

THE COURT ADMINISTRATOR, COMPLAINANT, VS. LORENZO SAN ANDRES, OFFICER-IN-CHARGE, BRANCH 57, REGIONAL TRIAL COURT, ANGELES CITY, RESPONDENT.

A.M. No. P-89-345. May 31, 1991

Ponente: MEDIALDEA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/024ecd210dad/>

MEDIALDEA, J.:

This administrative complaint stemmed from a decision rendered on August 2, 1985 in Criminal Case No. 1408 entitled “People v. Amable R. Aguiluz V, et al.,” for Illegal Recruitment, by the Regional Trial Court, Branch 45, San Fernando, Pampanga which convicted respondent Lorenzo San Andres, presently the Officer-in-Charge in Branch 57, Regional Trial Court, Angeles City. The dispositive portion of the decision reads:

“ADJUDICATION

“WHEREFORE, the Court hereby renders judgment as follows:

“1. The ‘MOTION TO QUASH and DEMURRER TO EVIDENCE’ dated August 15, 1984 is GRANTED.

“2. Accordingly, the accused AMABLE R. AGUILUZ V and AMABLE R. AGUILUZ VII are ACQUITTED of the crime charged against them;

“3. The accused PONCIANO MIRANDA and LORENZO SAN ANDRES are found GUILTY BEYOND REASONABLE DOUBT of a violation of Arts. 16 and 25, in relation to Article 39 (b), P.D. No. 442, and Section 2, Rule VI, Book I, Rules and Regulations Implementing the Labor Code; and

“4. Therefore, the accused PONCIANO MIRANDA and LORENZO SAN ANDRES are each sentenced to suffer the penalty of imprisonment of SIX (6) years and a Fine of TWENTY FIVE THOUSAND (P25,000.00) PESOS.

“5. The accused PONCIANO MIRANDA and LORENZO SAN ANDRES are ordered to pay jointly and severally, the amounts stated opposite the names of the persons hereunder listed with interest thereon at the rate of SIX (6) per cent per annum starting from March 26, 1979, by way of reimbursement of the fees paid by the said persons to the Eagles Construction and Development Corporation:

a. JESUS ANGELES

P 500.00

b. ARTEMIO B. FAJARDO

P 1,500.00

c. CARLITO N. DEANG

P 1,500.00

d. LUISITO L. TAN

P 1,500.00

e. REMICIO DEANG

P 1,500.00

f. RUBEN L. LACSINA

P 1,300.00

“SO ORDERED.” (pp. 26-27, Rollo)

Upon conviction, respondent was able to avail of the provisions of P.D. 968 (Probation Law).

The Office of the Court Administrator, pursuant to the Resolution of this Court, dated March 12, 1981, initiated motu proprio the filing of this instant case on the basis of the decision rendered in Criminal Case No. 1408. On August 10, 1989, respondent was directed to file an answer/explanation to the charge against him.

Respondent Lorenzo San Andres, in his answer dated August 30, 1989, alleged among other things, that he was merely a victim of circumstances brought about by extreme financial setbacks coupled by an impending foreclosure of his real estate mortgage with the Social Security System, that is why he was induced to join his co-accused in the recruitment of workers for jobs abroad.

Acting on the answer, the Office of the Court Administrator submitted a memorandum dated December 7, 1989, recommending to this Court the dismissal of the respondent from the service with forfeiture of all retirement benefits on the grounds that the respondent having been convicted of a crime involving moral turpitude carries a penalty of dismissal from the service pursuant to P.D. 807; and for acts committed with manifest bad faith, deceit and deliberate intent to hide the truth of having been charged or convicted of a crime when he accomplished his information sheet for employment in the judiciary.

Considering the consequential effects that may be brought about by this instant case, this Court in aid of the exercise of its disciplinary powers, and in order to determine by clear, convincing and satisfactory evidence the liability of the respondent or lack of it, in a resolution dated September 12, 1990, resolved to refer this case to Executive Judge Antonio Descallar, Regional Trial Court, Angeles City for investigation, report and recommendation. On November 22, 1990, the investigating Judge submitted his report, the pertinent portion of which reads:

“R E P O R T

“.....

