

MALACAÑANG  
RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 354

CONSIDERING MR. MARIANO T. BARCELÓ AS HAVING RESIGNED AS JUSTICE OF THE PEACE OF TUMAUNI, ISABELA

This is an administrative case instituted by the municipal council of Tumauni, Isabela, against Mr. Mariano T. Barceló, justice of the peace thereof, for dereliction of duty and acts indicating mental deficiency. Respondent denied the charges in his answer but neither presented any evidence nor appeared at the formal investigation conducted by the District Judge, although he was represented on the first and main day of the hearing by counsel who cross-examined at length the witnesses against the respondent. In his report the Judge finds the respondent guilty of dereliction of duty and recommends that he be required to stay in the National Mental Hospital for observation and if he refuses, that he be directed to apply for retirement.

The following facts are duly established by the evidence on record:

1. Francisca Soriano filed a complaint for threats against Jose Jaime with the chief of police of Tumauni, Isabela. When she and her witness appeared before the respondent to swear to their written statements (Exhs. B and C), respondent refused to take their oath for no reason whatsoever. During to this refusal of the respondent, the complaint could not be filed by the chief of police.
2. On May 7, 1957, respondent refused to accept a criminal complaint filed by the same chief of police against Magno Abban for frustrated homicide, saying that he was already a judge of first instance and that the justice of the peace of Tumauni, Isabela, was a certain Attorney Madamba to whom he referred the chief of police. Again because of this conduct of the respondent, the chief of police could not file the complaint.
3. On June 1, 1957, the same chief of police tried to file a criminal complaint for frustrated homicide against Agapito Sadora. Respondent again refused to accept the complaint on the ground that it could be signed by the provincial governor. He even chided the chief of police for his insistence and ordered him to go home. The chief of police thereafter reported the matter to the provincial fiscal of Isabela who filed the criminal action.
4. Sometime in February 1957 a bail bond for the provisional liberty of Antonio Domingo, who was then de-

tained in the municipal jail of Tumauni on a charge of simple seduction pending before the justice of the peace court of Sarrat, Ilocos Norte, was presented to the respondent for approval. This he refused to do, alleging that the order of the justice of the peace of Sarrat authorizing acceptance of the undertaking did not bear the dry seal of the court but only his "dry seal as notary public ex officio." A brother of the accused had to rush to Sarrat and when he returned with the proper stamp on the order as required by the respondent, still the latter refused to accept the bond, thereby causing the accused to stay further in jail until the justice of the peace of Cabagan, Isabela, was detailed to act in Tumauni in the absence of the respondent and approved the bond.

As regards the alleged mental defect of the respondent the investigating Judge found as follows:

"(d) That Mayor Ferrer declared that respondent was suffering from mental ailment. One day in the month of May, 1957, respondent got the jeep of Alberto Ng Ignacio of Tumauni and with his (respondent's) small son at his side on the front seat, he drove the jeep around for the whole day in the centro of the poblacion, running over piles of gravel and crossing street canals, thereby exposing himself to public ridicule. A couple of weeks before the hearing of this administrative complaint, respondent drove away his wife, Nena Salazar, from the conjugal home owing to unfounded jealousy. His wife had to stay in the house of his father-in-law for about one month. Respondent during his state of feeble-mindedness used to say that one of his sons is the illegitimate son of his wife with his father-in-law, and that his two daughters were the illegitimate daughters of his wife with his two brothers-in-law. Mayor Ferrer further declared that respondent used to carry 'bayong' (buri bag), took some goods from a certain store in Ilagan without paying for them, but owing perhaps to some mental disturbances he would say he had already paid for them; that as a consequence of this incident he nearly got into a trouble with the store owner were it not for the timely intervention of Vice-Mayor Cruz of Ilagan. There was an occasion when respondent was about to take a bath in his house with his coat on. Mayor Ferrer said respondent used to drink wine and get drunk in some stores in the poblacion of Tumauni. Because respondent's wife could no longer bear to witness the unnatural and queer acts of her husband and because he often hurled vulgar words against her, she went one day to the office of the Provincial Fiscal of Isabela for the purpose of asking

the Fiscal if she could file a complaint against her husband for abandonment.”

In this connection, it appears that in a letter to the Department of Justice, dated June 26, 1957, the assistant to the director of the National Bureau of Investigation, Atty. Mariano Almeda, recommended the mental examination of the respondent to determine his fitness for continued service. Attorney Almeda stated that the respondent's "remarks in the course of conversations with him are not intelligent and coherent and leads to the unmistakable conclusion that he is suffering from a mental disease."

I agree with the Secretary of Justice that there is no necessity of the respondent's mental examination as suggested by Attorney Almeda and the investigating Judge. The acts attributed to him and established during the formal investigation, such as those referring to his unjustified refusal to discharge his duties, clearly indicate his unfitness to continue in office as justice of the peace. His state of mind at the time thereof is immaterial for the purpose of the instant proceeding. As it could indeed be possible that his actuations were caused by some kind of mental imbalance, I am inclined to view his case with some leniency.

WHEREFORE, Mr. Mariano T. Barcelo is hereby considered as having resigned from office as justice of the peace of Tumauni, Isabela, effective upon receipt of a copy of this order, without prejudice to receiving whatever benefits he may be entitled to under the law.

Done in the City of Manila, this 20th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

CARLOS P. GARCIA

*President of the Philippines*

By the President:

NATALIO P. CASTILLO

*Executive Secretary*