

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 43

REVOKING ADMINISTRATIVE ORDER NO. 161 DATED DECEMBER 13, 1965,
CONCERNING MUNICIPAL JUDGE EMILIO STA. ROMANA JR. OF
LAUA-AN, ANTIQUE.

Under Administrative Order No. 161 dated December 13, 1965, Municipal Judge Emilio Sta. Romana Jr. of Laua-an, Antique, was suspended from office for one (1) month with reprimand and warning for ignorance of the law in failing to commit to jail the accused after their conviction and allowing fifteen (15) days to elapse before ordering their arrest, thus enabling them to evade sentence.

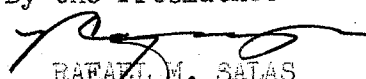
Commenting on respondent's request for reconsideration, the Undersecretary of Justice justifies the action taken by respondent judge as being in accordance with Circular No. 7 dated January 23, 1963, of the Department of Justice, advising all judges of Courts of First Instance of the correct practice which would allow the accused provisional liberty under his original bail bond even upon the promulgation of a judgment of conviction until the judgment becomes final and executory or the accused appeals and files an appeal bond. The Undersecretary admits that the matter of procedure treated in said Circular No. 7 is by no means settled. However, he states, even assuming that respondent judge erred in failing to commit the accused to custody immediately upon the promulgation of the judgment against them, "the fact remains that he respondent erred on a moot question of law over which even judges of superior courts differ. It would seem that to brand him ignorant of the law and suspend him from office therefor under the facts herein stated, was hardly in consonance with fairness and justice."

In the light of the above observations, and after a restudy of the case, I am satisfied that sufficient justifications exist for absolving respondent judge.

Wherefore, and upon the recommendation of the Undersecretary of Justice, Administrative Order No. 161 dated December 13, 1965, is hereby set aside and Municipal Judge Emilio Sta. Romana Jr. exonerated from the charge against him.

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

