

[ADMINISTRATIVE ORDER NO. 71, June 26, 1967]

**REMOVING MR. ABSTINENCIO B. LOBITAÑA FROM OFFICE AS
MUNICIPAL JUDGE OF DUMINGAG, ZAMBOANGA DEL SUR**

MALACAÑANG
MANILA
BY THE PRESIDENT OF THE PHILIPPINES

This refers to the administrative case instituted by Pablo Galleon against Municipal Judge Abstinencio B. Lobitaña of Dumingag, Zamboanga del Sur, for bribery in that he dismissed Criminal Case No. 266 of his court in consideration of fifty pesos.

Originally, complainant charged respondent with various irregularities in connection with criminal cases pending before his court wherein complainant was involved. However, District Judge Mariano V. Benedicto confined the formal investigation to the circumstances surrounding the dismissal of Criminal Case No. 266 for frustrated murder wherein Pablo Galleon (complainant herein) was the offended party against his father (Gregorio Galleon), his two brothers and Fernando Mangompit. Said criminal case was filed on November 15, 1961, and dismissed by respondent judge on October 16, 1962, or eleven months after.

Complainant presented two witnesses, Gregorio Galleon (accused in Criminal Case No. 266) and Pantaleon Nazareno. The first testified that on the morning of October 16, 1961, while waiting for the trial of said criminal case, respondent judge called him inside his office and borrowed from him fifty pesos so that the criminal case would be dismissed; that Galleon immediately left and borrowed from Pantaleon Nazareno the amount after intimating to the latter that Judge Lobitaña had promised to dismiss the criminal case for fifty pesos; that upon delivery of the amount, respondent told him to wait for the order of dismissal; and that on that same morning he was released from custody after eleven months of detention.

Corroborating Galleon, Nazareno testified that he loaned to the former on October 16, 1961, the amount of fifty pesos after Galleon had told him that the money would be given to respondent in consideration for the dismissal of the criminal case wherein Galleon was one of the accused.

Respondent denied the charge and presented his sole witness, Vice-Mayor Segundo Ando, who testified that on the morning of October 16, 1961, he was present, together with the four accused and their lawyer, the chief of police and several others, in the sala of respondent judge when Criminal Case No. 266 was called for hearing and that respondent did not borrow money from Galleon. Respondent claimed that he dismissed the case upon the insistence of the counsel for the accused.