

ERNESTO R. GONZALES, COMPLAINANT, VS. MUNICIPAL JUDGE VICENTE DE RODA OF BOGO, CEBU, RESPONDENT.

A.M. No. 411-MJ. May 22, 1975

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

At the continuation of the hearing of the administrative complaint lodged against the respondent for gross ignorance of the law, incompetence and gross partiality amounting to serious misconduct in office, in relation to the acquittal of the accused in Criminal Case No. 2012 of the Municipal Court of Bogo, Cebu, entitled "People of the Philippines, plaintiff, versus Jesus Y. Yee, Accused", the complainant and his counsel on one hand and the respondent and his counsel on the other hand filed a "Manifestation" with the Executive Judge of the Court of First Instance of Cebu, to whom this administrative case was referred for investigation and report, stating among other things, "that the herein respondent acted in good faith", for which reason they were constrained to ask the Honorable Secretary of Justice to concur with them; and that they were withdrawing the administrative complaint.

On January 23, 1973, the Secretary of Justice forwarded the record of the instant Administrative Case to the Supreme Court, pursuant to Sections 6 and 7 of Article X of the New Constitution.

After going over the record of this case, we are constrained to refer this case back to the Investigator, Judge Francisco Burgos, for further investigation. True enough that the complainant, Ernesto R. Gonzales, manifested to the Investigator his lack of interest to prosecute his complaint. However, such circumstance does not constitute sufficient basis for dismissing the complaint as he is a mere witness in the administrative case. It is to be stressed in this connection that the complainant charged the respondent with "gross ignorance of the law, incompetence, gross impartiality amounting to serious misconduct in office" in acquitting the accused in the aforementioned Criminal Case No. 2012 of the Municipal Court of Bogo, Cebu. It therefore becomes imperative to determine whether or not the charges are true.

WHEREFORE, the record of Administrative Matter No. 411-MJ is hereby ordered remanded to the Investigator, Judge Francisco Burgos, of the Court of First Instance of Cebu, for further investigation and report.

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

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