

[ADMINISTRATIVE ORDER NO. 70, June 26, 1967]

**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 Carlobos 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.