

[ADMINISTRATIVE ORDER NO. 340, September 27, 1972]

REMOVING MR. WENCESLAO L. CORNEJO FROM OFFICE AS CITY JUDGE OF MANILA

Mr. Wenceslao L. Cornejo, presiding Judge of Branch V of the City Court of Manila, is charged by Pedro B. Arao, a judicial supervisor of the Department of Justice, with (1) willful violation of the Constitution and the Rules of Court and (2) intervention in the disposition of a case in another branch of the City Court of Manila.

Alleged to have been infringed are Section 3(3), Article IV of the Constitution, which provides that "no warrants shall issue but upon probable cause, to be determined by the judge after an examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized," and Section 3 and 4 of Rule 126 which recite that "a search warrant shall not issue but upon probable cause in connection with one specific offense to be determined by the municipal or city judge after examination under oath or affirmation of the complainant and the witnesses he may produce and particularly describing the place to be searched and the persons or things to be seized," and that "the municipal or city judge must, before issuing the warrant, personally examine on oath or affirmation the complainant and any witnesses he may produce and take their depositions in writing, and attach them to the record in addition to any affidavits presented to him."

The first charge stems from the issuance by the respondent in 1966 of a large number of search warrants which he recorded in a register marked Exhibit "A".

Presented to prove the charge, aside from Exhibit "A", are the testimony of Atty. Juanito B. Marzan, another judicial supervisor, that he found Exhibit "A" in the course of his inspection in 1966 of the records of the respondent's court and the complainant's testimony that he saw Exhibit "A", from which it appears that the respondent issued many search warrants against "John Does," "Mary Does" and "Elena Does" for prostitution, gambling and illegal massage clinics.

Testifying for himself, the respondent said that he issued the questioned search warrants because he was requested by the Mayor of Manila to help the police in the campaign against gambling prostitution, illegal massage clinics used as fronts for prostitution, and other vices in Manila but before issuing them, he personally questioned the applicant and his witnesses. In addition, he took into account the application for search warrant as well as the deposition of the witnesses, and made sure that probable cause existed. Aliases, however, had to be used in the applications as well as in the warrants themselves because the true names of the owners or maintainers of the vice dens were unknown to the police.

The respondent is corroborated by Col. Enrique Morales, chief of the Detective

Bureau, Manila Police Department, Major Eduardo Giron, Dets. Rafael Lombay, Galileo Campillanes, Julian Warriner, all of the Manila Police Department, and Jose Latayon, the respondents deputy clerk. Their testimony is that in 1966 the Mayor ordered the Manila Police Department to wage a campaign against gambling, prostitution, massage clinics used as fronts for prostitution, and other vices in the City, and that to carry out the campaign, anti-vice squads were organized, who secured search warrants from the City Court of Manila, after verification that vice existed in the establishments to be searched.

The procedure prescribed by law was followed strictly in securing the search warrants. The applicant went to the respondent with the witnesses, their affidavits and depositions. The names of the persons to be searched were specified in the application if known; otherwise, aliases were used. The description of the place to be searched was also indicated. On receiving the application, the respondent personally examined the applicant and his witnesses to verify the facts relative to the premises to be searched, the materials to be seized, the crime committed and the existence of probable cause. It was only after the respondent had satisfied himself about these matters that he issued the search warrant.

All the search warrants, according to the same witnesses, were successfully executed. Arrests were made, convictions secured, and vice was minimized, almost eradicated.

Notwithstanding this testimony of the respondent and his witnesses, enough can be seen in the record to support the conclusion that violations of the law were committed in the issuance of the search warrants. So numerous are they, so many were issued in one day, and with such frequency were they issued that it cannot be believed any judge could have personally examined in each and every case the complainants and their witnesses as well as taken their depositions for the purpose of determining the existence of probable cause.

During the year 1966 the respondent issued a staggering total of 1,419 search warrants – an average of nearly 5 every working day. He signed 132 search warrants in July, 142 in December, 145 in November, 175 in August, 192 in March and 194 in September, Of the 175 warrants in the month of August, 9 were signed on the 22nd, 13 on the 24th, 4 on the 25th, 28 on the 26th, and 17 on the 29th, and of those in the month of September, 8 were issued on the 20th, 24 on the 22nd, 5 on the 23rd, 3 on the 24th, 15 on the 26th, 2 on the 28th, 8 on the 29th and 26 on the 30th while of the 192 in March, 12 were released on the 24th, 19 on the 25th, 6 on the 26th, 12 on the 28th, 7 on the 29th, 21 on the 30th, and 9 on the 31st.

The same conclusion would follow even if only the warrants listed in paragraph 3 of the complaint were considered. Those warrants total 550, released in but 67 days from February to December 1966. Of those warrants, he issued 8 each day on August 2, August 24, September 6, September 20, September 29, and October 11, 9 on November 18, December 13, December 16 and September 8; 10 on March 24, February 8, February 22, June 21, and September 7, 11 on June 27 and December 12; 12 on April 25, May 24, July 5, September 13, October 28 and December 27; 13 on May 6, June 14, and on another unspecified date; 14 on March 25 and June 2; 15 on November 15; 16 on March 16, April 13 and November 28; 21 on March 30; and 22 on November 17.