

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 329

IN RE ADMINISTRATIVE CASE AGAINST FORMER MUNICIPAL JUDGE ROMAN A. LORENTE
OF TAGUM, DAVAO DEL NORTE.

This is an administrative case against Municipal Judge Roman A. Lorente of Tagum, Davao del Norte, since retired, filed by Teodulo T. Lador for gross ignorance of the law, which was formally investigated by District Judge Alejandro E. Sebastian of the Court of First Instance of Davao del Norte.

The case arose from the filing in respondent's court of Criminal Case No. 4014 (for falsification of public document) on May 10, 1968, against herein complainant Teodulo T. Lador by a special counsel in the office of the Provincial Fiscal of Davao del Norte. After conducting a preliminary inquiry of the case, respondent issued a warrant for the arrest of Lador, which was, however, returned to his court on June 1, 1968, as the latter had purportedly left for either Balanban, Cebu, or Bato, Leyte. In view thereof, the case was ordered sent to the files on May 31, 1968, without prejudice to its subsequent prosecution upon apprehension of the complainant. Thereupon, respondent issued an alias warrant for his arrest and sent the same for certification to the Executive Judge of the Court of First Instance of Davao del Norte for service and execution outside respondent's jurisdiction.

Sometime in December 1968 the complainant voluntarily surrendered to a peace officer in Cebu City and filed a personal bail bond of ₱6,000 with the City Court of Cebu which issued the corresponding release order. On December 13, 1968, the personal bail bond, the order of release and the pertinent papers of the case were sent to respondent who subsequently set the case for arraignment on January 24, 1969. However, neither the complainant nor his counsel appeared on said date and it was only on July 31, 1969, or after repeated postponements of the case granted at the instance of the complainant, that he finally presented himself before respondent's court. Upon arraignment the complainant, assisted by counsel, entered a plea of guilty to the offense. Thereafter, respondent called a recess and, after conferring with the defense counsel and the special counsel who manifested that the complaining witness, Mrs. Cecilia Vda. de Navales, and the Social Security System where the falsified document was filed did not suffer any financial damage from the criminal acts of the accused, resumed the court session and dictated his decision imposing upon complainant the indeterminate penalty of from 1 month and 1 day to 4 months of arresto mayor, with the accessory penalties, and to pay a fine of ₱300, with subsidiary imprisonment not to exceed 1/3 of the principal penalty plus costs.

In the afternoon of the same day (July 31, 1969), after the complainant had been committed to the municipal jail, respondent summoned him to his court and modified the original sentence to 2 months and 1 day of arresto mayor as minimum to 1 year of prision correccional as maximum, with the accessory penalties, and to pay a fine of ₱100, with subsidiary imprisonment in case of insolvency which shall not exceed 1/3 of the principal penalty plus costs. After serving several days in the municipal jail the complainant was transferred to the provincial jail, but the warden refused to admit him on the ground that the sentence imposed was unlawful. Hence, he was recommitted to the municipal jail of Tagum where respondent, after rehearing the case on August 12, 1969, again reduced the penalty to "5 months of arresto mayor ..." and to pay a fine of ₱100..."

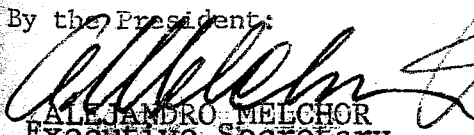
On November 3, 1969, the Department of Justice required respondent to submit his comment on the complaint. In his answer dated December 10, 1969, respondent admitted his mistake in imposing the first penalty and his oversight of the provisions of the Indeterminate Sentence Law as regards the second, but claimed that the imposition of the penalty of 5 months was beneficial and favorable to the accused. He also apologized and pleaded for pardon for his "mistakes, oversights and/or indiscretions" and implored for Christian charity and understanding, in view of his impending "retirement at his 70th birthday on February 22, 1971." Moreover, in his explanation to the Investigating Judge dated April 18, 1970, respondent reiterated his admission of guilt of December 10, 1969, and pointed to complainant's letter of desistance addressed to the Secretary of Justice dated December 18, 1969, alleging that he was no longer interested in prosecuting his complaint, considering that respondent acted in "entire good faith" in imposing the penalty of 5 months of arresto mayor plus a fine of ₱100 which was not prejudicial to him.

Respondent's explanation obviously does not exculpate him from his erroneous actuations. However, considering his admission of guilt and supplications for mercy and his having been already compulsorily retired, it is believed that he deserves some leniency.

Wherefore, Mr. Roman A. Leorente, former Municipal Judge of Tagum, Davao del Norte, is hereby fined in an amount equivalent to two (2) months' pay.

Done in the City of Manila, this 24th day of May, in the year of Our Lord, Nineteen hundred and seventy-two.

By the President:


ALEJANDRO MELCHOR
Executive Secretary
Acting Executive Secretary