

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 71

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

This refers to the administrative case instituted by Pablo Galleon against Municipal Judge Abstinencio B. Lobitafia 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 Lobitafia 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

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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.

The Investigating Judge found that the respondent failed to justify the delay of eleven months in disposing of the criminal case in question; that the respondent deliberately delayed the case in order to weaken the accused who were detention prisoners so that they could become his easy victims; that as a matter of fact, when the respondent demanded ₱50 from the accused Gregorio Galleon in consideration for the dismissal of the case, the accused had to borrow money to comply with the demand; that after he succeeded in securing the amount and given the same to the respondent, the latter forthwith issued an order dismissing the criminal case; that respondent's claim that the dismissal of the case was upon the insistence of defense counsel is not supported by the record of the case, the order of dismissal itself making no mention thereof; that the vice-mayor who testified in respondent's favor could not have known what transpired in the case on October 16, 1962, as he was busy attending the session of the municipal council which, he admitted, was continuous from 8 to 12 o'clock in the morning; and that the respondent failed to establish any sufficient motive why Gregorio Galleon declared against him if it were not true that the dismissal of the case was in consideration of the sum of ₱50 which he had demanded and received.

The findings of the investigator are fully supported by the evidence. In view of the seriousness of the offense committed by the respondent which renders him totally unfit to continue in office, I have no alternative but to remove him from the service as recommended by the Department of Justice.

Wherefore, Mr. Abstinencio B. Lobitafia is hereby removed from office as municipal judge of Dumangag, Zamboanga del Sur, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 26th day of June, in the year of Our Lord, nineteen hundred and sixty-seven.

By the President:



RAFAEL M. SALAS
Executive Secretary