

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 236

REMOVING MR. GREGORIO BENEDICTO FROM
OFFICE AS JUSTICE OF THE PEACE OF MO-
LAVE, ZAMBOANGA DEL SUR.

This is an administrative case against Mr. Gregorio Benedicto, Justice of the Peace of Molave, Zamboanga del Sur, who is charged, among other things, with abuse of authority and falsification.

It appears duly established in the investigation conducted by the District Judge that on July 11, 1950, respondent subpoenaed Roberta Macareal and four others to appear and testify before him on July 20, 1950, at 9 a.m., in civil case No. 33 allegedly filed against them by Praxedes Villanueva, respondent's wife. Similar sub-

pœnas were addressed by respondent to thirteen other persons in three other civil cases (Nos. 34, 35 and 36) supposedly instituted against them by respondent's wife, commanding the various defendants to appear and testify before him on July 21, 22 and 24, 1950, respectively. The truth of the matter, however, is that no civil action was ever filed by respondent's wife against the supposed defendants.

From the evidence of record it can be gleaned that the respondent issued those subpœnas, obviously at the instance of his wife, in order to bring to court the defendants for the sole purpose of warning them that they were courting trouble should they persist in occupying portions of the public land leased by his wife as pasture land. He has therefore allowed himself and his office to be the instrument of his wife in the settlement of her personal problems; and the irregularity committed is aggravated by the fact that he made it appear in the subpœnas issued by him that there were civil actions filed by his wife against those to whom they were directed when he knew there were no such cases.

In a vain attempt to exculpate himself, the respondent declared that the subpœnas in question were prepared by his clerk who, having misunderstood his instructions, indicated therein that the persons to whom they were directed were defendants in the civil suits filed by his wife. Respondent's explanation cannot be accepted. He cannot feign ignorance of the contents of the subpœnas because even if it were true that they were prepared by his clerk, the fact remains that he signed the same. Moreover, he could not have failed to notice the titles of the civil cases which appear clearly on the face of the subpœnas.

From the foregoing, it is clear that the respondent is guilty of the charge specified above. For the irregularity committed, the District Judge recommends that he be transferred to another municipality. In making this recommendation the Judge must have taken into consideration the fact that this is the first irregularity committed by the respondent and that the defendants were not actually prejudiced by his action, his purpose in calling them to his court being merely to advise them to leave the properties they were occupying as they were within the area leased by his wife. The Secretary of Justice believes, however, that the irregularity committed is serious enough to warrant respondent's removal from the service. I agree with the Secretary of Justice.

Wherefore, Mr. Gregorio Benedicto is hereby removed from office as justice of the peace of Molave, Zamboanga del Sur, 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
