

SALVADOR VELOSO, COMPLAINANT, VS. MUNICIPAL JUDGE GODOFREDO CARMONA OF SOCORRO, ORIENTAL MINDORO.

A.M. No. 502-MJ. June 30, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

Marceliano Rivera, Jr. was charged by the chief of police with slight physical injuries in the municipal court of Pola, Oriental Mindoro in a complaint dated June 18, 1973. The offended party was Salvador Veloso (Criminal Case No. 2584). Rivera voluntarily surrendered to the chief of police on July 30, 1973. He posted a "character bond" for his re-lease.

Godofredo L. Carmona, the incumbent municipal judge of the neighboring town of Socorro (he is a native of Pola) and the acting municipal judge of Pola, heard the case. At the hearing scheduled on August 18, 1973 Rivera did not appear. His bond was cancelled. The hearing was reset for August 28, 1973. According to Judge Carmona, Veloso was notified of that hearing through his father and he (the judge) even wrote him a letter to apprise him of that hearing.

Rivera, assisted by a counsel de officio, appeared at the hearing scheduled on August 28. Veloso was not pre-sent. In view of Veloso's absence, the chief of police asked for postponement. Rivera's counsel objected. He was arraigned. He pleaded guilty. When Veloso arrived in court at ten o'clock that morning, he was informed that the case was already terminated.

On that same morning, Judge Carmona signed a decision, convicting Rivera of slight physical injuries and im-posing upon him a fine of twenty-five pesos and the penalty of public censure, "without costs". No civil liability was adjudged. The mitigating circumstances of plea of guilt and voluntary surrender to the authorities were appreciated in Rivera's favor. Rivera paid the fine on that same date, August 28.

That decision provoked Veloso to file on September 3 an administrative complaint against Judge Carmona. Veloso alleged that on the date of the trial, respondent judge reproached him for not assenting to Rivera's offer of compromise. Veloso was surprised as to why only a fine was imposed on Rivera, con-sidering that the latter never appeared at the trial and he was not even arrested when he failed to appear at the scheduled hearing. Veloso said that the judge did not answer his inquiries and that he was not given a copy of the decision and he was not shown any document confirming that Rivera had pleaded guilty and had paid the fine.

The Judicial Consultant observed that respondent should have ordered the arrest of the accused upon his failure to appear at the trial despite due notice of his bondsmen.

It may further be observed that respondent Judge should have made a finding as to the civil liability of the accused con-sidering the allegation in the complaint that the offended party suffered "contusion with abrasions on the left cheek and left axillary fold, which injuries will require medical treatment from 7 to 9 days barring complication".

As to Veloso's gripe that he was not given a copy of the decision, it should be noted that the chief of police, as the

representative of the prosecution, was furnished with a copy of the decision.

The foregoing facts do not warrant any disciplinary action against the respondent.

WHEREFORE, the complaint is dismissed but the respondent is warned and admonished to be more careful in the performance of his duties so that his integrity and fairness will be above suspicion. Let a copy of this resolution be attached to his personal record.

SO ORDERED.

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

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