

EUSEBIO N. MUÑOZ, COMPLAINANT, VS. JUDGE ALEJANDRO T. VIOJAN, MUNICIPAL JUDGE, STO. NIÑO, WESTERN SAMAR, RESPONDENT.*A.M. No. 386-MJ. August 26, 1977*

Ponente: CONCEPCION, JR., J.

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Administrative case against a municipal judge for grave abuse of authority, misconduct, malicious delay in the administration of justice and violation of Articles 204 to 208, inclusive, of the Revised Penal Code, in that the respondent judge inhibited himself from hearing Criminal Cases Nos. 1602 and 1606 without justifiable grounds thus suspending the proceedings for an unreasonable length of time to the prejudice of the complainants therein.

It appears that on April 18, 1973, one Eufrocina Montes filed a complaint with the Municipal Court of Sto. Niño, Western Samar, charging Cristobal Rabasto and Rodolfo Teves with the crime of qualified theft of coconuts valued at P35.00. The case was docketed therein as Criminal Case No. 1602. On that same day, the respondent judge conducted a preliminary examination and finding Rodolfo Teves innocent, dismissed the charges against him. There was probable cause, however, that the crime of qualified theft had been committed and that the accused Cristobal Rabasto had committed it so that the respondent judge issued a warrant for his arrest and fixed the bail bond at P5,000.00.[1]

On May 8, 1973, another complaint for qualified theft was filed with the said municipal court by Jorge Fajardo against Eugenia Jarangdon, Vicente Somile, and Pacita Arpon. The case was docketed therein as Criminal Case No. 1606. The respondent judge conducted a preliminary examination, and finding a prima facie case against the three accused, issued a warrant for their arrest.[2]

On May 10, 1973, however, the respondent judge issued an order inhibiting himself from hearing Criminal Cases Nos. 1602 and 1606 on grounds stated under Section 1, Rule 137 of the Revised Rules of Court. The order was endorsed to District Judge Leon Rojas, Jr. of the Court of First Instance of Calbayog City who approved the order of inhibition on May 15, 1973 and designated Judge Ignacio Zanoria of the Municipal Court of Almagro, Samar, to hear and decide the said Criminal Cases Nos. 1602 and 1606.[3]

Pursuant thereto, Judge Ignacio S. Zanoria assumed jurisdiction over said cases and on June 1, 1973, he issued an order, in Criminal Case No. 1606, dismissing the said case as against the accused Vicente Somile and Pacita Arpon.[4] On June 22, 1973, Judge Zanoria, upon motions of the Provincial Fiscal, dismissed Criminal Cases Nos. 1602 and 1606.[5]

Commenting on the charges filed against him, the respondent Judge denied that he had committed a grave abuse of authority, misconduct, malicious delay in the administration of justice, nor violated the provisions of Articles 204 to 208, inclusive, of the Revised Penal Code, stating that the said complaint was filed to harass and dishonor, discredit and blacken him, and intended to under-mine the people's trust and confidence in the administration of justice.

From the facts heretofore related, there cannot be any doubt that the respondent Judge is innocent of the charges of dereliction of duty, misconduct, or malfeasance in office filed against him. There is no evidence that his intention in disqualifying himself from hearing Criminal Cases Nos. 1602 and 1606 was to maliciously delay the proceedings to the prejudice of the parties therein. On the other hand, the order of disqualification was approved by the District Judge of the province and Judge Zanoria, to whom the cases were assigned, acted with dispatch.

As aptly pointed out by the respondent judge, the complainant was bent on harassing and maligning his good name because the complainant insisted on filing this complaint on June 4, 1973, despite the fact that Judge Zanoria had already assumed jurisdiction over the said criminal cases and had dismissed the charges against Vicente Somile and Pacita Arpon.

WHEREFORE, judgment is rendered dismissing the administrative charges filed against Judge Alejandro T. Viojan by Eusebio N. Muñoz for grave abuse of authority, misconduct, malicious delay in the administration of justice and violation of Articles 204 to 208, inclusive, for lack of merit.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Aquino, and Santos, JJ., concur.

[1] Rollo, p. 19.

[2] Id., p. 15.

[3] Id., p. 20.

[4] Id., p. 21.

[5] Id., p. 22, 23.

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