

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 70

REMOVING MR. ROMEO P. LAURENTE FROM OFFICE AS MUNICIPAL JUDGE
OF MATAG-OB, LEYTE.

This is an administrative case filed by Lorenzo D. Dima-ala and Pedro Carlebos against Municipal Judge Romeo P. Laurente of Matag-ob, Leyte, for partiality in the disposition of Criminal Case No. 95 of his court resulting in the acquittal of the accused for insufficiency of evidence.

The records show that respondent is the godfather of the son of the accused in Criminal Case No. 95 of his court for estafa. The initial hearing of the case was set for February 25, 1963. On February 9, 1963, counsel for the accused filed a motion for postponement which was granted in an order dated February 16, 1963. However, complainant Dima-ala, the private prosecutor and their witnesses appeared before the court on February 25, 1963, because they had not been informed of the postponement.

The court thereafter set the hearing for April 15, 1963, but on April 12 defense counsel again filed a motion for postponement on the ground that his client, a Philippine Constabulary sergeant stationed at Camp Murphy, had much work and lacked travel funds, and that he himself was busy with other cases. Respondent granted the postponement in his order of April 15, 1963, stating that the prosecution was ready for trial but that the defense failed to appear. The case was reset for May 6, 1963. On May 3, 1963, counsel for the accused filed an urgent motion for postponement because of illness of the accused. Dima-ala, his lawyer and witnesses were present on May 6, 1963, and learned that respondent was on leave. On this date, Dima-ala was informed by Municipal Judge Demetrio D. Sarit, who was assigned to act during the absence of the respondent, that the latter had postponed the hearing for May 29, 1963. Upon Dima-ala's petition, however, Judge Sarit reset the hearing for May 24, 1963, instead of May 29, 1963, as scheduled by respondent.

On May 18, 1963, defense counsel filed another motion for postponement, stating that the accused was still sick and could not appear at the hearing set for May 24, 1963. He also filed on May 22, 1963, a similar motion for the postponement of the hearing on May 24, 1963.

Respondent admits that the private prosecutor appeared on May 24, 1963, thereby impliedly admitting too that no notice was sent him regarding the postponement of the trial. On this date, the private prosecutor was allegedly advised by respondent not to appear at the hearing on May 29, 1963, but Dima-ala disputes this claim and the records tend to support his contention, the order setting the trial for July 10, 1963, having been issued on May 31, 1963.

On July 10, 1963, respondent began the trial after waiting for some time for the private prosecutor. At that time, only Catalino Denoy, the other offended party besides Carlobes, was present. Because the chief of police was not available, respondent designated a policeman in charge of the office to represent the prosecution, and respondent himself conducted the direct examination of Denoy as the only prosecution witness. After Denoy's testimony and on motion of counsel for the accused, respondent dismissed the case for insufficiency of evidence. Dima-ala admits that he, Carlobes and the private prosecutor arrived one hour after the trial began. Respondent asserts, however, that he promulgated his decision immediately, explaining that the case for the prosecution was not weakened by the absence of complainants.

Apparently, respondent committed serious errors in failing to notify complainants of the postponements of the case. Dima-ala had to come all the way from Tacloban City and the private prosecutor from Ormoc City, for no other purpose than to appear before respondent's court only to find out that the hearings had been invariably postponed. Although respondent insists that he did not have time to notify complainants of the postponements, the records show that neither the accused nor his counsel was present on such dates, indicating confidence on their part that respondent would grant their motions for postponement as in fact he did. Moreover, as observed by the investigator, it would not take an hour for the notice from respondent to reach Carlobes, a resident of Matag-ob, and notices to Dima-ala at the PC headquarters in Ormoc City and the prosecutor at the same place could have been sent through any bus conductor. Considering respondent's close association with the accused, being his compadre, his invariable acquiescence to the motions for postponement and his failure to even notify herein complainants of such postponements unquestionably betray his partiality toward the accused.

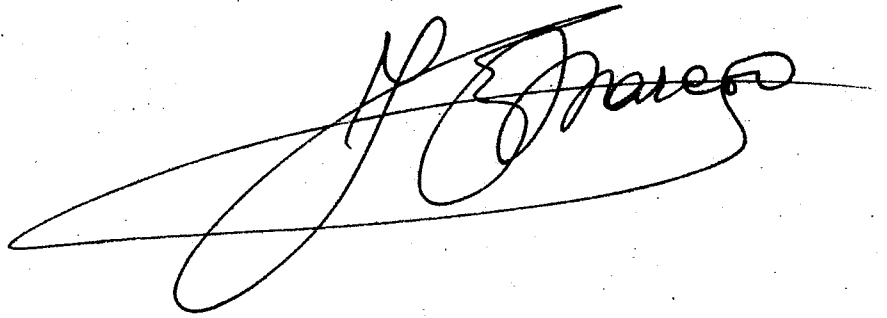
Furthermore, respondent undertook the trial on July 10, 1963, by merely designating a policeman who had nothing to do with the case to represent the prosecution. He conducted the direct examination of the prosecution witness, acting thereby as both prosecutor

and judge, to the serious prejudice of the case for the prosecution in view of his ill-concealed sympathy for the other side. The final stage of his efforts to free the accused was his refusal to hear at least the testimony of herein complainants as prosecution witnesses when they, together with the private prosecutor, arrived after he had granted the motion to dismiss. As observed by the Department of Justice, "His ruthless determination to perpetrate an injustice consequently bears out the charge of herein complainants that the repeated postponements of trial were deliberately intended by respondent to exhaust the prosecution and pave the way for the ultimate acquittal of the accused."

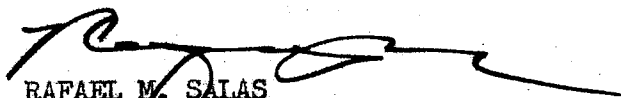
In view of the foregoing, I find respondent guilty of partiality in the performance of his duties to such a degree as to render him totally unfit to remain in the judiciary.

Wherefore, Mr. Romeo Laurente is hereby removed from office as municipal judge of Matag-ob, Leyte, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of June ,
in the year of Our Lord, nineteen hundred and sixty-seven.



By the President:



RAFAEL M. SALAS
Executive Secretary