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on February 16, 1963 being declared null and void. Petitioner is likewise required to surrender his certificate of naturalization. No costs.

Zaldivar (Chairman), Antonio, Fernandez, and *Aquino, JJ.*, concur.

Barredo, J., did not take part.

EN BANC

[A.M. No. 49-J. March 27, 1974]

GUILLERMO LADRADA, *complainant, vs.* **ERNESTO B. CACHOLA,** Municipal Judge of Lugait, Misamis Oriental, *respondent.*

SYLLABUS

ADMINISTRATIVE PROCEEDING; COMPLAINT AGAINST A MUNICIPAL JUDGE; CHARGE OF GROSS IGNORANCE OF THE LAW AND INCOMPETENCE; COMPLAINT IS DISMISSED BUT RESPONDENT IS ADMONISHED.— With respect to the charge of ignorance of the law and incompetence, respondent had acted improperly in deciding the criminal case, which was wholly tried by then Acting Municipal Judge Noe D. Eballe of Lugait, for he merely relied on the handwritten notes taken during the trial by Judge Eballe and the memorandum submitted for the accused. Respondent should have retried the case considering that his court was then not yet a court of record. Considering, however, that the respondent was then a newly appointed Judge; that he honestly believed that the notes taken by the former Trial Judge reflect fully and faithfully the material and relevant facts and circumstances of the case; and that it was his desire to dispense justice as speedily as possible and save the litigants from further expenses; that the respondent's decision contains an impressive recital of facts and details which may be considered as a proper and substantial basis for his judgment; that his decision has not been assailed by the complainant for

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lack of evidentiary basis or for being unfair, partial, and unjust; and that the complainant has submitted an affidavit of desistance which has been affirmed by him in open hearing, an admonition to the respondent to be more circumspect in the discharge of his official duties in the future would be sufficient to dispose of the case. The complaint against respondent is dismissed.

RESOLUTION

FERNANDEZ, *J.*:

The respondent is charged with dishonesty, gross ignorance of the law and incompetence, in connection with his decision acquitting the accused in a criminal case for less serious physical injuries (Crim. Case No. 237).

There is no evidence on the charge of dishonesty. With respect to the charge of ignorance of the law and incompetence, We find that respondent had acted improperly in deciding the criminal case, which was wholly tried by then Acting Municipal Judge Noe D. Eballe of Lugait, for he merely relied on the handwritten notes taken during the trial by Judge Eballe and the memorandum submitted for the accused. Respondent should have retried the case considering that his court was then not yet a court of record.

Considering, however, that the respondent was then a newly appointed Judge; that he honestly believed that the notes taken by the former Trial Judge reflect fully and faithfully the material and relevant facts and circumstances of the case; that it was his desire to dispense justice as speedily as possible and save the litigants from further expenses; that the respondent's decision contains an impressive recital of facts and details which may be considered as a proper and substantial basis for his judgment; that his decision has not been assailed by the complainant for lack of evidentiary basis or for being unfair, partial and unjust; and that the complainant himself has submitted an affidavit of desistance which has been affirmed by him in open hearing, We believe that an admonition to the respondent to be more circumspect in the discharge of his official duties in the future, would be sufficient to dispose of this case.

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WHEREFORE, the complaint against the respondent is hereby dismissed. He is, however, admonished to be more circumspect in the future in the discharge of his official duties.

SO ORDERED.

Makalintal, C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Muñoz Palma, and *Aquino, JJ.*, concur.

EN BANC

[G.R. No. L-28108. March 27, 1974]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **QUIRINO RAMOLETE, ANDRES ACOSTA and FAUSTINO RABARA** *alias* **FAUS,** *defendants,* **QUIRINO RAMOLETE,** *defendant-appellant.*

SYLLABUS

1. **CRIMINAL LAW; MURDER; KILLING QUALIFIED BY ALEVOSIA IN INSTANT CASE.**— The circumstance surrounding the killing of Refuerzo supports the finding that there was treachery. Appellant Quirino Ramolete first came to the house unarmed and ostensibly with pacific intentions. As it turned out, his purpose was to reconnoiter or to case the house and ascertain whether the intended victims were present and unarmed. That conduct of Quirino Ramolete amounted to "trickery or deceit." He dissembled and camouflaged his murderous intention by giving the inmates of the house the impression that he would not do them any harm. Having satisfied himself that the place and time were propitious for the execution of his diabolical plan, he left the house and fetched his confederates, Acosta and Rabara. After equipping themselves with deadly weapons, they entered the house to put into effect their felonious design. They surprised the persons inside the house particularly Refuerzo. Ramolete strategically stationed