

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 7

REMOVING MR. ALFONSO E. CONAG FROM OFFICE AS JUSTICE OF THE PEACE OF CAWAYAN, MASBATE.

This is an administrative case filed by Eugenia Kipti against Justice of the Peace Alfonso E. Conag of Cawayan, Masbate, for (1) misconduct in office and (2) bribery. The charges were investigated by the District Judge who found him guilty of the first and recommended his suspension from office for two (2) months without pay, with reprimand and warning.

The records show that Civil Case No. 41 of respondent's court for unlawful detainer, filed by the complainant in 1956, was dismissed by the respondent who ordered the parties to observe the status quo with respect to their respective possessions of the land in question. As the defendants did not obey the decision, complainant went to respondent who proposed the revival of the case for P100 to which she agreed. He forthwith visited the land, traveling 30 kilometers by motorboat, on horseback and on foot, and later received from complainant P100 for the preparation of a new complaint which she signed and was registered in his court as Civil Case No. 60. He also wrote the municipal treasurer to correct the double tax declarations on the same land. The defendants filed a petition for certiorari in the Court of First Instance which was given due course and respondent was enjoined from trying the case. This development gave rise to the filing of the present administrative case.

Despite respondent's denial that he received P100 from complainant and avowal that he merely served as counsel for both parties to avoid further litigation and expense on their part, the proof is convincing that complainant really gave him the money as shown by his unusual interest in making the tedious "ocular inspection" although there was no case pending in his court, which was undertaken because of her promise to give him that amount.

It cannot be denied that respondent's visit to the complainant's land was primarily at her request and for her

Conag, Alfonso E

benefit, giving rise to the moral conviction that the respondent received money from the complainant for so acting in her behalf, as she declared. Such compensation, even if it may not constitute bribery, a question which need not be determined in this proceeding, is undoubtedly improper, immoral and reprehensible. When he received the amount of P100 from the complainant he knew or ought to have known that Mrs. Kipti had intention of filing another action for unlawful detainer in his court regarding the same property involved in Civil Case No. 41 which he had previously acted upon in his court. By accepting the money from the complainant, he certainly caused the complainant to believe that he was helping her in a dual capacity--as attorney and at the same time as judge who would take cognizance of the case--thereby exposing his judicial integrity to serious public doubt and suspicion.

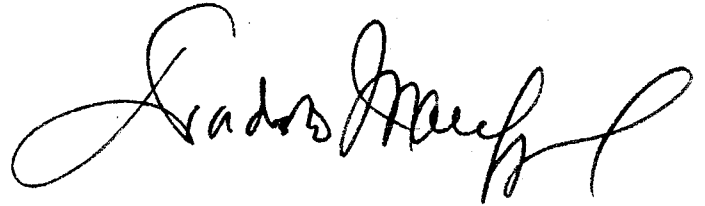
The record also shows that in Criminal Case No. 549 of respondent's court, Bonifacio Kipti (son of herein complainant) and Restituto Repollo, both policemen of Cawayan, were accused of maltreatment of prisoners. During the pendency of the case respondent borrowed P50 from each of them. The case was dismissed later because of the refusal of the offended parties to proceed therewith. Respondent did not pay back the money borrowed from the two policemen, saying that after all the case against them had been dismissed.

Respondent likewise denied the truth of the above as testified to by said policemen. However, he failed to explain why they, particularly Repollo (who executed an affidavit more than a year before the instant complaint was presented that respondent had borrowed money from him which he refused to pay), had testified falsely against him. I am therefore morally convinced of the truth of their testimony. It is thus clear that in Criminal Case No. 549 respondent took advantage of his position by borrowing money from both accused, which irregularity is aggravated by his refusal to pay the loans.

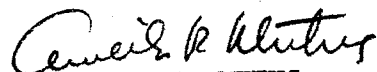
In view of the foregoing, I find respondent guilty of misconduct highly prejudicial to the administration of justice. The seriousness of the irregularities committed vitally affects his fitness for his present post. I am therefore constrained to take drastic action against him.

Wherefore, Mr. Alfonso E. Conag is hereby removed from office as justice of the peace of Cawayan, Masbate, effective upon receipt of a copy of this order.

Done in the City of Manila, this 14th day of March,
in the year of Our Lord, nineteen hundred and sixty-two, and of
the Independence of the Philippines, the sixteenth.



By the President:



AMELITO R. MUTUC
Executive Secretary