

[ADMINISTRATIVE ORDER NO. 329, May 24, 1972]

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, 1958, 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 1963 the complainant voluntarily surrendered to a peace officer in Cebu City and filed a personal bail bond of P6,000 with the City Court of Cebu which issued the corresponding release order. On December 13, 1963, 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 accessory penalties and to pay a fine of P300, 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 P100, with subsidiary imprisonment in case of insolvency which shall