

REMOVING MR. VICENTE M. SALUMBIDES FROM OFFICE AS MUNICIPAL JUDGE OF TAGKAWAY QUEZON

ADMINISTRATIVE ORDER NO. 41, March 29, 1967

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This is an administrative case against Municipal Judge Vicente M. Salumbides of Tagkawayan, Quezon for neglect and dereliction of duty.

From the records, it appears that respondent conducted the preliminary investigation of Criminal Case No. 1535 of his court charging Feliciano Balais with qualified seduction. The complainant and offended party therein is the same complainant herein. After the termination of the second stage of the preliminary investigation on November 21, 1961, counsel for complainant was informed on February 21, 1962, by respondent that the case would be transmitted to the Court of First Instance of Quezon Province. On May 10, 1962, counsel for complainant verified that the records of the case had not been sent either to the Court of First Instance or the Office of the Provincial Fiscal, thus he wrote respondent on May 18, 1962, requesting that the records be immediately transmitted to the Court. Respondent did not answer this letter.

On July 18, 1962, counsel for complainant again inquired from respondent about the records of the case and was informed that the latter gave the papers to the chief of police of Tagkawayan but that the same could not be transmitted because of the lack of available postage stamps. However, on August 17, 1962, respondent informed counsel for complainant that the records had long been sent to Gumaca, Quezon, thus the latter wrote to the clerk of Court requesting him to show the “records to the Assistant Provincial Fiscal assigned therein so that proper action can be taken.” The clerk of Court, however, answered that the records of the case had, not been received by his office. The chief of police also stated on September 8, 1962, that he does not remember having received from respondent the records in question. Up to August 24, 1964, at least, the date when the Presiding Judge of the Court of First Instance of Quezon at Gumaca, and also the Investigating Judge of this case submitted his report, the records of the criminal case had not been transmitted by respondent.

Respondent, despite proper notice, neither submitted an answer nor appeared at the hearings. In fact, numerous postponements of the hearings were had just to accommodate him but in vain did the court await even the courtesy of an answer to the charges or an explanation of the delay in the transmittal of the records of Criminal Case No. 1535 of his court.

Respondent dismally failed in the discharge of his duty imposed by Section 12, Rule 112 of the Rules of Court which provides:

“SEC. 12. Transmission of record.—Upon the conclusion of the preliminary investigation, the judge or corresponding officer shall transmit without delay to the clerk of the Court of First Instance having jurisdiction of the offense the record of the case, including . . .”

The Investigating Judge was therefore correct, when appreciating the evidence, he stated:

“After a perusal of the whole record there is no doubt that as far back as November 21, 1961, the preliminary investigation of the case for qualified seduction against Feliciano Balais filed by complainant Emilio Perez was

terminated; but up to this date the respondent has not forwarded the record to this Court. . . . No reason whatever has been given by the respondent for the delay notwithstanding the repeated demands of the complainant and the orders of the Court, hence the conduct observed by the respondent is highly reprehensible and seriously reflects on his attitude, his conduct and behavior as a judicial officer.

“Considering the nature of the criminal case submitted to him for preliminary investigation, he should have taken into account the fact that the aggrieved party is a poor servant girl or domestic who apparently had been abused by the son of her master. The obligation was therefore greater on his part to be a little more considerate in such a case”

Even respondent’s conduct in the course of the proceedings is equally reprehensible and censurable demonstrating as it does his contemptuous disregard of the judiciary to which he belongs. Three orders of the district judge requiring him to answer the complaint before the investigation began were totally ignored; twice the investigation was postponed at his mere telegraphic request but neither did he appear in court the third time the case was set for hearing as on several times thereafter notwithstanding previous orders sent to him either to answer the complaint or to present his evidence.

In view of the foregoing, I therefore find respondent guilty of gross neglect and wanton dereliction of duty rendering him unfit to continue in office as a judge.

Wherefore, Mr. Vicente M. Salumbides is hereby removed from office as Municipal Judge of Tagkawayan, Quezon, effective upon receipt of a copy hereof.

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

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) RAFAEL M. SALAS
Executive Secretary

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