

**NARDO MERCADO, COMPLAINANT, VS. INOCENCIO M. JAURIGUE,
MUNICIPAL JUDGE OF SAN JOSE, OCCIDENTAL MINDORO,
RESPONDENT.**

Adm. Mat. No. 1724-MJ. March 24, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

On August 12 and 17, 1976, Nardo Mercado filed in the municipal court of San Jose, Occidental Mindoro complaints for slight physical injuries and slander against Bonifacio Brillantes (Criminal Cases Nos. 5943 and 5947).

Respondent judge conducted the preliminary examination on August 18, issued a warrant of arrest on August 19 and scheduled on August 27 the arraignment and trial of the accused.

On that date, the fiscal presented two witnesses. The continuation of the trial was scheduled on September 28, 1976. Accused Brillantes did not appear in court on that date. Respondent judge ordered his arrest and confiscated his bail bond (p. 13, RoIIo).

The hearings scheduled on October 18 and 19 and November 3, 4 and 5 were cancelled upon motion of the accused. At the hearing on November 22 and 23, the fiscal presented one witness and the offended party, Nardo Mercado. The continuation of the trial was set for December 28, 1976. It was agreed at that hearing that the payrolls presented by the defense should be submitted to a handwriting expert of the National Bureau of Investigation to determine the authenticity of Nardo's handwriting therein. No hearing was held while that matter was pending in the NBI.

Upon the receipt of the NBI's report of examination on February 15, 1977, the cases were set for hearing on March 30, 1977. On that date, exhibits of the prosecution were admitted.

The subsequent scheduled hearings were cancelled upon motion of the defense. At the hearings on July 5 and 6 1977, the defense presented four witnesses including the accused Brillantes.

At the hearing on October 17, 1977, accused Brillantes was cross-examined. A witness from the NBI testified.

Respondent judge in his decision dated June 7, 1978 convicted accused Brillantes of lesiones leves and imposed upon him a fine of one hundred pesos. He also convicted Brillantes of slander and imposed upon him also a fine of one hundred pesos. He ordered the accused to pay Mercado moral damages amounting to two hundred pesos.

On appeal, the Court of First Instance of Occidental Mindoro in its decision dated August 6, 1979 affirmed the conviction for lesiones leves but acquitted Brillantes of slander.

Before the trial in the municipal court was finished, or on October 4, 1977, the offended party, Nardo Mercado, filed an administrative complaint against respondent judge for "serious misconduct." Mercado complained about the alleged numerous postponements or cancellations of hearings allowed by respondent judge which

inconvenienced him and his lawyers.

The respondent in his comment of November 4, 1977 explained satisfactorily why the trial of the two cases dragged on and why he was constrained in certain instances to grant the motions of the defense counsel for cancellation of the hearing.

Disciplinary action may be taken against a municipal judge if he has not been performing his duties properly or if the complaints against him indicate that he is unfit for the office (Sec. 97, Judiciary Law).

Our examination of the record convinces us that the respondent is not guilty of any misconduct or inefficiency in his handling of the said two criminal cases.

WHEREFORE, this case is dismissed and considered closed. A copy of this resolution should be attached to respondent's personal record.

SO ORDERED.

Barredo (Chairman), Concepcion Jr., Fernandez[*] and De Castro, JJ., concur.

Justice Abad Santos is abroad.

[*] Justice Fernandez wa designated to sit in the Second Division.

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