

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 39

REMOVING MR. AMANDO G. LAZARO FROM OFFICE AS MUNICIPAL JUDGE
OF BALUNGAO, PANGASINAN.

This is an administrative case against Municipal Judge Amando G. Lazaro of Balungao, Pangasinan, who is charged with having approved a falsified bail bond in Criminal Case No. 610 of his court. The case was investigated by the District Judge,

The records show that one Irineo Pimentel was charged with the crime of robbery in Balungao, Pangasinan. For his provisional release, a bail bond was filed, subscribed and sworn to before respondent on June 22, 1961, and approved by him on the same date. The bail bond offered as security consisted of several parcels of land supposedly owned by Samuel Imbuido, Camilo Ducusin, Miguel Fajardo, Aniceto Landingin and Teodoro Salvador, allegedly all of San Fabian, Pangasinan. Criminal Case No. 610 was then forwarded to the Court of First Instance of Pangasinan (at Tayug) for further proceedings, and when the initial hearing was set for March 1963, the sheriff's office was ordered by the court to notify the bondsmen to produce the accused.

A deputy sheriff went to San Fabian to notify the bondsmen, but when he confronted the persons mentioned in the bail bond as bondsmen, Imbuido and Ducusin denied having signed the bail bond or of even being property owners. Fajardo's and Landingin's participation as bondsmen was also discredited by their respective wives who stated that their signatures appearing in the bail bond were forged. The fifth supposed bondsman, Toribio (not Teodoro as appearing in the bond) Salvador, was not contacted because he lived at a distant barrio near the mountains, but a former mayor of San Fabian who personally knew Salvador's signature told the deputy sheriff that the signature on the bond was a forgery.

The Court, convinced that a serious irregularity had been committed, conducted an investigation and ordered the Provincial Fiscal's office to file the corresponding administrative charge or charges against respondent.

During the formal hearing, Imbuido, Ducusin and Fajardo testified, as reported in the sheriff's return, that they did not sign the bail bond; that they did not know the accused

Amando G.

Pimental; that Imbuido and Ducusin were not property owners; that the property allegedly offered by Fajardo as collateral was not owned by him. The deputy sheriff who served the notice of the hearing was also presented and confirmed the statement in his return.

Respondent in his defense maintains that one Atty. Mohamito Libunao, who is well known to him, approached him in the company of certain persons who represented themselves as Imbuido, Ducusin, Fajardo, Landingin and Salvador and proffered an already prepared bail bond; that after inquiry as to their identities, respondent administered the oaths and took for granted their alleged signatures and thereafter approved the bond. Respondent further testified that, as required by Department of Justice regulations, he asked Atty. Libunao to produce a certificate of the municipal treasurer of San Fabian regarding payment of taxes on the lands described in the bond but that he did not require the alleged bondsmen to exhibit their residence certificates, the corresponding data already appearing in the bond.

From respondent's own lips, it is evident that he was negligent in admitting the bail bond which turned out to be falsified. He did not exercise the necessary circumspection which should characterize a judicial mind. Thus, he failed to retain the alleged certificate of the municipal treasurer of San Fabian regarding the payment of taxes on the lands offered as collateral. Since respondent insists that the bondsmen were not known to him, he should have retained a copy of the certificate for the record as proof that the bondsmen were the owners of the property described in the bond. Respondent should have also required the bondsmen to produce or show some evidence of ownership of the lands, such as tax declarations.

Moreover, as observed by the Secretary of Justice:

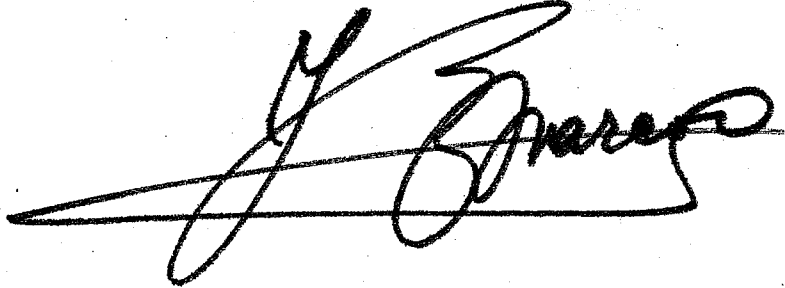
" . . . although respondent declared that he did not require the bondsmen to produce their residence certificates, an examination of the bail bond in question tends to show that respondent himself wrote some of the data concerning such residence certificates. As filled out, the bond is partly typewritten and partly in handwriting. Most of the handwriting is in green ink, including respondent's signature, indicating that the handwriting is that of respondent. This handwriting is similar to that in the order for the release of the accused under bail, as filled out partly in handwriting and signed by respondent.

"The handwritten items in the bail bond, excluding the signatures of the accused and the bondsmen, consist of the name of the accused in the title of the case, the total value of the properties submitted as security, the amount of the bond in words and figures, the date of the bond and the numbers and dates of the residence certificates of two bondsmen, Teodoro Salvador and Aniceto Landingin."


In view of the foregoing, I find respondent guilty of negligence in the performance of his duties. His negligence speaks ill of the diligence and faithfulness in the discharge of the duty expected of him. What is more, he indirectly contributed to the falsification of the bail bond resulting in the delay of the disposition of the criminal case involved.

Wherefore, and upon recommendation of the Secretary of Justice, respondent is hereby dismissed from office as municipal judge of Balungao, Pangasinan, effective upon receipt of a copy of this order.

Done in the City of Manila, this 29th day of March in the year of our Lord nineteen hundred and sixty-seven.



By the President:



RAFAEL M. SALAS
Executive Secretary