

**FLORENCIA SEALANA-ABBU, COMPLAINANT, VS. JUDGE FLORANTE E. MADRONO, RESPONDENT.***A.M. No. 92-1-084-RTC. October 20, 1992*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-92-1-084/>**PER CURIAM:**

For resolution herein are two administrative complaints filed against respondent Judge Florante E. Madrono of the 4th Municipal Circuit Trial Court of Balingasag-Lagonglong, Misamis Oriental.

**I**

Adm. Matter No. 92-1-084-RTC is a letter-complaint filed by Asst. Provincial Fiscal Florencia Sealana-Abbu against respondent Judge for inappropriate application and/or grant of bail bonds. The complaint was filed before Actg. Executive Judge Alfredo J. Lagamon of the Regional Trial Court of Misamis Oriental, who was tasked to investigate the same.

It appears that in *People vs. Nepomuceno Valerio*, docketed as Crim. Case No. 8041 filed by complainant Assistant Fiscal before the Court presided by respondent Judge, the accused therein was charged with illegal possession of firearms. The accused subsequently applied for bail. Under Sec. 1, P.D. 1866, as amended, said offense is punishable by reclusion temporal in its maximum period to reclusion perpetua. Respondent Judge, however, granted bail in the amount of P5,000.00 only. Upon motion for reduction of bail filed by P/Maj. Aquilino C. Ipan, Station Commander of Balingasag, Misamis Oriental, in behalf of the accused, respondent Judge without notice to the prosecution of said application further reduced the amount of bail for the provisional release of the accused to P3,000.00.

Executive Judge Lagamon in his report dated June 2, 1992, recommends that respondent Judge be reprimanded for precipitately granting and/or reducing the bail bond of accused Nepomuceno Valerio without prior notice to the prosecution. His findings and recommendations are as follows:

“The penalty for illegal possession of firearms under Section 1 of P.D. 1866 is reclusion temporal in its maximum period to reclusion perpetua. The office of the Provincial Prosecutor and office of the City Prosecutor in Cagayan de Oro City following the guidelines in Department of Justice Circular 10-8 directing the prosecutors to recommend the amount of P10,000.00 per year of imprisonment, generally recommends between P170,000.00 to P300,000.00 or no bail. The order of the respondent judge granting bail in the amount of P3,000.00 was much too low.

“Taking into consideration that the Court has only preliminary jurisdiction, sound practice would have dictated that the office of the Provincial Prosecutor be notified of any motion to allow bail or for reduction of bail bond. In the instant case, the Provincial Prosecutor was never notified of the motion. In fact, the complaint against the respondent was initiated by Asst. Provincial Prosecutor Florencia D. Sealana-Abbu. When a warrant of arrest was issued by the respondent judge dated August 6, 1986, he already fixed bail in the amount of P5,000.00 and there is no showing that the same was upon recommendation or with the acquiescence of the prosecution.

“The fact that the accused did not jump bail may be appreciated as a mitigating circumstance.

“The undersigned, therefore, recommends that the respondent Judge Florante E. Madrono be reprimanded.”

We agree with the findings and recommendation of Executive Judge Lagamon. Nevertheless, in view of the fact that respondent Judge had already been dismissed from the service in Adm. Matter MTJ-90-833, entitled “Venustiano Saburnido vs. Judge Florante Madrono” (promulgated June 15, 1992), this case has been rendered moot.

## II

Adm. Matter No. MTJ-90-486 was initiated by the spouses Venustiano and Rosalia Saburnido in a letter-complaint dated April 10, 1990 addressed to the then Executive Judge Celso P. Largo.

In the said letter-complaint, Venustiano Saburnido, member of the Philippine National Police, alleged that on March 22, 1989, he was a member of a police patrol team on board a pumpboat which seized and apprehended smuggled goods, all brand-new and foreign-made, while patrolling the waters of Misamis Oriental. The following day, the seized goods were deposited inside the office of respondent Judge upon the filing of a criminal case for smuggling against the perpetrators thereof. The case was docketed as Crim. Case No. 8398, entitled “People vs. Antigua.” Respondent Judge issued a receipt for the seized goods which included 21 small TV sets, 12 big TV sets, 5 tires and 1 Toshiba refrigerator.

In his report dated June 8, 1992, Actg. Executive Judge Alfredo J. Lagamon, who conducted the investigation of this case (after the retirement of then Executive Judge Celso P. Largo), stated as follows:

“This case was initiated by Venustiano Saburnido and his wife Rosalia A. Saburnido per their letter-complaint dated April 10, 1990 addressed to Executive Judge Celso P. Largo, alleging that 33 TV sets which were deposited in trust with the respondent on March 23, 1989 were sold to different buyers.

