

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 327

REPRIMANDING THE HONORABLE JESUS DE VEYRA, DISTRICT JUDGE OF THE
COURT OF FIRST INSTANCE OF MANILA.

This is an administrative case filed with the Supreme Court by the Secretary of Justice against District Judge Jesus de Veyra of the Court of First Instance of Manila for inefficiency, abuse of discretion and violation of laws, rules and regulations. The case was formally investigated by Associate Justice Juan O. Reyes of the Court of Appeals.

The case arose in connection with Criminal Case No. 59840 (for estafa) against Romeo Espiritu y Toledano who was convicted by then District Judge (now Court of Appeals Justice) Magno S. Gatmaitan. The judgment of conviction was appealed to and affirmed by the Court of Appeals and thereafter remanded for execution to the trial court which at that time was presided by respondent. This notwithstanding, respondent set and postponed some forty (40) times the execution of the judgment during the period from August 1965 to October 30, 1970, or for more than five (5) years, and allowed the accused to post an appeal bond twice on September 17, 1968, and October 7, 1969, respectively, after he was arrested and despite the fact that there was no pending appeal, the judgment of conviction having long been affirmed by the Court of Appeals.

Respondent avers that the delay in carrying out the final judgment in the criminal case is attributable to the following: (1) he believes that the administration of justice should be tempered with mercy and the accused given a reasonable period within which to settle his financial affairs so that his family may not be in want during his imprisonment; (2) he was aware that the accused would serve sentence in the city jail of Manila where the conditions are unsanitary and his confinement therein would aggravate his illness or even cause his death, which would be inhuman; (3) the other alternative of having a sick accused confined in a government hospital in Manila was not available due to lack of prison guards; and (4) he had to rely on the faith of the medical certificates under oath presented to him by the accused, the city courts of Manila not equipped with facilities for checking the veracity thereof.

The reasons advanced by respondent did not justify the long delay of more than five (5) years in the execution of the judgment brought about by numerous postponements mostly granted upon motions practically alleging the same grounds, albeit in slightly varied forms.

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As aptly stated by the Supreme Court:

"The monotonous reiteration of the plea of illness (e.g. diarrhea, gastro-enteritis for no less than six times, tumor, appendicitis, influenza, dyspepsia, bronchitis, cold and fever, infected tooth, etc.) should have been sufficient to alert the respondent to the patent probability that the plea was untrue and that the defendant was taking advantage of the leniency of the court, to the extent of making a mockery of justice. And on each of the two occasions when the accused was actually placed under arrest after failing to appear for the reading of the sentence, there was no justifiable reason why the respondent should allow him to post an 'appeal bond' and then order his release instead of proceeding with the execution of the judgment. As the record shows, the respondent issued the last order for the arrest of the accused on January 4, 1971, and rendered judgment against the bond on March 13, 1971, and it does not appear that the accused has been apprehended since then."

However, I agree with the findings of the Supreme Court that there is no evidence that respondent acted in bad faith or out of some unworthy motive. Other than his misplaced feeling of compassion there appears no reason for his undue leniency and failure to take into consideration Section 18, Rule 114 of the New Rules of Court, which provides that no bail shall be allowed after the judgment has become final. No question has been raised as to his honesty and integrity nor is there anything in the record which would reflect upon his character.

Wherefore, Judge Jesus de Veyra is hereby reprimanded and admonished to be more careful in the future.

Done in the City of Manila, this 10th day of May, in the year of Our Lord, nineteen hundred and seventy-two.

By the President:



ROBERTO V. REYES
Acting Executive Secretary