

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 258

ON THE ADMINISTRATIVE CASE OF JUSTICE OF  
THE PEACE TOMAS A. ACOSTA OF BACARRA,  
ILOCOS NORTE.

This is an administrative case against Justice of the Peace Tomas A. Acosta of Bacarra, Ilocos Norte, for alleged grave abuse of authority, corruption and other irregularities filed by one Mrs. Maria R. Prudencio.

From the record of investigation conducted by the district judge it appears that on December 20, 1951, complainant, as toll collector of the Bacarra toll gate, reminded in writing (Exhibit A) respondent about his account of ₱1.80 representing unpaid toll fees. Respondent evidently deeply resented this act of the complainant, because he believed that the account had not been incurred by him or he thought that it had already been paid by the complainant in consideration of the free rides he had given her in his jeep, as shown by the fact that when he arrived at the toll house on December 22, 1951, to settle said account, he was visibly angry, so much so that he bumped his jeep against the bar placed across the street and that while inside the toll house he made the following remarks. "For that small amount, that could be settled amicably rather than for Mrs. Prudencio to have sent that letter. She should not do that because that is only a small amount. Anyway, I will be of service to her in the future." Because of his resentment against the complainant he tried every means to harass her and her family as will presently be shown.

While respondent was still at the toll house, an explosion apparently caused by dynamite was heard from the direction of the river. Whereupon the respondent directed the chief of police and his policemen to apprehend the malefactors. One of the persons brought by the peace officers to the respondent was Romulo Prudencio, a twelve-year-old son of the complainant. Two men were said to have escaped. Upon learning that the boy was complainant's son, respondent told him that if he could not give the names of the persons who ran away he would order his prosecution, and when the boy answered that he did not know their names although he could identify them if he saw them again, respondent remarked: "Maybe I could be of service now to Mrs. Prudencio. This is may chance."

It also appears that on December 26, 1951, respondent wrote a letter (Exhibit B) to the complainant wherein he said: "I hope that I may be of service to you sometime." Respondent claims that there is nothing wrong in that statement of his in Exhibit B as it is but an expression of his gratitude to the complainant and an offer to help her also if she ever needed his help.

In the light of the surrounding circumstances, however, respondent's explanation cannot be accepted. The complainant had not done him any favor for which he should be grateful to her; on the contrary, it was she who owned him some favors for the free rides in his jeep. Furthermore, on December 28, 1951, or only two days after respondent had written Exhibit B, a complaint for illegal fishing with the use of dynamite was filed in his court against complainant's son, (with respondent as the principal witness). A warrant of arrest was issued by him on the same day and he fixed the bail bond P3,000 for the provisional liberty of the boy which the complainant had difficulty in putting up, resulting in the detention of the boy for three days in the municipal building during which time he had to be accompanied there by the complainant. As above stated, respondent acted as the principal witness for the prosecution. Nevertheless, he received the case and conducted the preliminary investigation despite the petition of the defense for his inhibition.

It is significant to note that in a similar case of fishing with the use of dynamite filed in his court on January 4, 1952, against Mariano Bonoan (criminal case No. 256), respondent admitted that had the case not been dismissed he would have fixed the bail bond at P600. He explained the disparity in the bail required in the two cases by the fact that Bonoan was prosecuted under a municipal ordinance which penalizes the act as a minor offense, whereas Prudencio was prosecuted under Act No. 4003 carries a heavier penalty. However, respondent failed to explain why Prudencio was prosecuted under Act No 4003, and Bonoan under a municipal ordinance only, when the violation allegedly committed in both instances is identical and the ordinance in question was already in existence when Prudencio committed the act complained of.

As the district judge aptly stated in his decision acquitting Romulo Prudencio of the criminal charge:

"The Justice of the Peace [referring to respondent] as witness for the prosecution in this case is partial, biased and interested witness. He acted as principal witness and Judge at the same time in the preliminary investigation that he conducted against the accused. It is clear from the evidence that this criminal action is the result of revenge against Mrs. Prudencio, mother of the accused herein, for having collected from him the amount of P1.80 as toll fees."

It is worthy of note that respondent did not even make any attempt to have this portion of the court decision reconsidered.

The ill-feeling and personal animosity of the respondent toward the complainant as a result of her letter of demand above referred to is further reflected on his two communications to the provincial treasurer of Ilocos Norte, copies of which were furnished the provincial governor and the provincial auditor, charging her with irregularities in the issuance of toll tickets and with riding free of charge on vehicles and allowing these vehicles to pass through the toll gate, of which she is the toll collector, without paying the necessary toll fees.

It has likewise been shown that immediately after the filing of this administrative case against the respondent on February 14, 1952, three separate criminal actions for estafa (docketed as criminal cases Nos. 265, 266 and 267) were instituted against the complainant in respondent's court in rapid succession, to wit, on February 18 and March 1 and 8, 1952. The institution of these cases was undoubtedly instigated by the respondent, his denial notwithstanding, considering that the acts alleged in the complaints were supposedly committed long before the cases were filed. Their filing immediately and only after the present administrative case against the respondent had been instituted could not be a mere coincidence. Even granting that he did not instigate the filing of these criminal charges, still he is guilty of misconduct for insisting on taking cognizance thereof notwithstanding complainant's justified petition that he inhibit himself therefrom. It is noteworthy that all these cases were dismissed for lack of merit by the justice of the peace of Vintar, Ilocos Norte, to whom they were indorsed by the district judge for trial and disposition.

The extent and intensity of respondent's vindictiveness is further demonstrated in his several letters to the Philippine American Life Insurance Company denouncing her for engaging in insurance activities on behalf of said company without its authority and in his filing of a criminal complaint against her for violation of the Insurance Act with the provincial fiscal's office of Ilocos Norte.

From the foregoing, it is clear that the respondent is guilty of abuse of authority and discretion, misconduct and vindictiveness, to a degree which renders him totally unfit to remain in the judiciary. It appearing, however, that he has in the meantime tendered his resignation, the same is hereby accepted effective as of the date of his suspension from office.

---

Done in the City of Manila, this 28th 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*

---