

ANTONIO CUTARAN, COMPLAINANT, VS. MUNICIPAL JUDGE SOLOMON VILLANUEVA, AMBAGUIO, NUEVA VIZCAYA, RESPONDENT.

A.M. No. 340-MJ. April 30, 1979

Ponente: GUERRERO, J.

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GUERRERO, J.:

In an unsigned complaint dated September 30, 1972, Antonio Cutaran of Bayombong, Nueva Vizcaya, charged Judge Solomon Villanueva of the Municipal Court of Ambaguio, Nueva Vizcaya, with being "always absent from (his) official station and yet received full salary every month." The complaint also included as respondents several other municipal judges, a fiscal and a BIR provincial officer charging them likewise with other alleged irregularities.

In his comment of January 3, 1973, respondent Judge Villanueva denied the accusation. He categorically stated that the complainant is nowhere to be found in Bayombong, Nueva Vizcaya. According to him, even the postal employees of Bayombong tried hard to locate the complainant because there are three (3) letters of the Department of Justice addressed to him which are still undelivered. He also explained that complainant, in connection with the charge of "absenteeism" might be referring to the time when he was detailed for three months with the Court of First Instance of Nueva Vizcaya, Branch II, or during the rainy season when the mountain trails are impassable due to mountain slides and he had to hold office at a Sub-Office established at barrio Masok with the concurrence of other municipal officials. Respondent concluded that his service record and communications with the Department of Justice will bear out his travails and hardships.

We cannot give due course to this unverified complaint. It must be stressed that administrative complaints are accusatorial in nature, hence, they should be subscribed and sworn to and accompanied by such testimonial and/or documentary evidence as will evince respondent's culpability and thus bring him within the supervisory power of this Tribunal. It appears that the charge is a mere conjecture, surmise or inference. Administrative charges against judge cannot be based on mere suspicion, surmise or inference. The complainant has the burden of proof and such proof must be solid, clear and convincing to compel the exercise of disciplinary power over the person indicted.

Moreover, the comment of respondent Judge is satisfactory.

WHEREFORE, this administrative complaint against Municipal Judge Solomon Villanueva is dismissed for lack of merit.

SO ORDERED.

Teehankee, (Chairman), Fernandez, and De Castro, JJ., concur.
Makasiar and Melencio-Herrera, JJ., concurs in the result.

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