

IGNACIO HERMOSA, COMPLAINANT, VS. JESUS PARAISO, RESPONDENT.

Adm. Case No. P-189. February 14, 1975

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

An unverified administrative complaint dated October 31, 1972 and signed by one Ignacio Hermosa of Cataingan, Masbate charging four specifications of irregularities in office allegedly committed by respondent Jesus Paraiso as branch clerk of Branch II of the Court of First Instance of Masbate, stationed at Cataingan, Masbate and in effect urging the acceptance of his resignation was referred by the Judicial Superintendent on behalf of the Secretary of Justice to Judge Isabelo D. Kaindoy as district executive judge for investigation, report and recommendation under indorsement dated February 16, 1973.

In his report and recommendation dated August 18, 1973 (which was forwarded by the Secretary of Justice under his indorsement dated September 14, 1973 to this Court with the transfer to it of administrative supervision over all courts and personnel thereof under the 1973 Constitution), Judge Kaindoy reported that he proceeded with the investigation of the charges and questioned the persons referred to in the complaint although the complainant never appeared in court despite notices sent to him. The investigating judge reported that the notices of hearing mailed to complainant were returned with the notation that the addressee was "deceased", while respondent submitted certifications from the Local Civil Registrar and the local parish priest "that the name of the complainant does not appear as among those registered in the Records of Birth of the municipality of Cataingan, Masbate."

The persons claimed in the complaint to have been victimized by respondent, including representatives of the Provincial Auditor and Provincial Treasurer as to alleged misappropriation of funds, disclaimed knowledge of any irregularity committed by respondent or of any cause for complaint against him. Hence, the investigating judge recommended respondent's exoneration from the charges "for lack of sufficient proof."

As to a fifth specification of lack of efficiency in the performance of his duties, the investigating judge merely submitted the comment of Judge Pedro C. Quitain presiding Branch II of the Masbate court of first instance where respondent was employed as branch clerk. He cited the adverse opinion of Judge Quitain as to respondent's inefficiency and the latter's recommendation for the acceptance of respondent's resignation "for whatever action the Department will take against respondent."

Thereafter, the death of respondent on August 1, 1974 was reported to the Court which report has since been confirmed by a certified true copy of his death certificate received on January 31, 1975.

The Court nevertheless resolves the instant case (notwithstanding that death has separated him from the service) to the end that respondent's heirs may not be deprived of any retirement gratuity and other accrued benefits that they may be entitled to receive as a result of respondent's death in office (as against a possible forfeiture thereof should his guilt have been duly established at the investigation).

ACCORDINGLY, finding that the specifications of the complaint against the deceased respondent were not duly substantiated at the investigation thereof conducted and concluded during his lifetime, the Court orders the dismissal of the administrative case at bar.

Castro, Actg. C.J., Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

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