

DOROTEO BUTIAL AND ROMAN PEREZ, COMPLAINANTS, VS. MUNICIPAL JUDGE EUSTAQUIO C. PALMA OF SIRUMA, CAMARINES SUR, RESPONDENT.

A.M. No. 395-MJ. July 11, 1974

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

The verified letter-complaint of Messrs. Doroteo Butial and Roman Perez dated January 2, 1972, charging Municipal Judge Eustaquio C. Palma of Siruma, Camarines SUR, with alleged delay in the disposition of Criminal Cases No. 754 (People vs. Augusto Aguila, et al, for Frustrated Homeside) and No. 767 (People vs. Augusto Aguila, for Illegal Possession of Firearm) has to be dismissed and this case considered terminated and closed in the light of the clear explanation of respondent incontrovertibly showing that any delay in the disposition of those cases is not attributable to him.

The respondent in his comments, supported by documentary evidence, was able to convincingly establish that Criminal Case No. 754 was filed on April 13, 1972, while Criminal Case No. 767 was filed on June 6, 1972; that in both cases the necessary preliminary examinations were conducted and the corresponding warrants of arrest were issued; that in the second stage of the preliminary investigation of Criminal Case No. 754, complainant Roman Perez asked the court for postponement which was granted so that he may be given time to seek the assistance of the provincial fiscal: that on June 21, 1972, respondent voluntarily inhibited himself from hearing said two cases on the ground of "close acquaintance with the family of the accused": that the Executive Judge designated Municipal Judge Miguel P. Totanes of Garchitorena Camarines Sur, to continue hearing both cases; that despite the fact that he had been relieved of his responsibility to expedite the hearing in those two cases, the respondent continued exerting efforts to expedite their early disposition by repeatedly calling the attention of the designated municipal judge of Garchitorena to the need for conducting the second stage of the preliminary investigation.

Municipal Judge Miguel Totanes forwarded Criminal Case No. 754 to the Court of First Instance of Camarines Sur after the second stage of the preliminary investigation was terminated on January 4, 1973. The same action was taken on March 6, 1973 as regards Criminal Case No. 767. When complainant Roman Perez was informed on March 16, 1973, that Criminal Case No. 754 was forwarded already to the Court of First Instance, he said that he had no more complaint. Respondent had nothing to do with the criminal case mentioned by complainant Doroteo Butial because the same was not filed in respondent's court.

Wherefore, there not being the slightest indication of respondent's liability, and it having been clearly shown that he was even solicitous of the early disposition of the cases involved, the complaint is hereby dismissed. No further investigation of the case is necessary and it is ordered terminated and closed.

Makalintal, C.J., Zaldivar, Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, Fernandez, Munoz Palma, and Aquino, JJ., concur.

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