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“Former Executive Judge Celso P. Largo referred the complaint of Mr. and Mrs. Saburnido to the Regional Director, NBI, Region 10 requesting immediate investigation stating that rumors have been circulated that subject TV sets were allegedly sold and deliberately changed with damaged or destroyed ones with different serial numbers.

“On July 4, 1990, former Executive Judge Celso P. Largo wrote a letter to Municipal Circuit Trial Court Judge Madrono which was handcarried by NBI agents who were going to conduct a physical audit of the TV sets and other items which were deposited in court. The members of the team were Assistant Director Benjamin S. Hughes, NBI Agents Attys. Justiniano Parras, Virgilio Mendez, and Teresita L. Lim, State Audit Examiner, COA-NBI.

“During the ocular inspection, the team headed by NBI Asst. Regional Director Hughes found in the sala of respondent Judge Madrono the following:

- a) Five (5) units Television sets
- b) Three (3) pcs. used Tires
- c) One (1) unit Refrigerator

“All the TV sets and tires were found to be unserviceable, and beyond economical repair. Eighteen (18) acknowledgment receipts of the TV sets borrowed by different persons were also submitted.

“The report noted that the acknowledgment receipts were not the official memorandum receipts (General Form No. 32-A) and bear no indication as to the complete specifications of the TV sets borrowed.

“During the trial, NBI Assistant Regional Director Benjamin S. Hughes affirmed that the NBI Regional Office was requested by former Executive Judge Celso P. Largo to conduct an investigation regarding the complaint of the spouses Venustiano and Rosalia Saburnido and identified the complaint.

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“The final report of the NBI made the following recommendations:

‘Therefore, when subject Judge Madrono allowed and/or consented the numerous military police officers as well as some civilian government authorities to borrow said TV sets, even under receipts, he thereby becomes liable as a consequence thereof - for the crime of Malversation of Public Funds or Property as provided for under Article 217 of the Revised Penal Code, to wit: “Art. 217. Malversation of Public Funds or Property - Presumption of Malversation. - Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, or through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

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‘In view of the foregoing, it is respectfully recommended that Subject Judge Florante E. Madrono be prosecuted for Malversation of Public Funds or Property above stated. Furthermore, administrative charges may be filed against him for allowing military/police officers as well as civilian government officials to borrow the TV sets submitted to his office as exhibits or evidence resulting in substitution and loss of the same. Further, that RTC Executive Judge Celso Largo of Misamis Oriental be furnished copy of our findings.’

“Complainant Venustiano Saburnido is a member of PNP with a rank of Senior Police Officer I. He declared that on March 22, he was a member of a team that patrolled the sea of Misamis Oriental and he saw a pump boat (motorboat) loaded with smuggled goods consisting of TV sets, tires, a Refrigerator, and four (4) Honda Motorcycles. The pump boat was apprehended and escorted to the seashore. The items smuggled were brought to the police station. The following day, the case was filed in Court and the items smuggled were deposited in court. He identified a Receipt issued by respondent Judge Madrono showing that he received 21 small television sets, 12 big television sets, 5 tires, and 1 Toshiba refrigerator. Complainant Saburnido observed that the items deposited in court could no longer be found in the office of the respondent judge. Having heard that some of the television sets were sold and some were borrowed, he reported one matter to former Executive Judge Celso P. Largo through a letter dated April 10, 1990.

“Respondent Judge Florante E. Madrono admitted that there were 33 television sets deposited in his office and at the time of the inspection of the NBI, 27 television sets were borrowed by several persons under his responsibility. The respondent Judge explained that the station commander recommended that it be placed in the possession of several persons for safekeeping because it might get lost in his sala which has a common door with PopCom, Comelec, and Municipal Assessor. Further, the courtroom became crowded and the functions of the court was hampered and that they could hardly move in his courtroom. He was not aware that the smuggled items should be delivered to the Bureau of Customs because it was the case of first impression in his sala. There was no other purpose except to secure the items and there was an assurance that it will be made available during the trial and he was, selective who shall take custody of the TV sets.

“Respondent denied that he ever sold a single TV set and if there is any evidence establishing that he sold a single item, he will enter a plea of guilty. He asserted that not one TV set among those deposited was ever lost. After the filing of the administrative complaint, respondent issued an order to all the persons who borrowed the

items from the court to turn over the same. Some were delivered directly to the NBI for custody and safekeeping. The 33 TV sets are now in the possession of Crispin G. Wong, Supply Officer of the Bureau of Customs, Port of Cagayan de Oro City and he presented the receipt dated April 14, 1992 at 11:00 A.M. showing that the 33 TV sets were in custody of the Bureau of Customs. Judge Madrono expressed his great sacrifice and pain in recovering the TV sets.