“This case was first set for investigation on October 16, 1990, but because the undersigned had to leave for

Ozamis City, the said hearing was cancelled.

“In the next hearing on November 15, 1990, respondent appeared and presented documentary evidence (Exhs. ‘1’, ‘2’, ‘3’, ‘4’, ‘5’, ‘6’ and ‘7’) which are hereto attached as parts of this report.

“The task assigned is for the undersigned to investigate ‘specially with regard to the issue of conviction of and concealment of the charge of illegal recruitment at the time of reemployment of respondent, Lorenzo San Andres, the stenographic reporter . . .

“Exhibit ‘1’ in its item no. 27 (the reverse page of said exhibit), the question asked of the respondent was as follows:

‘27. Have you ever been convicted for violating a law, decree, ordinance or regulations, by any court or tribunal? ____ Yes ____ No. Have you ever been convicted for any breach or infraction by a military, naval or constabulary tribunal or authority, or found guilty of an administrative offense? ____ Yes ____ No. If yes to any question give particulars below.’

“The respondent encircled ‘No’ as answer to the first question.

“When respondent made the said answer on May 5, 1980, he had not yet been convicted for violating any law, decree, etc., by any court as the decision of the Regional Trial Court of Pampanga dated August 2, 1985, convicting him of illegal recruitment, had not yet been issued. The respondent could not have known of it on May 5, 1980. Needless to say, he was presumed innocent before such judgment was rendered (1973 Constitution, Article IV, Section 19). It is also to be noted that the question (No. 27) does not ask whether or not he had been ‘charged’ but asked of ‘conviction’ only.

“The respondent readily admitted in his explanation dated August 30, 1989, which is part of the record (pp. 30, 31 and 32), of his having been convicted of illegal recruitment narrating therein the circumstances which lead to that conviction. It can be said then that, after his conviction or after he was made to explain by the Office of the Court Administrator in the letter dated August 10, 1990 (pp. 28-29 of the record), the respondent did not conceal or try to hide his having been convicted. It might be that the accused did not immediately, after knowing of his conviction, take the initiative to inform the Supreme Court thereof, but as he explained during the investigation, he did not do so because:

‘Q. But you did not inform the Supreme Court after you were convicted?

‘A. I did not, Sir, because I immediately applied for probation. I consulted the Probation Officer when I applied for probation if there is something wrong and if it will result to any problem with respect to my being convicted, and according to her there was nothing wrong. As a matter of fact, there was one probationer who works with the Department of Justice. His case was even graver than my case because his case involved in malversation of public funds.’

“The accused presented Exh. ‘2’ the order of the court granting him probation. One of the conditions (‘D-6’) is that the respondent is to ‘Meet his family responsibility’ which obviously means that he has to look for and keep a job to be able to provide for his family.

“The case of *Baclayon vs. Mutia*, 129 SCRA 148 can serve as precedent in this case of the respondent. A public teacher who was convicted of serious oral defamation against her school principal while they were engaged in the discharge of their duties during office hours, was allowed by the Supreme Court to continue to teach by deleting the probation condition that she ‘refrained from continuing her teaching profession which, said the Supreme Court, has been the lifetime and only calling and profession of the petitioner’ (Ibid. p. 154). In this case to dismiss the respondent from his position as Court Stenographer, for which he had trained himself and in which he has been engaged all the years he has been in government service and, to paraphrase what the Supreme Court has

said, stenography has been his lifetime and only calling or profession, would be to go against the compassion shown by the Court in the cited case. The Supreme Court further said:

‘Respondents contend . . . she must likewise suffer the accessory penalties of suspension from public office and from the right to follow a profession or calling, and that of perpetual special disqualification from the right of suffrage. This cannot apply to petitioner, however, because she was granted probation. The imposition of her sentence of imprisonment was thereby suspended and necessarily, the imposition of the accessory penalties was likewise thereby suspended.

