

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 275

REMOVING MR. LEANDRO P. REYES FROM OFFICE AS MUNICIPAL JUDGE OF  
SAN JOSE, OCCIDENTAL MINDORO.

This concerns Administrative Cases Nos. R-10, R-13, R-15 and R-16 against Municipal Judge Leandro P. Reyes of San Jose, Occidental Mindoro, which were investigated by District Judge Jorge R. Coquia of Occidental Mindoro. The charges are classified under the following headings:

I. Knowingly rendering an unjust judgment.

This charge contained in Administrative Case No. R-10 centers on respondent's order issued ex parte in Civil Case No. 221 directing the defendant Emmanuel Rey Hipolito, son of complainant Cipriano Rey Hipolito, to vacate the disputed property on which respondent had a garage. It was alleged that the defendant in said case was required to answer the complaint within a period less than that given in Section 1, Rule 9, old Rules of Court. No testimonial evidence was presented on complainant's allegations. However, upon agreement of the parties, the investigating Judge relied on the record of Civil Case No. 221.

Respondent explained that he granted the injunctive relief ex parte, in view of his desire to prevent any untoward incident between the parties, as the defendant was then intending to erect a post right through plaintiff's kitchen. He contended that Section 5, Rule 4 of the Rules of Court regulates the filing of an answer in the municipal court and not the one relied on by the complainant. He also denied any interest in the case.

The respondent should have ordered the maintenance of the status quo between the parties pending determination of the main case, considering that the right of possession was then in issue. Moreover, the harm to the plaintiff Rogelio Tiodin was not real because the defendant was then merely intending to erect a post through his kitchen. Respondent's action was precipitate and smacks of partiality in favor of the plaintiff who was his driver-mechanic.

II. Grave abuse of discretion.

The same complainant, Atty. Cipriano Rey Hipolito, in Administrative Case No. R-10 charged that respondent prejudged Criminal

Case No. 1718 (for perjury) against Rogelio Tiodin and that he refused to inhibit himself therefrom despite the fact that the accused was his driver-mechanic. Respondent answered that his rejection of the criminal complaint on the ground that the basis thereof did not constitute the crime of perjury was in accordance with the Department of Justice revised circulars enjoining municipal judges to exercise caution in accepting complaints. To the charge that respondent gave due course to a charge of light threats filed by Arturo Toledo against Primo Tiodin, father of Rogelio, notwithstanding that the original charge was for grave coercion and that he entertained complaints filed by the Tiodins, no matter how ridiculous, the respondent claimed that even the police authorities did not believe that grave coercion was committed by the accused. The investigator made no finding respecting this charge, except that respondent should have disqualified himself from trying the case, as it involved the father of his driver-mechanic. It is believed, however, that the relationship between respondent and Rogelio Tiodin was not a legal disqualification for him to hear the case. His inhibition, therefore, was a matter of discretion (Pimentel vs. Salasga, 21 SCRA 160).

### III. Ignorance of the law.

The charge is set forth in both Administrative Cases Nos. R-10 and R-16. In Administrative Case No. R-10, it was established that in the Mila rape case, the respondent approved the bail bond filed by a brother of accused "Boy" San Diego who was then still at large. Respondent explained that his order for the cancellation of the bond was justified because he had no authority to order the confiscation and/or forfeiture of the same when the accused failed to appear for the purpose of giving final approval thereof. It thus appears that respondent approved the bail bond conditionally although the accused "Boy" San Diego was then still at large. The original warrant of arrest was made ineffectual by the action taken by the respondent as evidenced by his issuance of another warrant of arrest.

In this connection, the Supreme Court has ruled that the filing of a bail bond presupposes that the accused is under custody (Manigbas et al. vs. Luna et al., 98 Phil. 466; Feliciano vs. Hon. Ladislao Pasicolan, 2 SCRA 888). The approval of the bail bond before the arrest of the accused "Boy" San Diego, even if conditionally made, violated the aforesaid ruling of the Supreme Court, which respondent is presumed to know. The error appears, however, to have been committed in good faith and was promptly rectified.

In Administrative Case No. R-10, it was established that in the case of People vs. Panganiban the respondent, believing that the crime committed was homicide instead of murder, dismissed the case and ordered the accused released from custody. The District Judge-Investigator opined that respondent "acted irregularly in dismissing outright the case and in releasing the accused." Respondent should have transmitted the case to the Court of First Instance with his finding that the crime committed by the accused was homicide and not murder. The Provincial Fiscal then would have the opportunity to conduct his own investigation and file the proper information. Respondent's actuation gave the accused the opportunity to remain at large even when the criminal case was refiled in the Court of First Instance, resulting in the government's incurring unnecessary expenses to recapture the accused.

Respondent is also charged with having illegally assumed jurisdiction over Criminal Case No. R-815 wherein Claro Guevarra was accused of violation of Section 53 of the Revised Election Code. The proceedings in said case were nullified and the bail bond posted by the accused was cancelled when the case was elevated to the Court of First Instance. In this connection, Section 187 of the Revised Election Code confers on the Courts of First Instance exclusive original jurisdiction to make preliminary investigations, issue warrants of arrest and try and decide any criminal action or proceeding for violation of the Election Code.

