

MALACAÑANG

RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 338

CONSIDERING MR. ROMEO L. VENTURANZA RESIGNED FROM OFFICE AS JUSTICE OF THE PEACE OF PINAMALAYAN, ORIENTAL MINDORO

There are two administrative cases (Nos. R-31 and R-32) filed by Dominador Telosa and Carmen M. Antonio, respectively, against Justice of the Peace Romeo L. Venturanza of Pinamalayan, Oriental Mindoro, one for partiality and the other for abuse of authority. The two cases were investigated jointly by the District Judge who recommends respondent's complete exoneration from the charges thereof. However, the Secretary of Justice disagrees as to the first case, and I concur with him.

Administrative Case No. R-31 was instituted by Dominador Telosa accusing the respondent of partiality for refusing to accept a criminal complaint filed by the complainant as offended party.

A stabbing affray that took place about six o'clock in the evening of October 29, 1958, at barrio Balete, Pinamalayan, Oriental Mindoro, culminated in the filing of Criminal Case No. 860 in respondent's court. The criminal complaint was filed on November 10, 1958, by Lazaro Baon, a rural policeman, charging Alberto Medran, Jovito Francisco, and Dominador Telosa with the crime of assault upon an agent of a person in authority with physical injuries. The corresponding warrant of arrest was issued on the same date and the bail bond for each of the accused was approved on November 19, 1958.

Sometime thereafter Dominador Telosa filed a criminal complaint (Exhibit B) for frustrated homicide against Lazaro Baon, Florentino Bolado, and Vicente Baon. The complainant alleged that the accused inflicted upon him serious physical injuries with intent to kill in the same incident that gave rise to Criminal Case No. 860. This complaint (Exhibit B) was signed by Chief of Police Marcelo C. Diona and attached thereto were a medical certificate (Exhibit A) issued by Dr. P. S. de Joya, affidavits of several witnesses, and a sworn statement of Lazaro Baon (Exhibit H). Exhibit A certifies that Dominador Telosa suffered two wound which required medical attendance for five days and 40 days, respectively, while Exhibit H contains an admission of Lazaro Baon that he

was the one who inflicted physical injuries on Dominador Telosa with two bladed weapons. Respondent refused to accept Exhibit B on the ground that Chief of Police Diona, who signed the same, was not present to swear to it. When the same complaint was presented anew for filing by Chief of Police Dominador Sotto, after Chief Diona was suspended from office, respondent again refused to accept it, this time reasoning that the proper charge should be serious physical injuries as no intent to kill was present in the commission of the crime.

On January 27, 1959, respondent promulgated his decision in Criminal Case No. 860. Alberto Medran and Jovito Francisco were convicted of slight physical injuries while Dominador Telosa was acquitted, as the latter merely tried to pacify Lazaro Baon during the incident.

It appears, however, that on the day before the aforesaid decision was promulgated, that is, on January 26, 1959, Dominador Telosa signed an affidavit (Exhibit 6) signifying his lack of interest to prosecute Lazaro Baon. Telosa testified that he was prevailed upon by respondent and the latter's brother, Atty. Salvador Venturanza, to execute that affidavit on the respondent's promise that he (Telosa) would be acquitted in Criminal Case No. 860.

From the evidence on record, it would seem that the reasons given by respondent for his refusal to accept the criminal complaint (Exhibit B) which Dominador Telosa tried to file against Lazaro Baon are flimsy. The complaint appeared proper and legal on its face as it was duly supported by affidavits of the witnesses, the written admission (Exhibit H) of Lazaro Baon of having inflicted wounds on Dominador Telosa, and the medical certificate (Exhibit A) attesting to the gravity of those wounds. The mere fact that Chief of Police Marcelo Diona, who signed the complaint, was not present to swear to it was not a compelling ground to refuse its acceptance. He could have summoned the Chief of Police and have him swear to the complaint or, since the offended party, Dominador Telosa, was present and preferring the complaint, he could have asked Telosa to sign the complaint and swear him then and there.

Even less justifiable was respondent's position in refusing to accept the same complaint when filed by Chief of Police Dominador Sotto on the alleged ground that the proper charge should be serious physical injuries. Intent to kill is specifically alleged in the complaint and respondent had neither reason nor authority to refuse its acceptance simply because his opinion of the offense committed by the accused is different from what the complaint actually charged. The duty of a justice of the peace during the preliminary investigation of a case is only to determine

whether or not the evidence presented supports *prima facie* the allegations of fact contained in the complaint; he has no legal authority to determine the character of the crime (*People vs. Gorospe*, 53 Phil. 960). What is worse, the respondent in the instant case arbitrarily ignored the complaint even without questioning the witnesses who were brought before him.

The established facts unmistakable point to the conclusion that respondent tried all possible means to shield Lazaro Baon from the criminal complaint which Dominador Telosa vainly tried to file in this court. Obviously bent on settling the case between Telosa and Baon, and evidently believing that acceptance of Telosa's complaint would foil his plan, respondent not only placed all conceivable obstacles to the filing of said complaint but also promised Telosa's acquittal in Criminal Case No. 860 in exchange for his desistance from proceeding with his complaint against Lazaro Baon. Telosa's affidavit of desistance (Exhibit 6), it bears recalling, was executed and sworn to before the respondent on January 26, 1959, and it could hardly be merely coincidental that Telosa was acquitted the following day, January 27, 1959, when respondent promulgated his decision in Criminal Case No. 860.

From the foregoing, it can be seen that the respondent, abusing the powers of his office and completely ignoring his sworn duty to administer justice impartially, thwarted the course of justice by enabling Lazaro Baon to escape criminal prosecution despite the latter's admission of having inflicted physical injuries on Dominador Telosa, the complainant in this administrative case. By his acts, he has shown unfitness to remain in office as justice of the peace.

Wherefore, and in line with the recommendation of the Secretary of Justice, Mr. Romeo L. Venturanza is hereby considered resigned from office as justice of the peace of Pinamalayan, Oriental Mindoro, effective upon receipt of a copy of this order, without prejudice to reinstatement in another branch of the government service and to his leave and retirement privileges, if he is entitled thereto.

Done in the City of Manila, this 7th day of November, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

CARLOS P. GARCIA
President of the Philippines

By the President:

NATALIO P. CASTILLO
Executive Secretary