

MALACANANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 260

REMOVING MR. AGRIPINO M. ENSOY, JUSTICE OF THE PEACE OF PALOMPON,  
LEYTE.

This is an administrative case against Mr. Agripino M. Ensoy, justice of the peace of Palompon, Leyte, who is charged with (1) willful negligence and abuse of authority, (2) promoting litigations (3) soliciting bribes, (4) extorting excessive amounts from claimants for benefits, (5) unprofessional conduct and (6) falsification of public documents. The case was investigated by the District Judge who found the respondent guilty under the fourth charge.

The complaint alleges among other things that about the month of February 1952 respondent collected approximately one-half of the amount of a check for P200, and demanded around one-third of the face value of another check for P2,070, issued by the United States Veterans Administration (USVA) in favor of Eduarda Gasing as heir and beneficiary of her late son, Joaquin Villafior, in violation of the provisions of Republic Act No. 145.

It appears that in 1949 Eduarda Gasing Vda. de Villafior filed, in her own behalf and that of Aurelia Villafior, a claim with the United States Veterans Administration for benefits because of the death of Joaquin Villafior (her son and father of Aurelia Villafior), who died as a soldier during the last world war. She was assisted in the preparation of the pertinent papers and prosecution of the claim by the respondent, then as now justice of the peace of Palompon, Leyte.

Eduarda Gasing testified that the respondent received from the post office of Palompon, Leyte, her USVA initial check for P200 which they, together with respondent's wife, cashed in Tacloban City. After the check had been cashed, respondent received the money and gave Gasing P100, retaining for himself the balance of P100. She also testified that sometime in February 1952 while she was living in Villaba, Leyte, the USVA sent her another check for P2,070. She went to Palompon at the house of the respondent, showed him the check and told him that she wanted to have it cashed. Respondent accompanied her to the store of a Chinaman named Diong and, after a short conversation between the respondent and the Chinaman, Gasing thumbmarked the check. The Chinaman then got paper bills and counted them on the table inside the store. Respondent got hold of all the bills and gave her a part thereof which, upon being counted in her presence by Numeriana Gulani in the latter's house where she was staying while in Palompon, turned out to be only P1,200. Gasing told Gulani that the check was for P2,070. When Gulani asked for the rest, Gasing said that it was taken by the respondent.

Respondent in his answer denied having obtained the amounts stated by Eduarda Gasing, claiming that he only got what was strictly allowed by law. As to the ₱200 check, he admitted during the investigation that he got from Gasing ₱50 for their actual and necessary expenses in going to Tacloban City and back. From said sum, he explained, ₱26 corresponded to his lost salary as justice of the peace, for being absent for two days at the rate of ₱8 a day, and loss of notarial fees at ₱5 a day due to his same absence from Palompon.

As to the ₱2,070 check, he claimed that what his wife received from Gasing was ₱25 only in payment of a debt; that when said check was cashed he was in Cebu City; and that if she received only ₱1,200 it was because she had used the balance in paying certain persons and buying clothes and other things from the Chinaman who had cashed the check.

From respondent's own admission, it is clear that he collected ₱26 from Gasing's initial check of ₱200 for his personal services. As held by the District Judge, it was improper for respondent to collect ₱16 for his salary for two days' absence because he was entitled to thirty days' vacation and sick leave with pay every year. Neither was he justified in collecting ₱10 for loss in notarial fees because he is not authorized by law to collect for himself any amount as notary public ex officio. Under Section 252 of the Revised Administrative Code, all his collection as such should be accounted as for government funds. In view thereof, I find the respondent guilty of violation of Republic Act No. 145 which limits to ₱20 the maximum amount that may be received by an individual for assisting a claimant for benefits under the United States laws.

With respect to the check for ₱2,070, I agree with the District Judge that the evidence for the complainant deserves more weight and credit than the respondent's. His defense that he was in Cebu City when said check was cashed in the store of Chinaman Diong on February 18, 1952, is puerile and unconvincing. Mrs. Ensoy was not even presented to refute the claim of Eduarda Gasing, an illiterate septuagenarian, who was corroborated by Numeriana Gulani. The District Judge was convinced, and so am I, that respondent received much more than ₱20 as authorized by Republic Act No. 145, which seals the case against him.

The Secretary of Justice in his report states:

"After a careful review of the record of the investi-

293  
gation, I find from the evidence that the charge for violation of Republic Act no. 145 has been substantially established. And considering the immense amounts the respondent charged and received from the claimant in relation to the amounts collected, his perjury in connection with this count, and the fact that this is a criminal offense for which he is being prosecuted, as we have been informed, I am of the opinion that the respondent should be removed from office, instead of merely suspended for three months, as recommended by Judge Debuque. It is so recommended. This recommendation disregards the other charges regarding some of which there are signs of guilt."

I agree with the Secretary of Justice. It may be added that other officials before respondent have been separated from the service for similar wrongdoing.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Mr. Agripino M. Ensoy is hereby removed from office as justice of the peace of Palompon, Leyte, effective upon receipt of a copy of this order.

Done in the City of Manila, this 4<sup>th</sup> day of March in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

*Carlo P. Garcia*

By the President.

*Juan C. Pajo*  
JUAN C. PAJO  
Executive Secretary