

PUAHING PAWAKI, COMPLAINANT, VS. NABDAR J. MALIK, MUNICIPAL JUDGE OF JOLO, SULU, RESPONDENT.

A.M. No. 6-MJ. November 28, 1975

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Respondent is the Municipal Judge of Jolo, Sulu, who, in a verified letter-complaint dated November 25, 1972, was charged by Policeman Puahing Pawaki with immoral conduct alleged to have been committed as follows:

"Last October 1972 I saw a woman, the daughter of Nuriyam Mora, go up the Office of respondent Judge at about 5:30 o'clock in the afternoon. Sensing that this was an unusual hour for a woman to go to the Office of the judge, I surreptitiously followed the woman got in. I tiptoed toward the door and I found a small opening in the left side of the door through which I peeped in, and there I saw the respondent judge and that woman having sexual intercourse on the floor of the office.

"This is not the only occasion that I saw the respondent judge have sexual intercourse with a woman in his office. On other occasions women of ill-repute used to go to the Office of respondent judge late in the afternoon and through the same crack or opening on the left side of the door of that Office, I saw respondent judge have sexual intercourse with the women on the floor.

"I am the station guard in the Municipal Building, so, I have all the chances to see this dirty business of this respondent who is making his office a place of sex, thus maligning the good name and prestige of the judiciary in this town." (p. 8, rollo)

The complaint was referred to the respondent for comment by the Office of the Secretary of Justice on March 8, 1973. On April 28, 1973, the respondent answered the complaint denying vehemently the allegations in the letter, stating that the complainant Policeman Puahing Pawaki is a "member of a syndicate composed of dishonest, corrupt and notoriously undesirable court employees, crook policemen, court fixers and professional bondsmen" who has his own motives for filing the instant complaint, not to mention the fact that complainant was involved in a case of infidelity in the custody of prisoners when in the evening of October 14, 1972, during his tour of duty two detention prisoners escaped from the Municipal Jail of Jolo and that he (respondent) had refused to help said complainant to have the case against him dismissed.

On May 14, 1973, the records of the case were forwarded to this Court pursuant to Presidential Decree No. 185, and on February 8, 1974, the Court resolved to forward the case to the Executive Judge of the Court of First Instance of Jolo, Sulu, for investigation, report and recommendation.

In an Indorsement dated February 20, 1975, Hon. Felino D. Abalos submitted his report to the effect that when the case was called for hearing on February 17, 1975, complainant appeared without counsel and witnesses. Upon being asked if complainant was ready to proceed with the investigation of the charge filed against respondent judge, the former manifested that he was withdrawing his complaint for the simple reason that he had no evidence to support it and that its filing was merely instigated by certain parties. Hence, the investigating judge

recommends that the complaint be dismissed.

WHEREFORE, on the basis of the recommendation of the investigating judge, Hon. Felino D. Abalos, and considering that no evidence was submitted by the complainant to substantiate his charges, this complaint is hereby dismissed without prejudice to whatever action respondent Judge may take against the persons who caused the filing of this complaint which appears to be without basis.

SO ORDERED.

Teehankee, Makasiar, Esguerra and Martin, JJ., concur.

Castro, (Chairman), J., took no part.

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