“Judge Madrono declared that Criminal Case No. 8398 is still pending in Court because the PNP has not complied with the order to turn over the pump boat that was lost in the custody of the PNP. He assured that it will be terminated in three weeks time.

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“Upon motion of complainant, the Court issued an order dated May 8, 1992 that an ocular inspection shall be conducted on May 19, 1992 at 10:00 o'clock in the morning of the television sets, refrigerator, and tires which were deposited in the Bureau of Customs. During the ocular inspection, neither the complainants nor the respondent appeared although they were furnished copy of the order of the Court.

“The undersigned found during the ocular inspection 12 big TV sets and 15 small TV sets. Not a single big double screen TV set can be found. All were of old vintage, unserviceable, non--functioning, and beyond economical repair.

“The 5 tires submitted by respondent to the Bureau of Customs are the following:

1. Good Year Tire, SN A42M-TKYR 5.750x14 8 ply; Made in the Philippines
2. BF Goodrich, SN AWO82A 700x16 10 ply; Made in the Philippines
3. Firestone, SN L19P11474 700x16 8 ply Made in the Philippines
4. Firestone, SN K19W15837 700x16 10 ply Made in the Philippines
5. Good Year Tire, SN 193225 750x16 8 ply

“All the tires are Philippine made, worn-out, four (4) show evidence of having been recapped, two (2) suffered explosions, and all are beyond economical repair. The tires which were deposited per testimony of Station Commander Tagotongan were all brand-new. Pictures of the TV sets and the tires were taken and are now attached to the records.

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“In fine, the undersigned finds respondent Judge Florante E. Madrona guilty of the following:

“1. (a) Failure to comply with Memorandum Order No. 225 issued by her Excellency Corazon C. Aquino dated March 17, 1989 and Section 602(g) of the Tariff and Customs Code by not turning over to the Bureau of Customs the articles confiscated from the defendants.

“(b) Failure to comply with the Warrant of Seizure and Detention dated May 31, 1989 and the letter of the District Collector of Customs to respondent dated August 30, 1990 regarding turnover of the apprehended items which were deposited in court.

“(c) Long delay of the delivery of the items to the Bureau of Customs which was made only on April 14, 1992 or after a lapse of more than three (3) years.

“2. Recklessly allowing the TV sets which were placed in custody of the Court to be borrowed by different civil and military officials without requiring Memorandum Receipts (Gen. Form No. 32-A), wherein the serial number and other identifying marks should be indicated, thus, allowing the sub-stitution of the borrowed items

with TV sets that are most if not all beyond economical repair, worthy only of the junk yard.

“3. Failure to terminate the preliminary investigation of Criminal Case No. 8398 for more than three years.

“4. Disappearance of the brand new tires and the vulgar substitution of the same with overused, worn-out, beyond economical repair Philippine-made tires.”

and recommends that respondent Judge be found guilty of gross misconduct and that proper disciplinary action be imposed upon him.

We agree with the findings and recommendations of investigating Judge Alfredo J. Lagamon regarding the serious and gross misconduct committed by respondent Judge Florante E. Madrono in the case at bar.

The penalty against a judge found guilty of several violations is dismissal from the service with forfeiture of all salaries, benefits and leave credits to which he may be entitled and with prejudice to reemployment in the government service, including government-owned or controlled corporations. The Court stresses that this action is without prejudice to any criminal or civil liability which may have arisen from the acts complained of in these cases (*Reyes v. Faderan*, 186 SCRA 547 {1990}).

ACCORDINGLY, respondent Judge Florante E. Madrono is found guilty of gross misconduct and should be ordered dismissed from the service. Considering, however, that respondent judge had already been ordered dismissed from the service without forfeiture of retirement benefits, but with prejudice to reinstatement, in Administrative Matter No. MTJ-90-383 entitled “*Venustiano Saburnido vs. Judge Florante Madrono*,” promulgated June 15, 1992, the instant finding of another cause for his dismissal has been rendered superfluous. Nevertheless, in view of the gravity of the offense herein committed by respondent Judge Florante E. Madrono, the FORFEITURE OF RETIREMENT BENEFITS and leave credits to which he may be entitled is hereby ordered as additional penalty to dismissal from the service ordered in A.M. MTJ-90-383.

Let a copy of this Resolution be furnished the Department of Justice for whatever action it may deem appropriate in the premises.

**SO ORDERED.**

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Grino-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Campos, Jr., JJ., concur.

Medialdea, J., on leave.

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