

HERMILO R. ROSAL, COMPLAINANT, VS. HONORABLE JOAQUIN M. SALVADOR, RESPONDENT.*A.C. No. 236-J. August 30, 1974*

Ponente: FERNANDO, J.

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It is not unusual, although far-from-commendable, for a losing party, with his heart burning with resentment over the outcome, to harbor suspicion that he had no chance for victory as the arbiter lacked impartiality. Such a state of mind could be gleaned from a reading of this administrative complaint for serious misconduct against respondent Judge Joaquin M. Salvador of the Court of Industrial Relations. The principal basis was that he "had his son-in-law [husband of his daughter] one [Reynaldo Legaspi] accept appointment as casual and later as permanent employee of the Philippine Charity Sweepstakes Office (PCSO) in 1970 and 1971 while the Petition for Injunction filed by the PCSO entitled 'PCSO, petitioner vs. PCSEA, et al., respondents' and docketed as CIR Case 280 INJ. was pending before him; issued an Order in said CIR Case 280 INJ. which declared the strike called by respondents in said case as illegal and the respondent union officers as having lost their status as employees of the PCSO; and neglected or refused to act on the Petition to Suspend Execution of said Order filed by respondent union officers in said CIR Case No. 280 INJ. all in violation of Sec. 3 of Rep. Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, particularly pars. (d), (e), and (f) thereof." [1] The aforesaid paragraphs of the statute read: "Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination. (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions. (f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other, interested party." [2] He was required to comment on the above complaint. That he did in a pleading dated April 17, 1972 where he stated that he was not aware that his son-in-law Reynaldo Legaspi was a casual employee in the Philippine Charity Sweepstakes Office although later information on that effect came from the then Congressman Eduardo Cojuangco, Jr. who admitted that it was on his recommendation based on his long friendship with the parents of Legaspi that prompted him to do so. There was an affidavit to that effect from such Congressman. He likewise stated that his reasons for declaring the strike illegal were fully set forth in the order which were then pending reconsideration with the Court of Industrial Relations en banc and that he did not issue a writ or order of execution as alleged in the aforesaid complaint.

The matter was referred to Associate Justice Ramon G. Gaviola, Jr. After investigation, he submitted his report on July 3, 1973. There was, according to him, no showing that respondent had caused his son-in-law to accept

appointment as a casual or as a permanent employee in the Philippine Charity Sweepstakes Office. Neither was there any basis for the charge of respondent having displayed manifest partiality, evident bad faith or gross inexcusable negligence in issuing an order declaring the strike illegal, which incidentally was upheld in a resolution en banc by the Court of Industrial Relations. It was his recommendation then that the complaint against respondent Judge Joaquin M. Salvador be dismissed for lack of merit. The Court accepts such recommendation.

WHEREFORE, the case is dismissed for lack of merit.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

Zaldivar, (Chairman), J., took no part.

[1] Complaint dated March 6, 1972.

[2] Section 3, pars. (d), (e), and (f) of Republic Act No. 3019 (1960).

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