

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 53

REMOVING MR. ANASTACIO BUDLONG FROM OFFICE AS JUSTICE OF THE PEACE
OF CARAGA, DAVAO.

This is an administrative case filed by Elpidio Gumobao against Justice of the Peace Anastacio Budlong of Caraga, Davao, for conduct unbecoming a public official in (1) ordering the numbering and marking of complainant's coconut trees, (2) calling complainant names and challenging him to a fist fight or gun duel and (3) causing the filing of a complaint for qualified theft against him. Respondent admits the second count and denies the rest. The case was investigated by the District Judge who found respondent guilty on all counts and recommended his dismissal.

Prior to February 1958 there was a land dispute between complainant Elpidio Gumobao and Ricardo Santos which ended in an amicable settlement. A barbed wire fence was placed on the boundary line of their lands. In the morning of February 2, 1958, Gumobao went to his property and saw that some coconut trees within his property were numbered from 1 to 40 and marked with the initials "EG". Believing that the markings would reduce the number of his coconut trees and the area of his land, he reported the matter to the chief of police of Caraga. That day being Sunday, he was told to return the following day which he did. Patrolman Burgos was assigned to accompany him to his farm. On the way they met a certain Pedro del Monte who told them that he and one Restituto made the markings on complainant's coconuts by respondent's direction.

Upon returning to the police station, Burgos prepared his report for entry in the police blotter. As the blotterman, Patrolman Pakindungan, was entering the report in the blotter, respondent arrived, grabbed the report upon reading his name therein, crumpled it and placed it in his pocket. Then he seized the blotter from Patrolman Pakindungan. An altercation ensued between complainant and respondent, in the course of which the latter challenged the former to a fist fight or gun duel. He also said, "Why do you have to enter that in the blotter? You are not a big shot." Complainant replied, "This is a democratic country. Even the Aetas can talk. Our government is common to all." Respondent told complainant that he would file a case for qualified theft against him and that he better prepare his bond for ₱15,000. On February 4, 1958, a criminal complaint for qualified theft was presented against herein complainant in respondent's court and unable to file the bond fixed at ₱9,000 he stayed in jail for 13 days.

Although respondent denied having anything to do with the marking of complainant's coconut trees, the weight of evidence points otherwise. Patrolman Pakindungan declared that respondent admitted having caused the marks to be placed. Equally unconvincing is his denial of participation in the filing of the criminal complaint. His interest in the land dispute is readily understandable. He was then courting and later married the daughter of Amparo Vda. de Santos, the complainant in the theft case. As observed by the investigating Judge:

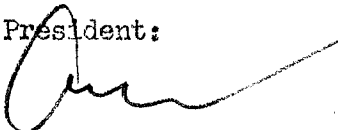
"The filing of the criminal case for qualified theft against Elpidio Gumobao on February 4, 1958, is not a matter of coincidence. The complaint involved nuts allegedly stolen in July, 1957, October, 1957, and January, 1958. It is strange that the case was investigated on February 2, 1958, Sunday, and filed on February 4, 1958, the day following the incident between the respondent justice of the peace and Elpidio Gumobao. Moreover, and of equal and conclusive significance, the respondent was courting and eventually married one of the daughters of Amparo Vda. de Santos, the complaining witness in the theft case."

Respondent's acts and behavior show that he is utterly unfit to remain in the judiciary. In challenging complainant to a fist fight or gun duel and instigating the filing of a criminal complaint against him for revenge, respondent not only committed serious offenses but also prostituted and brought disrepute to his office. As aptly observed by the District Judge, public officials who use their office as instruments for abuse, for intimidation of the common man, and for revenge have no place in the government.

Wherefore, Mr. Anastacio Budlong is hereby removed from office as justice of the peace of Caraga, Davao.

Done in the City of Manila, this 25th day of February, in the year of Our Lord, nineteen hundred and sixty-three.

By the President:


SALVADOR L. MARIÑO
Executive Secretary