

**ELSIE Q. TOLENTINO, COMPLAINANT, VS. MUNICIPAL JUDGE
GODOFREDO O. TIONG OF POZORRUBIO, PANGASINAN,
RESPONDENT.***A.M. No. 535-MJ. August 21, 1976*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

It is obvious on the face of this administrative charge against respondent Judge Godofredo Tiong of Pozorrubio, Pangasinan, for alleged irregularity and bias, that he had the misfortune of having to pass upon a criminal case for frustrated homicide filed by complainant Elsie Q. Tolentino against her husband Ramon Quinto, who in the course of a marital quarrel did strike her with such force that according to her she "almost died in his hands." [1] The ill-feeling, as was later disclosed, was due to his suspicion, whether justified or not, that she was maintaining illicit relations with a motor vehicle driver. Respondent Judge, after the preliminary examination, issued a warrant of arrest on the basis of such a complaint for frustrated homicide, fixing the bail of P14,000.00. Unable to post a bond, Ramon Quinto stayed in jail for twenty-four days prior to his escape. Upon being rearrested, he was detained for another twenty-six days. He was duly arraigned during such period and pleaded not guilty. Subsequently, his counsel moved that he withdraw the plea of not guilty and requested for the second stage of preliminary investigation. Respondent Judge was agreeable. In the course of such investigation, evidence was presented to prove that he did not have the intention to kill complainant, his version being that he wanted to teach her a lesson so that she would put an end to her liason. It was also shown that they were first cousins, complainant being the daughter of Eufrosina Quinto, who is the sister of the father of the accused, Alejandro Quinto. In view of such a relationship, the marriage could be considered void, and the offense would not then fall under the category of parricide. Consequently, the information was amended to one of slight physical injuries, Ramon Quinto pleaded guilty, and he was sentenced to a period of thirty days of imprisonment. As he had previously been confined for more than that period, twenty-four days the first time and then twenty-six days, his release was ordered.

Respondent Judge narrated the above in a detailed manner in his comment to complaint. The matter was then investigated, and his version shown to be accurate. The then Judicial Consultant, retired Justice of the Court of Appeals Manuel Barcelona as well as the Acting Judicial Consultant, Justice Lorenzo Relova of the Court of Appeals, went over the records. They are as one in the view that the complaint should be dismissed.

With such a conclusion, this Court is in agreement. There was no violation of the applicable provision of the Rules of Court. No irregularity was shown in the mode respondent Judge acted in this case. No bias in favor of the accused was shown. On a showing by his counsel that there was no intent to kill, the offense committed was one of physical injuries. Nor could respondent Judge be blamed for concluding that as the parties were within the prohibited degree of relationship, the marriage was incestuous. Accordingly, the information was changed to one of slight physical injuries. With the accused pleading guilty, he was sentenced to one month imprisonment. There was no further need to try the case on its merits. Moreover, as he had been detained for a longer period, he could

be released immediately, as he was. It is clear therefore that respondent Judge did not in any way commit any infraction for which he could be disciplined.

WHEREFORE , the complaint is dismissed. Let a copy of this resolution be spread on the record of respondent Judge Godofredo Tiong.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Complaint of Elsie Q. Tolentino.

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