

*Malacañang*  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 187

IMPOSING A FINE ON MR. LEONCIO A. ROSALES, CLERK OF COURT,  
COURT OF FIRST INSTANCE OF BATANGAS, LIPA BRANCH.

This is an administrative case against Mr. Leoncio A. Rosales, Clerk of Court, Court of First Instance of Batangas, Lipa Branch, for negligence in the performance of his duties. It arose from a letter of Martin Escaris, a prisoner in the national penitentiary, to Mrs. Gabriela Walstrom, asking for assistance in the termination of his allegedly long pending case in the Supreme Court.

Inquiries conducted by the Department of Justice disclosed that Escaris was convicted of murder by the Court of First Instance of Batangas and sentenced to suffer life imprisonment and to pay an indemnity of ₱3,000 in Criminal Case No. 290. The case was appealed to the Supreme Court (G. R. No. L-5562) which affirmed the decision of the trial court on April 29, 1954. Final judgment was entered on May 26, 1954, and the records were remanded to the lower court on June 26, 1954, and received therein on June 29, 1954. On April 8, 1958, the Director of Prisons certified that Escaris was a detention prisoner in the national penitentiary "pending appeal of his case to the Supreme Court."

Upon discovering that no action had been taken on the case by the Clerk of Court for about four years till after an inquiry was made, the Secretary of Justice instituted the present administrative case against respondent and other court personnel. The Judge of First Instance of Batangas, Lipa Branch, conducted the investigation.

Respondent Clerk of Court explained that upon receiving the records of the case, he placed them on the table of Alejandro Macabidang, criminal docket clerk, instructing him to take all further necessary action. Due to pressure of work and as he had confidence in Macabidang who had been doing that job for years, he did not make any further inquiry on the matter.

Macabidang denied respondent's version, claiming that he saw the records for the first time only when inquiry was made by the Department of Justice. Pedro Reyes, janitor, stated that on June 29, 1954, he put the records in the cabinet for terminated cases, having been told to do so by Mr. Andres Alday, now deceased,

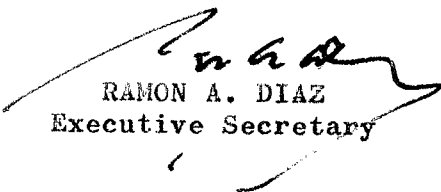
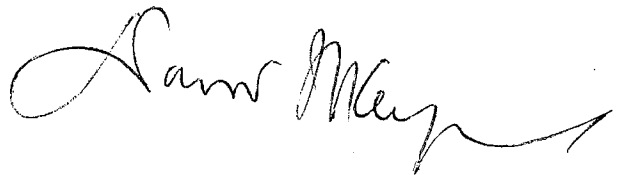
then an employee in respondent's office, upon receiving the records from Alday. At that time the decision of the Supreme Court had not been docketed, nor was the necessary commitment order sent to the Director of Prisons. These were not accomplished until May 10, 1958, after the aforesaid inquiry from the Department of Justice. As a consequence, the decision of the Supreme Court in the above-entitled case, affirming the judgment of the trial court, was not executed until almost four years from the date of its entry. Meanwhile the accused had been confined in Muntinlupa as detention prisoner.

In the light of the above, I agree with the investigating judge and the Secretary of Justice that respondent was negligent in the performance of his duties. The Judge recommends a reprimand for respondent, but the Secretary of Justice feels that respondent should be penalized with a fine equivalent to fifteen (15) days' pay. I believe that both penalties should be imposed, together with a stern warning, if only to impress upon public officials the need for conscientious performance of their duties.

Wherefore, Mr. Leoncio A. Rosales is hereby fined in an amount equivalent to his salary for fifteen (15) days. He is also reprimanded and warned that commission of similar irregularity in the future will be dealt with more drastically.

Done in the City of Manila, this 29th day of December, in the year of Our Lord, nineteen hundred and sixty-five.

By the President:



RAMON A. DIAZ  
Executive Secretary