

MAYOR ALFONSO S. AUSEJO, ET AL., COMPLAINANTS, VS. MUNICIPAL JUDGE GAUDENCIO P. PAJUNAR OF BACONG, NEGROS ORIENTAL, RESPONDENT.

A.M. No. 253-MJ. May 29, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

There is more than just a hint of deep-seated personal differences between complainant Alfonso S. Ausejo, then Mayor of the Municipality of Bacong, Negros Oriental, and then respondent Justice of the Peace Gaudencio P. Pajunar, who was accused in an administrative complaint of absenting himself without permission, of ignorance of the law, and of partiality and unfairness. As it was the Department of Justice that was then vested with jurisdiction, the matter was referred to the then Executive Judge of Dumaguete City, Macario P. Santos. There was an answer by respondent wherein he sought to be absolved from the foregoing charges as, according to him, there was no truth to them. The matter was then set for hearing. At the first session, only one witness testified. The next time it was heard, counsel for complainant made this manifestation: "Your Honor please, in this administrative case against Judge Pajunar, I have had a chance to interview the witnesses for the complainant and after a thorough study of their testimonies I discover that some of them are vacillating in their manifestations so that if we proceed with this investigation we may not be able to sustain the charges. So, in view of this predicament, Your Honor, I respectfully pray that this administrative case against Judge Gaudencio P. Pajunar be dismissed and that this investigation be considered closed." [1] Accordingly, there was this report and recommendation from the then Judge Macario P. Santos: "On March 4, 1961, this case was called for hearing. The complainant was represented by Atty. Enrique Medina and the respondent by Attys. Marcelo Flores et al. After the first witness for the complainant had testified, the parties agreed for a continuance to another date, which was set for March 18, 1961; upon resumption of the hearing, counsel for the complainant manifested in open court, that with the evidence that he had in hand, the charges against the respondent could not be sustained, and moved for the dismissal of the case and that the investigation be considered closed. The undersigned is of the opinion, and so holds, that the motion was well taken; and hereby recommends that this case be dismissed." [2]

As of the time of the assumption of jurisdiction of administrative supervision over inferior courts by this Tribunal, in accordance with the present Constitution, the matter was yet unresolved. Accordingly, such report and recommendation and the papers in this administrative complaint were referred to the Judicial Consultant, retired Court of Appeals Justice Manuel P. Barcelona. In the light of studies made by his staff and in accordance with the aforesaid recommendation, he submitted a memorandum endorsing the same as the charges were not substantiated.

WHEREFORE, the administrative complaint against Municipal Judge Gaudencio P. Pajunar is dismissed on the ground that the charges against him were not substantiated.

Barredo, Antonio, Aquino, and Concepcion Jr., JJ., concur.

[1] T.s.n., Session of March 18, 1961, 2.

[2] Report and Recommendation dated Match 23, 1961.

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