

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 161

SUSPENDING MR. EMILIO STA. ROMANA FROM OFFICE AS MUNICIPAL  
JUDGE OF LAUA-AN, ANTIQUE.

This is an administrative case against Mr. Emilio Sta. Romana Jr., municipal judge of Laua-an, Antique, filed by Mr. Antonino Olindo when the former was municipal judge of Bugasong, same province, for grave dereliction of duty in releasing the two accused after conviction in Criminal Case No. 280 of the Bugasong Municipal Court, thus enabling them to evade sentence to the prejudice of the bondsmen and the offended party therein.

During the investigation conducted by the District Judge, the respondent denied the charge and disclaimed any knowledge that the two accused had evaded sentence. He testified that he did not detain them after rendering his judgment of conviction because the same was still not final. After fifteen days from the date of the sentence, he issued a warrant for their arrest, which was returned unserved, in view of which he ordered the bondsmen to produce the bodies of the accused. When the bondsmen failed, he ordered the forfeiture of the bail bonds, but postponed execution thereof after the bondsmen had asked for more time to surrender the accused.

In accordance with Section 2 of Rule 110 of the old Rules of Court, it was respondent's duty to detain the accused after rendering his judgment of conviction unless they had appealed and filed new bail bonds. When the accused appeared in court and heard their sentence, the obligation of the bail was terminated and the custody of the accused was transferred from the bail to the law (6 Am. Jur. 117-118). The bondsmen, therefore, could no longer be held responsible for the persons of the accused under the original bonds. Respondent thus revealed his ignorance of the law in failing to detain the accused after their conviction and in ordering the forfeiture of their bonds when the bondsmen failed to produce the accused after the judgment had become final.

In view of the foregoing, and upon recommendation of the Secretary of Justice, Municipal Judge Emilio Sta. Romana Jr. is hereby suspended without pay for one (1) month, reprimanded

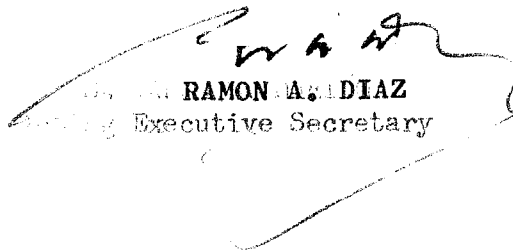
*Emilio Sta. Romana*

and warned that repetition of similar offense will be dealt with more severely.

Done in the City of Manila, this 13th day of December in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ  
Executive Secretary