

**BONIFACIO BAYHON, COMPLAINANT VS. EMILIANO C. TABIGNE,
ASSOCIATE JUDGE OF THE COURT OF INDUSTRIAL RELATIONS,
MANILA, RESPONDENT.***Adm. Case No. 178-J. January 20, 1975*

Ponente: FERNANDO, J.

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It was on the basis of what complainant Bonifacio Bayhon, presumably acting for the Federation of Free Workers, considered as rash and precipitate action on the part of respondent Judge of the Court of Industrial Relations, Emiliano C. Tabigne, since then retired, that this administrative complaint for misconduct and dishonesty was filed. More specifically, it was alleged therein that in less than a month after a charging lien was It was shown, however, that the Court of Industrial Relations en banc nullified the same. The basis of the complaint was that there was unusual dispatch in the action of respondent judge, the implication being that there was expectation on his part to share in the bounty that would result from the approval of such charging lien. There was no specific allegation to the effect, however, but it was more than just hinted at.[1] This Court, in a resolution, required an answer from respondent judge. In the answer submitted, the allegation concerning the alleged "unusual dispatch" was denied, it being stated that while the hearing was set on January 8, 1970, with the Federation of Free Workers being represented, it was cancelled due to the absence of the president of the Kapisanan Ng Mga Manggagawa Sa La Suerte Cigar and Cigarette Factory, the parties thereafter agreeing that it be held on January 12, on which occasion the Federation was again represented.[2] There was then, so it is maintained, nothing unusual in the order complained of being issued nineteen days later, on January 31, 1970. Such actuation was, moreover to be expected, considering the evidence submitted. The prayer was for the dismissal of the complaint for lack of merit.

The complaint was thereafter referred to the then Associate Justice Eulogio Serrano of the Court of Appeals who heard the parties. Instead of preparing a report and recommendation, the then Justice Serrano returned the records of the case, including the exhibits of both parties and other pertinent papers on the belief that with the retirement of Judge Tabigne, as certified by the filed by counsel of a labor union, Kapisanan Ng Mga Manggagawa Sa La Suerte Cigar and Cigarette Factory, there came from respondent an order granting the same, then Undersecretary of Justice Guillermo Santos, the case had become moot and academic. On March 1, 1973, the following resolution was issued by this Court: "Considering the letter of Hon. Justice Eulogio Serrano of the Court of Appeals, informing this Court that although the investigation of this case conducted by him pursuant to the resolution of September 8, 1970 has already been completed, he is returning the complete records of the case with exhibits and copies of the stenographic notes taken during the said investigation without a report and recommendation thereon in the belief that this case has become moot and academic in view of the retirement of respondent Judge Tabigne, the Court Resolved to require the complainant to [comment] on said letter, within ten (10) days from notice hereof". The complainant was averse to the case being considered moot and academic, as shown by his Manifestation of March 14, 1973, setting forth that while respondent had retired he was entitled to some benefits under the Government Service Insurance Act which could be forfeited if he were found guilty. In his reply to such

manifestation, respondent stressed that the case against him should be terminated as he had been compulsorily retired. Moreover, he reiterated his stand that what was done by him in allowing a charging lien to be filed by a counsel for a labor union did not suffice to call for disciplinary action based on the complaint for serious misconduct and dishonesty.

Respondent must be sustained. This is one case where the compulsory retirement of respondent had rendered the matter moot and academic. No useful purpose would be served by acceding to the plea of complainant that there be further inquiry on the matter. On its face the complaint would indicate that what was done by respondent judge, even if objectionable, hardly could be characterized as dishonesty. What is undeniable is that there was a paucity of evidence to that effect. What was offered before the then Associate Justice Serrano did not meet the standard required. A finding of culpable conduct would thus be unwarranted. The futility of any further steps being taken is thus apparent. Then, too, it is well-settled that termination of official relations does call for putting an end to an administrative investigation. Lastly, it is once again appropriate to recall the authoritative doctrine first announced by Justice Malcolm, and thereafter adhered to consistently, that an administrative complaint, being penal, must be proved beyond reasonable doubt.[3]

WHEREFORE, this administrative complaint is hereby dismissed.

Makalintal, C.J., Barredo, Fernandez, and Aquino, JJ., concur.

Antonio, J., was on sick leave.

[1] Complaint, paragraphs 5-8.

[2] Answer, paragraph 5.

[3] In re impeachment of Horrilleno, 43 Phil. 212 (1922).

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