

DANIEL B. GALANGI, COMPLAINANT, VS. GEORGE C. MACLI-ING, RESPONDENT.

Adm. Matter No. 75-6-DJ. January 17, 1978

Ponente: AQUINO, J.

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AQUINO, J.:

This is an administrative case against a fiscal who became a Judge of the Court of First Instance.

On December 13, 1974 Daniel B. Galangi, the vice-mayor of Kiangnan, Ifugao, lodged in the Department of Justice an administrative charge against George C. Macli-ing, the provincial fiscal of Ifugao, for supposed ignorance of the law and grave abuse of authority.

That charge was provoked by Fiscal Macli-ing's filing in March, 1974 of a contempt charge against Galangi in the Court of First Instance of Ifugao at the instance of the provincial board and pursuant to section 580 of the Revised Administrative Code.

By reason of that contempt charge, Judge Francisco Men Abad ordered Galangi's arrest. He was confined in the municipal calaboose of Kiangnan for ten days, or from March 22 to 31, 1974, just like a common scalawag.

Before that contempt incident occurred, Galangi had already been accused before Fiscal Macli-ing of falsification of a municipal resolution. The complaint was filed on June 30, 1973 by Mayor Julian Dulawan.

The preliminary investigation of that case dragged on for a long time. The Undersecretary of Justice in a letter dated May 13, 1975 granted Fiscal Macli-ing clearance and authority to conduct the preliminary investigation.

That investigation culminated in the filing on June 11, 1975 by Fiscal Macli-ing in the Court of First Instance of Ifugao of an information for falsification against Galangi, as principal, and his aunt, Councilor Paulina Bulahao, as an accomplice.

About a month after the filing of that information, or on July 29, 1975 Galangi filed against Fiscal Macli-ing a supplemental complaint wherein he assailed the fiscal's handling of the preliminary investigation. Macli-ing answered the supplemental complaint.

The administrative case was assigned to the city fiscal of Baguio for investigation. That official in a report dated January 13, 1976 recommended the dismissal of the administrative charge.

The Secretary of Justice, in his letter dated February 3, 1976, transmitting the records of the case to Presidential Executive Assistant Jacobo C. Clave, concurred in the city fiscal's recommendation.

The President of the Philippines in a first indorsement to the Secretary of Justice dated April 18, 1977 dismissed the administrative case. Galangi was informed of the Presidential decision in the letter dated May 11, 1977 sent to him by the Chief State Prosecutor. That should have terminated the matter once and for all.

However, the case remained pending because in the meantime, or on January 23, 1976, respondent Macli-ing was

appointed Judge of the Court of First Instance of Benguet. He took his oath on February 9, 1976.

In view of that development, the assistant chief state prosecutor, instead of awaiting the Presidential action on the administrative case, indorsed on June 22, 1976 to the Judicial Consultant the case against Judge Macli-ing. This Court in its resolution of December 16, 1976 in turn referred the case to the Court of Appeals for investigation, report and recommendation. Justice Samuel F. Reyes in his report of May 30, 1977 recommended the exoneration of Judge Macli-ing.

After deliberating on the foregoing facts, we hold that there is no legal and factual basis for this Court to take disciplinary action against Judge Macli-ing. We should not review the Presidential action exonerating him.

This Court can discipline a Judge of the Court of First Instance if he is guilty of serious misconduct or inefficiency (Sec. 67, Judiciary Law).

The charge against respondent Macli-ing refers to his conduct as a prosecutor. He was exonerated of that charge by no less than the Chief Magistrate of the land.

Inasmuch as no imputation has been made against him as a Judge of the Court of First Instance, there is no justification for this Court to take any disciplinary action against him.

WHEREFORE, this case is considered closed and terminated.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Concepcion, Jr., JJ., concur.

Santos, J., on leave.

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