‘An order placing defendant on ‘probation’ is not a ‘sentence’ but is rather in effect a suspension of the imposition of sentence. It is not a final judgment but is rather an ‘interlocutory judgment’ in the nature of a conditional order placing the convicted defendant under the supervision of the court for his reformation, to be followed by a final judgment of discharge, if the conditions of the probation are complied with, or by a final judgment of sentence if the conditions are violated. (Ibid. p. 154)’

“It is pertinent to point out that the penalty which was imposed by the trial court on the respondent does not carry with it the imposition of disqualification to hold public office.

“It may also be noted that the Civil Service Law, PD No. 807, Section 86, Paragraph 10, provides that a civil service employee shall be removed from the service for ‘conviction of a crime involving moral turpitude.’ The undersigned states his humble view that recruitment of persons for purposes of employment or labor is not in itself an evil, a ‘malum in se’. Ever since men engaged in economic production be it agricultural or industrial, there has always been recruitment of workers. It becomes a violation of law only if done in our times without the required license to do so. ‘Moral turpitude’ is:

‘an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man.’ (Bouvier’s Law Dictionary, John Bouvier, Volume II, page 2247)

“It is the undersigned’s humble view that moral turpitude must attach only to acts mala in se and not to those which are illegal due to prohibition by law for reasons of public policy.

“.....

“Finally, in the decision of the RTC of Pampanga, convicting the respondent, it is stated;

‘37. It is not disputed that: SAN ANDRES AND MIRANDA were volunteer employees who were later on made officers of the ECDC receiving no compensation therefore and that SAN ANDRES did join the ECDC, in the hope that he would be among those first to be sent to Nigeria for employment. The Court has taken this circumstances which is favorable to them, in imposing on them the penalty of imprisonment of SIX (6) years and a FINE OF TWENTY-FIVE THOUSAND (P25,000.00) PESOS. (Decision, Criminal Case No. 1408, p. 24 and p. 25 for the record) (Underscoring supplied).

“In view of the foregoing, it is respectfully recommended that the administrative case against the respondent be dismissed and that the respondent be allowed to go on serving as court stenographer under his reappointment which have been approved before his conviction.

“November 22, 1990, Angeles City.” (pp. 1-4, Report)

We are in full accord with the finding of the investigating Judge that the case against the respondent be dismissed. It has been established that respondent has not yet been convicted in Criminal Case No. 1408 when he sought re-employment in the Judiciary sometime in May, 1980. The herein respondent did not commit any misrepresentation when he answered item No. 27 of his information sheet when he sought re--employment and

therefore did not constitute a ground for disciplinary action provided for under P.D. 807.

Anent his conviction for illegal recruitment, We find no cogent reason to modify or disturb the submission of the investigating judge that notwithstanding respondents' conviction, it should not be held against him because the crime committed is not one involving moral turpitude. Moral Turpitude "implies something immoral in itself regardless of the fact that it is punishable by law or not. It must not merely be mala prohibita, but the act itself must be inherently immoral. The doing of the act itself, and not its prohibition by statute, fixes the moral turpitude. Moral turpitude does not, however, include such acts as are not of themselves immoral but whose illegality lies in the fact of their being positively prohibited." (Zari vs. Flores, Adm. Matter No. ([2170-MC] P-1356,94 SCRA 323). The undisputed fact that herein respondent was a volunteer employee of the recruitment agency, receiving no compensation, and had only hoped that he would be deployed for overseas employment readily shows that he himself was a victim of the unscrupulous acts of others who had capitalized on his service, not aware that he would be prejudiced at the end. From the documents on file in this administrative case and considering the report submitted by the Judge tasked to investigate, We are inclined to resolve this case in favor of the respondent.

ACCORDINGLY, the case against respondent Lorenzo San Andres is hereby DISMISSED for lack of merit.

SO ORDERED.

Narvasa, (Chairman), Cruz, and Gancayco, JJ., concur.

Griño-Aquino, J., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.