

MELCHOR TABANGIN, COMPLAINANT, VS. EUFROCINO T. TAGAYUNA, MUNICIPAL JUDGE OF STO. DOMINGO, ILOCOS SUR., RESPONDENT.

A.M. No. 598-MJ. June 10, 1976

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-598/>

ANTONIO, J.:

Administrative charge against a municipal judge for partiality in favor of the accused.

By means of a telegraphic communication, dated August 17, 1973, to the Secretary of Justice, complainant Melchor Tabangin charged respondent Municipal Judge Eufrocino Tagayuna of Sto. Domingo, Ilocos Sur, with "partisan and compartmentalized administration of justice", in arbitrarily dismissing his complaint for maltreatment against three (3) policemen of Sto. Domingo, Ilocos Sur. Said complaint, docketed as Criminal Case No. 751, and entitled "People of the Philippines vs. Martin Tabor, Nelson Paculan and Perfecto Rebolledo", alleged:

"That on or about 2:00 o'clock in the morning, 7th January 1973, inside the Municipal Jail of Sto. Domingo, Ilocos Sur * * * the above-named who are public officers in fact did then and there wilfully, unlawfully and feloniously attack, box, slap and kick one MELCHOR TABANGIN y DONATO a detainee * * * under their charge; that they overdid themselves in the correction or handling of a prisoner or detention prisoner under their charge by imposition of punishment not authorized by regulations, and inflicting such punishment in a cruel and humiliating manner."

On three (3) scheduled dates for the hearing of the afore-mentioned case, counsel for complainant Melchor Tabangin failed to appear. By reason thereof, respondent Judge issued an order dismissing the case provisionally. It is the contention of complainant that, being too poor, he could not afford to secure the assistance of counsel and, being uneducated, it never occurred to him to seek the assistance of the Fiscal, whom respondent Judge should have notified so that his representative may be made available for the prosecution of the case. In fine, complainant's grievance is that he was not given a chance to prove his complaint against the accused in the maltreatment case.

On the basis of the telegraphic complaint, the Secretary of Justice indorsed the matter to the Provincial Fiscal of Vigan, Ilocos Sur, directing said prosecuting officer to "conduct an investigation on the merits of the complaint". In compliance with such directive, Provincial Fiscal Jesus F. Guerrero subpoenaed complainant and respondent to appear before him on September 28, 1973. Both parties appeared, but complainant declined to have his oral testimony taken, hence Fiscal Guerrero ordered them to submit written statements or affidavits in support of their respective versions of the incident. This notwithstanding, complainant Melchor Tabangin failed to comply with this order. On the other hand, respondent Judge submitted his written statement dated October 4, 1973, outlining the steps taken by him in Criminal Case No. 751, and annexing therewith "true copies of pleadings, affidavits, records of proceedings and orders filed, taken and issued" in said case, as well as the affidavit of the court clerk,

Miss Heraclea F. Soliven, who typed all the records of the proceedings therein. On the basis of the afore-mentioned records, the Provincial Fiscal recommended that the charges be dismissed. The entire records of the case were, however, transmitted to the Secretary of Justice "for a fuller understanding of the nature of the complaint filed by Mr. Melchor Tabangin". The Secretary in turn indorsed the matter to this Court for resolution.

The recommendation of the Provincial Fiscal of Vigan appears to be well-taken. There is no proof existing on the records to show that respondent Judge was influenced by partisan considerations in dismissing the complaint in Criminal Case No. 751. It has been shown that, after conducting the initial investigation of the case, respondent Judge issued a warrant for the arrest of the three policemen, after which he informed the Municipal Mayor thereof, and the latter immediately ordered the suspension of the three accused. Respondent likewise furnished the Police Commission with a copy of the criminal complaint. Contrary to the allegation of the complainant that the Fiscal's office was not notified, the records show that before the date of initial hearing, the Clerk of the Municipal Court furnished said office with a notice of said hearing. Later, complainant amended his complaint by changing the date when he was allegedly maltreated from January 1, 1973 to January 7, 1973. The records also show that complainant, on three separate dates, assured the court that he was to be represented by counsel. Thus, at the initial hearing on May 28, 1973, he informed respondent Judge that his counsel is Atty. Salacnib F. Bateria, but said counsel could not attend the hearing on that date because of other cases needing his attention. On June 15, 1973, complainant informed the court that his counsel had left for Manila, instructing him to request for the postponement of that day's hearing, hence the hearing was postponed to July 6, 1973, in spite of the objection of the accused. On the latter date, complainant again informed the court that his counsel could not be present because he is somewhere in the North. However, he categorically stated that Atty. Bateria knew of the hearing set on that date because he twice verified the date thereof with complainant. The court granted complainant one hour within which to await the arrival of his counsel, but Atty. Bateria did not appear. In the meantime, the accused, through counsel, repeatedly manifested their readiness for trial and invoked their constitutional right to a speedy trial. In view of the opposition of the accused to the postponement, respondent Judge issued the order provisionally dismissing the case.

The right to a speedy trial is guaranteed by the Constitution, and for the enforcement of this precept, judges are under obligation to proceed with reasonable dispatch the trial of criminal cases. Moreover, respondent Judge, in issuing the aforesaid Order, did so in compliance with Section 16, of Republic Act No. 4864 (Police Act of 1966), which provides, in part, "that trial and disposition of criminal cases against members of the police forces shall be accorded priority by the courts."

We find, therefore, no iota of evidence to show that respondent Judge has acted in a partial or partisan manner.

WHEREFORE, the administrative charge against respondent Judge is hereby dismissed.

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

Concepcion Jr., J., is on leave.

Martin, J., was designated to sit in the Second Division.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.