

MALACAÑANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 267

SUSPENDING MR. SALVADOR F. CALIZO FROM OFFICE AS JUSTICE OF THE PEACE
OF BALETE, CAPIZ.

This is an administrative case filed by Mrs. Fructuosa C. Yaza against Mr. Salvador F. Calizo, justice of the peace of Balete, Capiz, for alleged dereliction of duty in: (1) not entering in the court docket a criminal case for qualified theft, (2) not issuing to the complainant a copy of the order committing to jail the accused in said case so as to enable her to collect the cost of their subsistence which she had furnished and (3) dismissing the case without trial upon the request of the vice-mayor of Balete. The charges were investigated by the District Judge of Capiz.

It appears that on December 13, 1951, a complaint for qualified theft against Manuel Fernandez and four others was filed with respondent by the chief of police at the instance of one Mateo Soncuya. After examining the witnesses for the prosecution, respondent issued a warrant for the arrest of the accused. With the exception of Manuel Fernandez whose whereabouts were unknown, the accused were arrested on December 17, 1951, and detained in the municipal jail of Balete, being unable to file bail bonds, except Maldito Billones who did on December 28, 1951, and was released on the same day.

Respondent set the trial for January 8, 1952, but on that date the chief of police moved for the dismissal of the case because of a letter from the complaining witness stating that the case being purely civil in nature and the parents and friends of the accused having asked for forgiveness, he was no longer interested in prosecuting the case. Respondent dismissed the case on the same day and the accused were immediately set free.

The herein complainant Yaza, a caterer, furnished the subsistence for the accused during the latter's confinement in jail from December 17, 1951, to January 8, 1952, under a contract with the municipality. According to her, she presented her bill for subsistence to the municipal treasurer who declined to pay because she did not have a copy of the order committing the accused to jail. When, she claimed, she asked respondent to issue one he refused, saying that he had not docketed the criminal case.

Respondent denied that complainant had requested him for a copy of the commitment order or that he failed to docket the criminal case. He testified that he had docketed the case as Criminal Case No. 134 on page 134 of his docket book (Exh. 6) and had issued an order

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committing the prisoners to the chief of police who in turn issued a corresponding "receipt of prisoners" dated December 17, 1951 (Exh. 2-e). What happened, he said, was that he had not made a duplicate copy of the order and the one issued to the chief of police was lost.

As to the dismissal of Criminal Case No. 134, respondent alleged that his action was motivated, not by a request of the vice-mayor, but by the motion of the chief of police who had received a letter from the complaining witness stating that he was no longer interested in the prosecution of the case.

I agree with the District Judge and the Secretary of Justice that respondent had no justification for refusing to issue a copy of the commitment order to complainant or some writing attesting to the truth of such commitment. There is no doubt that respondent had committed the accused in Criminal Case No. 134 to the custody of the chief of police as shown by Exhibit 2-c. He could not have forgotten said commitment, and if he had, he could easily have verified it. His claim that the complainant had never approached him for a copy of the commitment paper is untenable in the face of the undisputed fact that the treasurer would not pay the caterer's bill unless she could produce evidence of the prisoners' commitment.

It thus appears beyond reasonable doubt that the respondent is guilty of a cynical and deliberate disregard of an official and legitimate request easy to comply with. He has shown lack of rudimentary courtesy and human sympathy expected of government officials in their dealings with the public. As the District Judge correctly observed, "It is to be remembered always that the record of criminal or civil cases are public records and . . . as the legal custodian of the whole and every part thereof he is in duty bound to show and furnish true or certified copies of any part of it, when required to do so on demand of any party in interest thereof upon payment of its corresponding fees."

As to the dismissal of the criminal case, I do not believe that respondent acted improperly. As held by the Secretary of Justice, it was a borderline case and quashing thereof on motion of the complaining witness rested within the discretion of the court. I do not believe respondent abused his discretion. Neither was there any irregularity in the docketing of the case as found by the investigator.

WHEREFORE, and upon the recommendation of the Secretary of

Justice, Mr. Salvador F. Calizo is hereby suspended from office without pay for one month. He is ordered to issue to the complainant copy of the commitment order in Criminal Case No. 134, if he has not yet done so.

Done in the City of Manila, this **25th** day of **April**, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.



By the President:



JUAN C. PAJO
Executive Secretary