

FELISBERTO ALEGRE, COMPLAINANT, VS. MUNICIPAL JUDGE RHODIE A. NIDEA OF SIPOCOT, CAMARINES SUR, RESPONDENT.*A.M. No. 852-MJ. May 30, 1975*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-852/>**FERNANDO, J.:**

The complaint against respondent Judge Rhodie A. Nidea of Sipocot, Camarines Sur for partiality and favoritism by a certain Felisberto Alegre has the appearance of a losing party being dissatisfied with the actuation of respondent Judge. When required to answer, respondent denied that his conduct could be characterized as manifesting either partiality or favoritism. The matter was referred to the then Executive Judge Ulpiano Sarmiento of the Court of First Instance of Camarines Sur by the Department of Justice, which then had administrative supervision over inferior courts, to inquire into the veracity of the factual allegations to indicate bias and leniency as well as undue severity and strictness where complainant and his counsel were involved. Thereafter, on November 27, 1969, the then District Judge Sarmiento issued the following order: When this case was called for the scheduled investigation this afternoon, complainant Felisberto Alegre and his lawyer failed to appear; respondent Rhodie Nidea, appeared. Upon examination of the records of this case, there appears a motion to dismiss filed with this Court at 11:30 A.M. today (November 27, 1969), based on an affidavit attached as Annex A and made an integral part of the said motion to dismiss, wherein complainant stated among others, that his having filed this administrative charge against respondent Rhodie Nidea arose and was due simply to a misunderstanding which has already been patched up...' It will be noted that this administrative case has been set for investigation for two (2) times already and in both instances it was the complainant who asked for the postponement, and now, as we have said above, when this case was called, complainant and his lawyer did not care anymore to appear but instead filed the said motion to dismiss. This administrative case cannot be successfully presented without the active cooperation of the complainant himself; for this reason this Court believes that it has no other alternative than to accede to the desire of the complainant to have this case dismissed. [In view of the foregoing], let the records of this case be returned to the Department of Justice with the recommendation that the same be dismissed. [So ordered]."[1]

This is one of the administrative complaints which, by virtue of the present Constitution, was transferred to this Court in view of the express grant of authority to supervise inferior Courts. The Office of the Judicial Consultant looked into the matter and submitted this memorandum: Considering that complainant not only failed to appear at the investigation to substantiate his charges, but even filed thereat an affidavit of desistance, wherein he stated that his complaint was just the result of a misunderstanding, the dismissal thereof is now in order and the same is hereby recommended."[2] Under the circumstances, that such recommendation is fitting and proper cannot be denied.

WHEREFORE, this administrative complaint for partiality and leniency against respondent Judge is dismissed.

Makalintal, C.J., Barredo, Aquino and Concepcion, Jr., JJ., concur.

Antonio, J., took no part.

[1] Order of District Judge Sarmiento dated November 27, 1969.

[2] Memorandum of Judicial Consultant Manuel P. Barcelona dated February 10, 1975.

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.