

MALACANANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES  
ADMINISTRATIVE ORDER NO. 316

REMOVING MR. VICENTE FONTANOSA FROM OFFICE AS JUSTICE OF THE  
PEACE OF PIKIT, COTABATO.

Mr. Vicente Fontanosa, justice of the peace of Fikit, Cotabato, is charged in two administrative complaints filed by Datu Utdog Matalam and Mayor Doroteo Palencia of the same municipality with (1) electioneering, (2) persecution of political enemy, (3) abuse of authority, (4) falsification of public records, (5) abandonment of office or failure to keep regular office hours and (6) fixing excessive bond. The charges were investigated by the District Judge who found the following:

On January 22, 1955, Potenciano Salcedo and other laborers approached the respondent to help them collect their wages in connection with the construction of a grandstand undertaken by a civic organization which could not pay the laborers promptly because of poor collections. Mayor Doroteo Palencia was the honorary chairman of the board of directors of the organization. However, the respondent prepared a criminal complaint for swindling with supporting affidavits against the mayor and issued a warrant for his arrest. Upon learning that the papers prepared by the respondent referred to a criminal complaint, Salcedo and his companions approached the respondent in the afternoon of January 26, 1955, for the withdrawal of the criminal complaint as it was not their intention to file one against the mayor but only to ask respondent's help in the collection of their wages. The respondent informed them that a formal motion to that effect was needed and told them to see him in his office the next morning. Salcedo waited for respondent in his office up to 12 noon the next day, January 27, 1955, but he did not show up.

About eight o'clock in the morning of January 27, 1955, Datu Utdog Matalam, at the request of Mayor Palencia's wife, went to the office of the justice of the peace to post the necessary bond for the temporary release of the accused. Datu Utdog Matalam waited up to noontime but respondent failed to appear. The same thing happened when the datu again went the next day. In view thereof, he wired the District Judge and the Provincial Fiscal reporting his inability to file the bond for the mayor's provisional release

abc Fontanosa, Vicente

due to respondent's absence from office.

Respondent denied being absent on January 27, 1955, as he prepared certain papers regarding transfer of homestead rights for Abdul Alamad and three others whom he had told to go to the municipal building where he would wait for them, and he even saw in his office several persons who asked him for advice. In support of his claim that he was not absent on said day he presented Exhibit 2, which is B.I.R. Form No. 2502, Receipt No. 327, justice of the peace. However, this exhibit appears to have been tampered with in several places. For instance, the number "27" on the date of the receipt, "Jan. 27, 1955," was superimposed on another figure. This figure "27" must have been superimposed on another figure after January 31, 1955, as the official receipt No. 1076710 (Exh. 3) which covers the amount stated in Exhibit 2 is dated January 31. Moreover the alterations were written with different pens and ink. Respondent's claim that he was in his office on January 27, 1955, was also belied by one of the Moros who had asked him to prepare the document of transfer of rights. Gubal Sadang, the Moro alluded to, stated that the document was made in respondent's house about twelve noon of January 27, 1955.

Although it is true that respondent was not away from Pikit, the circumstances point to the fact that he purposely did not go to his office in order to avoid the withdrawal of the complaint and the acceptance of the bond for the release of Mayor Palencia who defeated respondent's father in the 1951 election for mayor of Pikit.

The Secretary of Justice agrees with the findings of the District Judge and concludes that the respondent (1) used his official position to wreak vengeance on his political enemy, (2) abused his authority, (3) tampered with his official records to cover up the irregularities he had committed and (4) failed to keep regular office hours. In view of the seriousness of the offenses committed, he recommends that the respondent be dismissed from the service or at least required to resign.

After a careful review of the evidence of record, I concur in the findings of the Investigating Judge and in the conclusions of the Secretary of Justice. Enough evidence having been brought out to warrant the imposition of the extreme penalty in administrative cases, I agree with the investigator that there is no more need of passing upon the merits of the other charges against the respondent.


WHEREFORE, and as recommended by the Secretary of Justice, Mr. Vicente Montanosa is hereby removed from office as justice of

the peace of Fikit, Cotabato, effective upon receipt of a copy of this order.

Done in the City of Manila, this 28th day of January, Nineteen hundred and Sixty, and of the Independence of the Philippines, the fourteenth.



By the President:



NATALIO P. CASTILLO  
Executive Secretary