

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 66

REMOVING MR. VICTOR ARICHEA FROM OFFICE AS JUSTICE OF THE PEACE OF
OLONGAPO, ZAMBALES.

This is an administrative case against Justice of the Peace Victor Arichea of Olongapo, Zambales, arising from separate complaints filed by Purificacion Yap and Damaso B. Barquin, which were formally investigated by Executive Judge Lucas Lacson of the Court of First Instance of Zambales. Complainant Yap charges respondent with alleged irregularities in connection with the criminal case for vagrancy in respondent's court wherein said complainant was one of the accused. Complainant Barquin, on the other hand, charges respondent with misconduct in releasing sixteen persons apprehended by the police in a gambling raid on September 12, 1961.

The investigating Judge found that complainant Yap failed to substantiate her charges because she retracted them in her testimony and, considering respondent's satisfactory explanation, recommends dismissal of her complaint. With regard to the complaint of Barquin, the Judge found that respondent personally released the detainees from the custody of the police, whom he also advised to return the evidence seized in the gambling house.

The findings of the investigator on Barquin's complaint are based on the testimony of his three witnesses, namely Patrolman Alfredo Paraiso, a member of the raiding team; Patrolman Luis Olipane, warden of the municipal jail; and former Police Lieutenant Aurelio Jose, who was in charge of the raid. Lieutenant Jose testified that, after the raid, he went to respondent's house with a list of the persons apprehended and a list of the gambling articles seized. After examining these lists, respondent informed Lieutenant Jose that the case was weak because the cards were incomplete and told him to return the exhibits, which was done.

Patrolman Paraiso declared that he brought the sixteen arrested persons to the jail and delivered the confinement papers to Patrolman Olipane, the jailer. While Olipane was checking the list of the arrested persons, respondent arrived and took the confinement papers, telling Olipane that respondent would be responsible. Respondent then released the persons in custody but refused to return the confinement papers when so requested by Patrolman Paraiso. Instead respondent instructed Paraiso to

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tell the desk sergeant not to enter in the police blotter the confinement of the persons arrested. This directive was also followed.

According to Patrolman Olipane, while he was checking the list brought by Patrolman Paraiso, respondent arrived and asked to see the confinement papers. When Olipane tried to get them back, respondent said that he would fix the case. Respondent then told the persons in custody to go home and informed Olipane that he (respondent) would be responsible.

Respondent denies having released the arrested persons but admits that he went to the jail with Lieutenant Jose, who showed him the confinement papers. He also admits having told Lieutenant Jose that the latter could release the arrested persons. These admissions, which corroborate the testimony of complainant's witnesses, effectively refute respondent's denial that he released the arrested persons. The evidence thus clearly proves respondent's guilt of having gravely abused his authority.

Respondent, under his authority to commit persons under arrest to legal custody, could validly release them if he found the evidence insufficient to prove a prima facie case for the offense charged. However, as to persons arrested by officers of the law allegedly in the act of committing an offense, the evidence of the latter had to be examined by respondent before he could release the persons arrested for insufficiency of evidence. He was therefore duty bound to allow a reasonable opportunity for the filing of a formal complaint and the presentation of evidence to support such complaint.

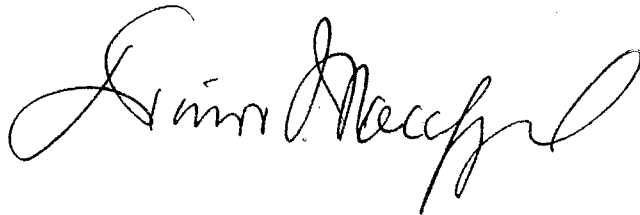
These procedural requirements were totally disregarded when respondent directly released the persons arrested without waiting for the complaint to be filed and without even taking the declarations of the arresting officers. Such act was patently arbitrary and capricious. It was also highly prejudicial to public interest, as it set at naught the efforts of police officers to catch redhanded violators of the law, demoralizing the honest and efficient performance of duty.

Respondent's abuse of authority was aggravated by his efforts to conceal it by advising the return of the articles confiscated during the raid, by refusing to return to the police the confinement papers of the persons arrested and by directing that such confinement be not entered in the police blotter. In making a mockery of law enforcement, respondent showed his unfitness to continue holding his judicial office.

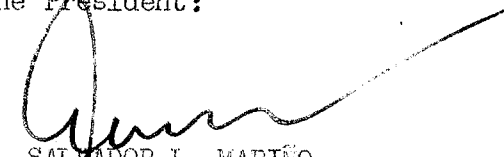
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In view of the foregoing, and upon the recommendation of the Secretary of Justice, Mr. Victor Arichea is hereby removed from office as justice of the peace of Olongapo, Zambales, effective upon his receipt of a copy of this order.

Done in the City of Manila, this **1st** day of **July**,
in the year of Our Lord, nineteen hundred and sixty-three.



By the President:



SALVADOR L. MARINO
Executive Secretary