

GASPAR PARENTE, COMPLAINANT, VS. HON. FERNANDO DE LOS SANTOS, MUNICIPAL JUDGE OF STA. MARGARITA, SAMAR, RESPONDENTS.

A.M. No. 429-MJ. May 28, 1975

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint against respondent Judge for having failed to take action against a certain Alejandro Begonte notwithstanding said respondent having conducted a preliminary investigation and said Begonte having confessed to the killing of a certain Pablito Sison at Barrio Ilo, Sta. Margarita, Samar.

The complaint was duly investigated by Judge Leon Rojas, Jr. of the Court of First Instance of Samar, Branch V. From the report of the investigator, it appears that respondent had not in fact conducted any preliminary investigation. What happened is that the affidavits of Soledad Tangzo, Restituto Cajurao and Albino Raz as well as that of Felipe Sison, father of the deceased, relating to the circumstances of the killing were sworn to before respondent. The supposed confession of Begonte was made and sworn to before the Municipal Mayor of Gandara, Samar.

No criminal complaint was ever filed by the Chief of Police or any other person with the respondent. On the contrary, the affidavit of Felipe Sison is a request that nobody be prosecuted for the death of his son.

These being the facts found by the Investigator, the recommendation of exoneration contained in his report is approved and this case is dismissed.

Fernando, (Chairman), Antonio, Aquino, and Concepcion Jr., JJ., concur.

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