

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES


ADMINISTRATIVE ORDER NO. 345

SUSPENDING MR. JOSE T. LLOREN FROM OFFICE AS MUNICIPAL JUDGE
OF ITOGON, BENGUET.

This is an administrative case filed by Aurelio Lardizabal and his daughter, Juanita, against Municipal Judge Jose T. Lloren of Itogon, Benguet, for allegedly solemnizing an illegal marriage between the complainant Juanita Lardizabal and Jesus Espiritu Jr.

The complaint substantially alleges that the marriage was solemnized without a valid marriage license; and that it was solemnized outside the territorial jurisdiction of respondent and without the consent of complainant Juanita Lardizabal. The respondent denied the charges which were investigated by District Judge Feliciano Belmonte.

The evidence, both oral and documentary, discloses that on September 30, 1968, respondent Judge ordered his clerk-stenographer to prepare two applications for marriage licenses for and in behalf of Jesus Espiritu Jr. and Anita (probably referring to Juanita) Lardizabal. Both applications were sworn to by the respondent. Aside from the applications, the contracting parties also executed separate sworn statements to the effect that advice of the parents or guardian has been asked, also sworn to by the respondent Judge. On the part of Jesus Espiritu Jr., the advice was given by his father, while on the part of Anita Lardizabal, by her guardian, Trinidad Vinculado, although in her sworn application she stated that her mother is alive. On the same date, the clerk-stenographer filed the accomplished applications along with other papers, with the Local Civil Registrar, Mr. Fabian Lanuza. On October 12, 1968, the supposed date of marriage, the contracting parties appeared before the respondent at the Biñanga Police Outpost at Itogon, who asked them for their marriage license. Failing to show any, and after explaining that they have gone to the Registrar's Office but found no people there, respondent Judge called up through the telephone the Assistant Local Civil Registrar Mr. Pascasio Lozano, asking the latter to issue the marriage license of Anita Lardizabal and Jesus Espiritu Jr. Mr. Lozano replied that he could not issue the license, as there had been no publication of the notice of the application as required by law. Upon threat of being prosecuted for dereliction of duty, however, Mr. Lanuza, Local Civil Registrar, issued the license on the same day. In the presence of Jesus Espiritu Sr., Trinidad Vinculado and a precinct guard, Anita Lardizabal and



Jesus Espiritu Jr. were married by respondent.

Upon consideration of the evidence, the investigating judge found that none of the charges was proven:

First, all the papers required before respondent could solemnize the marriage appeared to be in order.

Second, there was no evidence that the marriage was solemnized in the house of respondent in Baguio City. It was held at the Bifanga Police Outpost, Itogon, near Baguio on October 12, 1968, and, therefore, within the territorial jurisdiction of respondent Judge.

Third, Juanita entered into her marriage with Jesus Espiritu Jr. voluntarily, otherwise, after she was taken to Manila by her father to whom she promised to continue her studies in the University of the Philippines in Diliman, Quezon City, where she enrolled after her marriage on October 12, 1968, she would not have rejoined her husband as proven by the fact that they entered into a church marriage in St. Gabriel Archangel Parish on March 22, 1969, in Calocan City before Rev. Fr. Pacifico Ma. Mendoza. These conclusions are amply substantiated by the evidence of record.

The Judge-Investigator, however, finds that respondent acted irregularly in two respects, as follows:

First, the respondent judge insisted on the issuance of the marriage license even after he was informed that there had been no publication of the notice of the application for marriage license and despite the reluctance of the Local Civil Registrar to issue the license for lack of the necessary publication. His actuations contravene Article 63 of the New Civil Code which provides that the marriage license could be issued only after the posting of the notice of the application for ten (10) consecutive days. Respondent's imprudence in asking for the marriage license to be issued by Pascasio Lozano with or without the order of Local Civil Registrar Lanuza, even though he knew that there was no previous posting showed personal interest on his part and was irregular.

Second, neither the father nor the mother of Juanita gave advice as required by law although Juanita was only 18 years old. Juanita stated though, under oath in her application, that her father was dead, and that her guardian was Trinidad Vinculado. There was no evidence that the respondent knew otherwise than what Juanita stated above. However, respondent judge made a

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mistake, probably unintentional, in readily accepting or believing Trinidad Vinculado as Juanita's guardian because the application clearly stated that her mother Petronila Lardizabal is still alive and resides at Tagudin, Ilocos Sur.

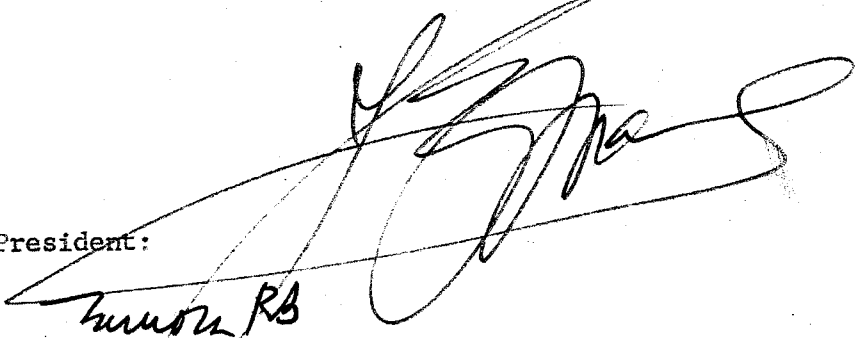
This irregularity was correctly laid at the door of the respondent judge because he had Juanita Lardizabal swear to the truth of her statement that her mother was alive. He should, therefore, not have allowed her to state erroneously that she had sought the advice of her guardian and should not have administered the oath on such erroneous statement.

The proven irregularities of the respondent Judge may be traced to his having taken upon himself the preparation of the papers needed for the issuance of the marriage license when such actuations were outside the duties and functions of his office. Respondent having directed his clerk-stenographer to prepare these papers when it was not his duty to do so, the responsibility for their proper preparation cannot be laid on anybody else except on him.

Wherefore, and upon the recommendation of the Secretary of Justice, Municipal Judge Jose T. Lloren is hereby suspended from office for one (1) year without pay, reprimanded and warned that a repetition of similar misconduct will be dealt with more severely.

Done in the City of Manila, this 16th day of October, in the year of Our Lord, nineteen hundred and seventy-two.

By the President:


RONALDO B. ZAMORA
Assistant Executive Secretary