

ROSALINDA INDANGAN, COMPLAINANT, VS. DOMINADOR TUMULAK, MUNICIPAL JUDGE OF DALAGUETE, CEBU, RESPONDENT.

A.M. No. 1228-MJ. August 31, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

In a sworn complaint dated November 6, 1975, complainant Miss Rosalinda Indangan charges Municipal Judge Dominador Tumulak of Dalaguete, Cebu with Grave Misconduct in Office (Immorality), Conduct Unbecoming a Public Official and Taking Advantage of Public Position committed as follows:

"That sometime in the middle of the year 1970, the undersigned young and unmarried woman, then in need of advice and assistance in connection with problems regarding the partitioning of the properties left by their deceased father, sought the good offices of the Municipal Judge of Dalaguete, Cebu, particularly Judge Tumulak, to summon the parties and help in settling their controversy regarding the inheritance, but that in the process of their acquaintance and association, respondent Municipal Judge Tumulak started to become intimate with her and after some time courted and made proposals of love to herein complainant, and eventually persuading and/or seducing her into having carnal knowledge with him and then repeating the same over some period of time, resulting ultimately to complainant's pregnancy and her giving birth to a child on May 24, 1972 whom respondent and herein complainant baptized with the name "Dominador Indangan", nicknamed "Junjun" by respondent being his namesake and then of another son on October 6, 1974 baptized as Dennis Indangan and nicknamed "Gigi" by the respondent. That respondent Judge had been regularly giving monthly support to the above-named issues of his with complainant, but that since the month of August, 1975, respondent had altogether abandoned his paternal responsibility to his two sons abovementioned and since then and up to the present, had never given them any amount by way of support."

Attached to the letter-complaint are xerox copies of respondent's letters professing his love and concern for her and expressing his fatherly affections for the two sons begotten by him.

Asked to comment on the sworn complaint, respondent on February 23, 1976 traversed complainant's allegations, alleging that:

"There is absolutely no truth to all the allegations contained in the said letter-complaint filed by Miss Rosalinda Indangan against herein respondent, except for the fact that on one occasion the said complainant had gone to the office of herein respondent for the purpose of requesting a subpoena which was issued to some of her relatives in connection with an amicable settlement of certain properties left by the deceased Laureano Indangan. Hence, the instant complaint is entirely baseless, unfounded and malicious, and calculated merely to harass, embarrass and expose herein respondent to public shame and ridicule, mainly to satisfy the personal spite and sinister desire to wreck vengeance on the part of some parties, particularly Mr. Calunico Catipay and Mr. Amado dela Peña, who are interested to complicate the issues raised in another administrative case against

herein respondent before this Honorable Court, by all foul means. For, according to some reliable witnesses, this Rosalinda Indangan was only utilized by Mr. Calunico Catipay and Mr. Amado dela Peña to institute another fictitious and administrative complaint, if only to picture herein respondent and make him appear as an alleged immoral or vicious public official. In fact, the instant administrative complaint of this Rosalinda Indangan was prepared in Argao, Cebu in the office of the Clerk of Court, Court of First Instance of Cebu, Branch XII, stationed in the said municipality, where Mr. Calunico Catipay is an employee, and that even the Residence Certificate of the supposed complainant who is a resident of Dalaguete, Cebu was obtained in Argao, Cebu on the same date, November 6, 1975, when the letter-complaint was filed by mail. These facts are quite revealing of the malice, bad faith and sinister plan of the aforementioned interested parties to malign the humble name, honor and reputation of herein respondent, both as an individual and as a public servant."

Respondent Judge prayed that after due hearing or investigation, the complaint should be dismissed for lack of merit.

Respondent Judge is one of the municipal judges retired from the service by reason of the implementation of the circuitization of municipal courts under Administrative Order No. 33 dated June 30, 1978 of this Court.

No further action need be taken against respondent. This case should be considered closed and terminated in view of said Administrative Order No. 33 which considered municipal judges whose names have not been included in the circuitization of municipal courts as having retired. The claim of complainant regarding respondent's abandonment of his alleged two sons with her and their support and maintenance should properly be prosecuted by her in an appropriate action before the regular courts.

WHEREFORE, respondent Judge Dominador Tumulak having retired under Administrative Order No. 33 dated June 30, 1978 of this Court, this case against him is considered CLOSED and TERMINATED.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Fernandez, JJ., concur.

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