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need for promptness and efficiency in the discharge of official duties by occupants of the bench. For this purpose, they must ever be fully cognizant of the state of their docket. They should so apportion their time that judicial matters are not left unattended. Their personnel certainly would be spurred to greater diligence if they set the example. It should ever be borne in mind by municipal judges that precisely because it is their court that is the gauge of judicial performance, their responsibility for maintaining in high repute the administration of justice is great. They are expected to liye up to it.

WHEREFORE, the administrative complaint against Judge Emma B. Balite is dismissed for lack of merit. Let a copy of this resolution be spread on her record.

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

SECOND DIVISION

[A.M. No. 535-MJ. August 21, 1976]

ELSIE Q. TOLENTINO, *complainant, vs.* **MUNICIPAL JUDGE GODOFREDO O. TIONG of Pozorrubio, Pangasinan,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; CHARGES OF IRREGULARITY AND BIAS; UNFOUNDED IN CASE AT BAR.— There was no violation of the applicable provision of the Rules of Court. No irregularity was shown in the mode respondent Judge acted in this case. No bias in favor of the accused was shown. On a showing by his counsel that there was no intent to kill, the offense committed was one of physical injuries. Nor could respondent Judge be blamed for concluding that as the parties

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were within the prohibited degree of relationship, the marriage was incestuous. Accordingly, the information was changed to one of slight physical injuries. With the accused pleading guilty, he was sentenced to one month imprisonment. There was no further need to try the case on its merits. Moreover, as he had been detained for a longer period, he could be released immediately, as he was. It is clear therefore that respondent Judge did not in any way commit any infraction for which he could be disciplined.

RESOLUTION

FERNANDO, *Acting C.J.*:

It is obvious on the face of this administrative charge against respondent Judge Godofredo Tiong of Pozorrubio, Pangasinan, for alleged irregularity and bias, that he had the misfortune of having to pass upon a criminal case for frustrated homicide filed by complainant Elsie Q. Tolentino against her husband Ramon Quinto, who in the course of a marital quarrel did strike her with such force that according to her she "almost died in his hands."[1] The ill-feeling, as was later disclosed, was due to his suspicion, whether justified or not, that she was maintaining illicit relations with a motor vehicle driver. Respondent Judge, after the preliminary examination, issued a warrant of arrest on the basis of such a complaint for frustrated homicide, fixing the bail of ₱14,000.00. Unable to post a bond, Ramon Quinto stayed in jail for twenty-four days prior to his escape. Upon being rearrested, he was detained for another twenty-six days. He was duly arraigned during such period and pleaded not guilty. Subsequently, his counsel moved that he withdraw the plea of not guilty and requested for the second stage of preliminary investigation. Respondent Judge was agreeable. In the course of such investigation, evidence was presented to prove that he did not have the intention to kill complainant, his version being that he wanted to teach her a lesson so that she would put an end to her liason. It was also shown that they were first cousins,

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[1] Complaint of Elsie Q. Tolentino.

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complainant being the daughter of Eufrosina Quinto, who is the sister of the father of the accused, Alejandro Quinto. In view of such a relationship, the marriage could be considered void, and the offense would not then fall under the category or parricide. Consequently, the information was amended to one of slight physical injuries, Ramon Quinto pleaded guilty, and he was sentenced to a period of thirty days of imprisonment. As he had previously been confined for more than that period, twenty-four days the first time and then twenty-six days, his release was ordered.

Respondent Judge narrated the above in a detailed manner in his comment to complaint. The matter was then investigated, and his version shown to be accurate. The then Judicial Consultant, retired Justice of the Court of Appeals Manuel Barcelona as well as the Acting Judicial Consultant, Justice Lorenzo Relova of the Court of Appeals, went over the records. They are as one in the view that the complaint should be dismissed.

With such a conclusion, this Court is in agreement. There was no violation of the applicable provision of the Rules of Court. No irregularity was shown in the mode respondent Judge acted in this case. No bias in favor of the accused was shown. On a showing by his counsel that there was no intent to kill, the offense committed was one of physical injuries. Nor could respondent Judge be blamed for concluding that as the parties were within the prohibited degree of relationship, the marriage was incestuous. Accordingly, the information was changed to one of slight physical injuries. With the accused pleading guilty, he was sentenced to one month imprisonment. There was no further need to try the case on its merits. Moreover, as he had been detained for a longer period, he could be released immediately, as he was. It is clear therefore that respondent Judge did not in any way commit any infraction for which he could be disciplined.

WHEREFORE, the complaint is dismissed. Let a copy of this resolution be spread on the record of respondent Judge Godofredo Tiong.

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