

PAULINO B. INTING, COMPLAINANT, VS. MUNICIPAL JUDGE GERTRUDIS F. BERNALDEZ OF ALBURQUERQUE, BOHOL, RESPONDENT.*A.M. No. 667-MJ. June 27, 1975*

Ponente: FERNANDO, J.

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The complaint against respondent Municipal Judge of Alburquerque, Bohol, filed by one Paulino B. Inting, is for alleged gross ignorance of the law, gross partiality and grave abuse of discretion. She was required to comment; thereafter, this Court, in a resolution of January 16, 1975, referred the case for investigation to the Executive Judge of the Court of First Instance of Bohol. The investigation was duly conducted and Executive Judge Antonio J. Beldia submitted a 21-page report wherein he noted that in the issuance of a warrant of arrest for the detention of complainant after she found reasonable ground to believe that he committed the crime of slight physical injuries after conducting the necessary preliminary examination, the actuation that was the basis of the complaint lodged against her, it cannot be said that she was grossly ignorant of the law, displayed partiality or had gravely abused of her discretion. It was his conclusion "that respondent Judge Gertrudis F. Bernaldez of Alburquerque be absolved of these administrative charges against her. It may not be out of place to state here that the complainant Paulino B. Inting in this administrative case was found guilty of slight physical injury when that controversial Criminal Case was tried by the Court of First Instance on its merit in Criminal Case No. 808 in a 25-page decision. . ."[1] The Judicial Consultant agreed with such recommendation: "I fully concur in the recommendation of the investigator, Judge Antonio J. Beldia, for the exoneration of respondent Judge from the complainant's charges of 'Gross Ignorance of the law, Gross partiality and Grave abuse of discretion,' considering that the evidence has failed to substantiate the same. . . . Indeed, the fact that she extensively discussed the import of the aforementioned provisions of Gen. Order No. 2 and interpreted the same according to her honest conviction, clearly belies the charges stated above. Hence, the dismissal of the instant administrative complaint is in order and the same is hereby respectfully endorsed." With such a conclusion, this Court is in agreement.

Wherefore, the administrative complaint against respondent Judge Gertrudis F. Bernaldez is dismissed for lack of merit.

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

[1] Report, Finding and Recommendation, 21.

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