#### IV. Malicious delay in the administration of justice.

Respondent admitted delay in the disposition of Criminal Cases Nos. 1172, 1177, 1178 and 1179 filed against Atty. Pedro P. Florescio for acts of lasciviousness as charged in Administrative Case No. R-10. However, he denied malice, attributing the delay to the desire of the parties to settle the cases amicably and to pressure of work. The reasons given by respondent are not convincing in the face of the injunction addressed to judges that they should discourage the fixing of cases by the parties affected, as the vindication of society should not be subject to the whims and caprices of the parties (p. 129, Revised Circulars of the Department of Justice).

#### V. Grave misconduct and other related acts unbecoming a public official.

In Administrative Case No. R-10, it was shown that respondent, without a hearing previously held, dismissed Criminal Case No. 1717 (People vs. Eufrocino Ramirez). Instead, he merely wrote PC

Captain Fajardo that the facts alleged in the criminal complaint filed by the latter did not constitute falsification of public documents and that paragraph 3, Section 87, Republic Act No. 296 (Judiciary Act of 1948) requires that a preliminary examination of the complainant and his witnesses by means of searching questions be made.

In Administrative Case No. R-15 initiated by Severo Madayag, Jose Septimo and Flacido Robles, it was shown that respondent, during the pendency of a cadastral proceeding authorized to be heard by him, came into possession of the titles of the lands belonging to complainants; that he induced them to sign a special power of attorney authorizing him to mortgage their properties; that the power of attorney was not signed by the principals in the presence of a notary public or witnesses; that he obtained from the PHILASEDECO loans which he used to buy tractors on the security of complainants' properties; and that the mortgage was not released and the titles of the lands of complainants still remained in the hands of the mortgagee for almost eleven (11) years despite complainants' demands. Upon these facts, it is clear that respondent took advantage of his position in securing the signatures of complainants authorizing him to mortgage their properties for his own benefit under the guise that the complainants were his co-partners in a tobacco venture.

#### VI. Abuse of judicial power.

In Administrative Case No. R-13, five specifications were alleged by Congressman Pedro C. Medalla respecting the charges under this heading. Despite complainant's failure to appear, the Investigating Judge nevertheless passed upon the merits of the charges, as they were based on public records filed by public officials and on respondent's admission in his answer.

The first and second specifications cited in the complaint refer to the delay in the issuance of a search warrant applied for by the Philippine Constabulary and the respondent's alleged connivance with smugglers of blue seal cigarettes, some of whom are his relatives. The record shows that in the course of the investigation conducted by the PC of a certain charge of white slave trade, the offended parties, Evelyn and Crispula Conde, mentioned in their affidavits that they were made to sell blue seal cigarettes in the bar owned and maintained by the spouses Sofronio Valeroso and Ligaya Ambrocio. Along with the filing of the criminal complaint against the spouses, an application for search warrant was presented by the PC led by Captain Rodolfo M. Maestro. Respondent claimed that he was then of the impression

that the main purpose of the offended parties and the PC authorities in coming to him that Sunday was in relation to the case of white slave trade; and that he was not asked to give preference to the application for search warrant which was actually attended to only after one o'clock in the afternoon of that same day when the preliminary examination of the witnesses was finished. He, however, remarked jestingly why he would bother himself in "issuing search warrants for blue seal cigarettes that never were there," which remarks he did not expect the PC officers to take seriously. He averred also that he was not aware that his children overheard the conversation respecting the application for search warrant and thus forewarned the parties to be searched. The remarks of respondent, although jokingly made, cast doubt on his sincerity because he had openly admitted that all the search warrants he had issued produced negative results. There is no evidence, however, that respondent had connived with smugglers.

Respondent is therefore guilty of (a) Charge I for acting precipitately in connection with his issuance ex parte of the order ejecting defendant Emmanuel Rey Hipolito from the disputed property, which appeared to be tainted with bias, partiality and prejudice in favor of his driver-mechanic, Rogelio Tiodin; (b) Charge III for erroneously assuming jurisdiction of an election offense and dismissing a murder case on the ground that the offense committed was homicide; (c) Charge IV for delaying the disposition of Criminal Cases Nos. 1172, 1177, 1178 and 1179; (d) Charge V for taking advantage of his position in securing the authority of certain persons who had pending cases before him to mortgage their properties for his own benefit; and (e) Charge VI for delaying the issuance of a search warrant for smuggled cigarettes, thereby casting doubt on his sincerity in the campaign of the government against smuggling.

The foregoing infractions of the law and rules and the non-observance of the proper norm of conduct committed by respondent show that he is wholly unfit to continue in his exalted position as judge.

Wherefore, and as recommended by the Secretary of Justice, Mr. Leandro P. Reyes is hereby removed from office as municipal judge of San Jose, Occidental Mindoro, effective upon his receipt of a copy of this order.

Done in the City of Manila, this 4th day of March, in the year of Our Lord, nineteen hundred and seventy-one.

By the President:

