

[ADMINISTRATIVE ORDER NO. 345, October 16, 1972]

SUSPENDING MR. JOSE T. LLOREN FROM OFFICE AS MUNICIPAL JUDGE OF ITOGON, BENGUET

This is an administrative case filed by Aurelio Lardizabal and his daughter, Juanita, against Municipal Judge Jose T. Lloren of Itogon, Benguet, for allegedly solemnizing an illegal marriage between the complainant Juanita Lardizabal and Jesus Espiritu Jr.

The complaint substantially alleges that the marriage was solemnized without a valid marriage license; and that it was solemnized outside the territorial jurisdiction of respondent and without the consent of complainant Juanita Lardizabal. The respondent denied the charges which were investigated by District Judge Feliciano Belmonte.

The evidence, both oral and documentary discloses that on September 30, 1968, respondent Judge ordered his clerk-stenographer to prepare two applications for marriage licenses for and in behalf of Judge Espiritu Jr. and Anita (probably referring to Juanita) Lardizabal. Both applications were sworn to by the respondent. Aside from the applications, the contracting parties also executed separate sworn statements to the effect that advice of the parents or guardian has been asked, also sworn to by respondent Judge. On the part of Jesus Espiritu Jr., the advice was given by his father, while on the part of Anita Lardizabal, by her guardian, Trinidad Vinculado, although in her sworn application she stated that her mother is alive. On the same date, the clerk-stenographer filed the accomplished applications along with other papers, with the Local Civil Registrar, Mr. Fabian Lanuza. October 12, 1968, the supposed date of marriage, the contracting parties appeared before the respondent at the Binanga Police Outpost at Itogon, who asked them for their marriage license. Failing to show any, and of not explaining that they have gone to the Registrar's Office but found no people there, respondent Judge called up through the telephone the Assistant Local Civil Registrar Mr. Pascasio Lozano, asking the latter to issue the marriage license of Anita Lardizabal and Jesus Espiritu Jr. Mr. Lozano replied that he could not issue the license, as there had been no publication of the notice of the application as required by law. Upon threat of being prosecuted for dereliction of duty, however, Mr. Lanuza, Local Civil Registrar, issued the license on the same day. In the presence of Jesus Espiritu Sr., Trinidad Vinculado and a precinct guard, Anita Lardizabal and Jesus Espiritu Jr. were married by respondent.

Upon consideration of the evidence, the investigating judge found that none of the charge was proven:

First, all the papers required before respondent could solemnize the marriage appeared to be in order.

Second, there was no evidence that the marriage was solemnized in the house of