

ANGEL RECONOSE, COMPLAINANT, VS. MUNICIPAL JUDGE TEOFILO N. TUMULAK OF LIBONA, BUKIDNON, RESPONDENT.

Adm. Matter No. 329-MJ. April 30, 1976

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

At the time of the effectivity of the present Constitution, among the administrative cases referred to this Court by virtue of the provision vesting supervision in this Tribunal over all courts[1] were those filed against respondent Teofilo N. Tumulak, then Municipal Judge of Libona, Bukidnon. There were three such charges, but two of them, one for alleged electioneering and the other for alleged connivance in the falsification of a deed of sale, submitted in letter-complaints, were not verified. There was lacking then the juridical basis for a formal investigation. The third was for alleged ignorance of the law. It was duly investigated by District Judge Dominador Zuño. This case arose from a prosecution against a certain Macario Alimocon for unlawful destruction and/or occupation of public forests contrary to law.[2] There was an admission by the accused of the facts constituting the offense, but, as noted by the investigating Judge Dominador Zuño, respondent Judge was responsive to a highly emotional appeal on the part of the accused and failed to include in his decision the ejectment therein of the area described in the complaint as being unlawfully possessed. While there was a failure to apply fully the applicable provision, still Judge Zuño noted in his report that there was "no substantial prejudice to the government" as the accused did voluntarily vacate that portion of the land involved which exceeded what was previously occupied by him, having inherited the same from his ancestors.

There were subsequent developments. The records likewise show that on May 31, 1973, the resignation of Judge Teofilo N. Tumulak was accepted by the President. Under the circumstances no further action need be taken on these administrative cases against Teofilo N. Tumulak.

WHEREFORE, the administrative complaints against respondent Teofilo N. Tumulak are hereby dismissed for being moot and academic.

Barredo, (Acting Chairman), Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] According to Article X, Section 6 of the Constitution: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

[2] Republic Act No. 3701 (1963).

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