignity of the court which I humbly preside" shows his perverted concept of his powers. To him, a request to amend his previous commitment or ruling, even if such request is made outside of court, means an open defiance against his authority, and the supposed offender must go to jail to avoid the "lowering of the dignity" of his office. If the respondent could thus arbitrarily send a municipal councilor to prison, it may well be imagined how he would deal with a private citizen who dares cross his way.

Respondent's allegation that Florencia Calong and Albino Pueyo had committed acts justifying their incarceration for contempt is manifestly untenable. There is no provision of law which qualifies as contempt of court the failure of a litigant to comply, due to ignorance, with the order of a Justice of the Peace to reduce his verbal motion in writing. Neither can it be a contempt of court for one to plead for the immediate approval of a bail bond for the benefit of a detained prisoner, especially when such plea is made out of court as in Pueyo's case.

As regards the charge of corruption in office, it appears that at about 9:00 o'clock in the morning of November 15, 1947, Councilor Raymundo Filomeno requested the respondent to solemnize the marriage of Bernardo Fernandez and Concordia Romero. The respondent told him to go to the municipal building to have the papers prepared, promising to be there at 4:00 o'clock in the afternoon to solemnize the marriage. By 6:00 o'clock, however, the respondent had not yet shown up, so Councilor Filomeno went to the former's house to inquire why he failed to go to the munic-

ipal building as previously agreed upon. The respondent explained that he could not leave his child alone in the house. Councilor Filomeno stayed in respondent's house from 6:00 to 8:00 o'clock, pleading with him to solemnize the marriage, as the relatives of the couple had some preparations with which to celebrate the occasion that evening. When it became evident that no amount of persuasion could make respondent perform the marriage ceremony, Councilor Filomeno decided to give ₱15.00 to respondent's child in his and his wife's presence, saying: "This is Christmas gift to you." Thereafter, he requested respondent's wife to help him convince her husband to perform the marriage ceremony. Not long afterwards, the respondent came out already dressed up and proceeded with Filomeno to the municipal building where he solemnized the marriage in the office of the municipal treasurer.

The foregoing facts clearly show that the respondent is totally unfit to administer justice. In view thereof, and in line with my determination to rid the public service of those whose actuations tend to weaken or destroy the faith of the people in the Government, the respondent is hereby removed from office as Justice of the Peace of Polillo, Quezon, effective on the date of his suspension.

Done in the City of Baguio, this 27th day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

ELPIDIO QUIRINO

*President of the Philippines*

By the President:

TEODORO EVANGELISTA

*Executive Secretary*