

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 122

REMOVING MISS CONCEPCION BUENCONSEJO FROM OFFICE AS JUSTICE OF THE
PEACE OF ALCOY, CEBU.

This is an administrative case against Miss Concepcion Buenconsejo, Justice of the Peace of Alcoy, Cebu, for collecting fees in excess of that allowed by Republic Act No. 145 in connection with the prosecution of a claim for compensation benefits from the United States Veterans Administration (USVA). The case was investigated by one of the district judges of Cebu who found the respondent guilty of the charge.

Complainant Ramon Indaya testified that sometime in 1947 he sought the services of the respondent to help him prepare his claim papers with the USVA as beneficiary of his deceased son, Mariano Indaya, a sergeant in the U. S. Army during the last world war. For her services, it was agreed that he would pay her ₱20 as soon as his claim was approved. The first check he received from the USVA was for ₱800, which he brought to the respondent so that she could help him cash it. They both went to the City of Cebu where they cashed the check in a bank and of this amount she gave complainant ₱550 and retained ₱250 for herself. The second check for ₱3,000 was likewise cashed with the aid of the respondent in the same bank, the latter retaining for herself the sum of ₱1,000. The third check for ₱800 was delivered by Indaya to the respondent who alone went to cash it in Cebu City. The next day Indaya, with his son and daughter, went to the respondent's house to get the money. Respondent gave them ₱480 retaining ₱320 as her fee, and the first sum was divided equally between him and his two children. The fourth was for ₱1,500 which respondent also cashed alone. Of this amount she gave ₱1,000 to Indaya and kept ₱500 for herself.

Aside from these four checks, Indaya also received for thirteen months a monthly pension of ₱60 from the USVA out of which respondent obtained the total sum of ₱130.

Denying the charge, the respondent claimed that she had received from complainant only the total sum of ₱30 as reimbursement for her expenses in the preparation and mailing of complainant's claim papers and for travel expenses. She admitted having helped other claimants who, she said, had voluntarily given her the sum of ₱20 each.

The District Judge found the charge substantially established. We find no justification for disturbing his conclusion, for the question of whether or not the respondent is guilty of the charge depends solely on the credibility of the witnesses, and the investigator who has observed the demeanor of the witnesses is in the best position to appraise their credibility. It is true that there are discrepancies between the amounts testified to by the complainant as having been received by him and the sums appearing in the checks (Exhs. D, E, F and G), but, as pointed out by the Judge, such discrepancies may be attributed to complainant's weak memory and his difficulty in coordinating and expressing his ideas, and not to a desire to tell a lie so as to prejudice respondent. It is to be observed that the complainant was already 78 years old when the investigation took place and is an illiterate person.

It will also be recalled that while there were only two checks for big sums that were presented as evidence, in the cashing of which the respondent intervened as shown by the fact that she signed as "witness", inquiry from the USVA by the Department of Justice revealed that there was another check for \$1,457.35 which had also been paid to complainant; and that all in all he had received from the said office eighteen checks amounting to ₱6,683.80 as against the sum of ₱5,101.10 represented by the four checks (Exhs. D, E, F and G). It is possible, therefore, that the respondent intervened in the cashing of four checks as claimed by the complainant, and not only in two as she alleged.

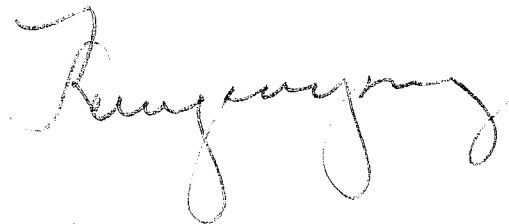
On the other hand, the respondent's defense is on its face highly unbelievable. She declared that despite the fact that she had been helping the complainant in the prosecution of his claim from 1946 to 1950 and that she had been advancing all the expenses incident thereto, she nevertheless did not charge a centavo for her services, but merely accepted from complainant the reimbursement of ₱20 she had spent in the preparation and mailing of his claim papers, plus another sum of ₱10 for her traveling expenses. It may be added further that respondent admits that because of her help to complainant, there is no reason why he should testify falsely against her, although she avers that he must have been instigated to do so by Mayor Ocampo of Alcoy and one Vicente Navarro who have grudges against her. It is hard to believe, however, that complainant would have yielded to any pressure to testify falsely against respondent if the latter did nothing more than help the former.

Although there are discrepancies as to the amounts taken by the respondent in the testimony of the complainant and that of his son, these discrepancies are not material for the purpose of this administrative case. There is no doubt that the respondent charged the complainant fees very much in excess of that allowed by Republic Act No. 145, which is ₱20, and her act subjects her to criminal prosecution.

In thus unfairly and illegally helping herself instead of helping the war sufferers obtain the fullest benefit from the bounty extended by a grateful government, the respondent has shown herself to be totally unfit to remain in the public service as a town magistrate.

Wherefore, and upon the recommendation of the Secretary of Justice, Miss Concepcion Buenconsejo is hereby removed from office as justice of the peace of Alcoy, Cebu, effective upon receipt of a copy of this order.

Done in the City of Manila this 22nd day of June, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:

MARIANO TENKO, Jr.
Assistant Executive Secretary

