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reluctance to testify for or against the parties. Incidentally, in relation to this charge, respondent as well known among his co-employees, does not drink.

"In connection with the charge of violation of Civil Service Rules, incompetency and neglect of duty, inasmuch as they are only a summation of the charges discussed above, it follows that they cannot stand." (pp. 200 to 203, rec.)

WHEREFORE, THIS ADMINISTRATIVE CASE AGAINST RESPONDENT ATTY. MANUEL NOV. DUQUE IS HEREBY DISMISSED.

Makalintal, C.J., Ruiz Castro, Teehankee, Esguerra, and *Muñoz Palma, JJ.,* concur.

SECOND DIVISION

[A.C. No. 236-J. August 30, 1974]

HERMILO R. ROSAL, *complainant, vs.* **HONORABLE JOAQUIN M. SALVADOR,** *respondent.*

SYLLABUS

JUDGES; WHERE THERE WAS NO EVIDENCE THAT JUDGE CAUSED HIS SON-IN-LAW TO ACCEPT AN APPOINTMENT IN AN OFFICE WITH A CASE PENDING BEFORE HIM AND THAT HE ACTED WITH PARTIALITY OR NEGLIGENCE IN RENDERING JUDGMENT, THE CASE AGAINST HIM SHOULD BE DISMISSED.— The matter was referred to Associate Justice Ramon G. Gaviola, Jr. After investigation, he submitted his report on July 3, 1973. There was according to him, no showing that respondent had caused his son-in-law to accept appointment as a casual or as a permanent employee in the Philippine Charity Sweepstakes Office. Neither was there any basis for the charge of respondent

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having displayed manifest partiality, evident bad faith or gross inexcusable negligence in issuing an order declaring the strike illegal, which incidentally was upheld in a resolution *en banc* by the Court of Industrial Relations. It was his recommendation then that the complaint against respondent Judge Joaquin M. Salvador be dismissed for lack of merit. The Court accepts such recommendation.

RESOLUTION

FERNANDO, *J.*:

It is not unusual, although far-from-commendable, for a losing party, with his heart burning with resentment over the outcome, to harbor suspicion that he had no chance for victory as the arbiter lacked impartiality. Such a state of mind could be gleaned from a reading of this administrative complaint for serious misconduct against respondent Judge Joaquin M. Salvador of the Court of Industrial Relations. The principal basis was that he "had his son-in-law [husband of his daughter] one [Reynaldo Legaspi] accept appointment as casual and later as permanent employee of the Philippine Charity Sweepstakes Office (PCSO) in 1970 and 1971 while the Petition for Injunction filed by the PCSO entitled 'PCSO, petitioner *v.* PCSEA, et al., respondents' and docketed as CIR Case 280 INJ. was pending before him; issued an Order in said CIR Case 280 INJ. which declared the strike called by respondents in said case as illegal and the respondent union officers as having lost their status as employees of the PCSO; and neglected or refused to act on the Petition to Suspend Execution of said Order filed by respondent union officers in said CIR Case No. 280 INJ. all in violation of Sec. 3 of Rep. Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, particularly pars. (d), (e), and (f) thereof."[1] The aforesaid paragraphs of the statute read: "Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination. (e) Causing any undue injury to any

[1] Complaint dated March 6, 1972.

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party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions. (f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party."[2] He was required to comment on the above complaint. That he did in a pleading dated April 17, 1972 where he stated that he was not aware that his son-in-law Reynaldo Legaspi was a casual employee in the Philippine Charity Sweepstakes Office although later information on that effect came from the then Congressman Eduardo Cojuangco, Jr. who admitted that it was on his recommendation based on his long friendship with the parents of Legaspi that prompted him to do so. There was an affidavit to that effect from such Congressman. He likewise stated that his reasons for declaring the strike illegal were fully set forth in the order which were then pending reconsideration with the Court of Industrial Relations *en banc* and that he did not issue a writ or order of execution as alleged in the aforesaid complaint.

The matter was referred to Associate Justice Ramon G. Gaviola, Jr. After investigation, he submitted his report on July 3, 1973. There was, according to him, no showing that respondent had caused his son-in-law to accept appointment as a casual or as a permanent employee in the Philippine Charity Sweepstakes Office. Neither was there any basis for the charge of respondent having displayed manifest partiality, evident bad faith or gross inexcusable negligence in issuing an order declaring the strike illegal, which incidentally was upheld in a resolution *en banc* by the Court of Industrial Relations. It was his

[2] Section 3, pars. (d), (e) and (f) of Republic Act No. 3019 (1960).

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recommendation then that the complaint against respondent Judge Joaquin M. Salvador be dismissed for lack of merit. The Court accepts such recommendation.

WHEREFORE, the case is dismissed for lack of merit.

Barredo, Antonio, Fernandez, and *Aquino, JJ.*, concur.

Zaldivar (Chairman), J., did not take part.

SECOND DIVISION

[G.R. No. L-23579. August 30, 1974]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **HON. MANUEL P. BARCELONA**, as Judge of the Court of First Instance of Manila, Branch VIII, and GO GUAN, *respondents.*

SYLLABUS

1. **NATURALIZATION LAW; DENIAL OF OATH-TAKING IS TANTAMOUNT TO NULLIFICATION OF ENTIRE NATURALIZATION PROCEEDINGS.**— The dismissal of the petition to take oath in a naturalization case pursuant to the provisions of R.A. 530, certainly affects the entire proceedings, since in naturalization cases the judgment does not become final until after the certificate of naturalization is issued and after compliance with the requirements of Section 1, R.A. 530.

2. **ID.; POLITICAL LAW; GOVERNMENT CANNOT BE ESTOPPED FROM ERROR OR OMISSION OF ITS AGENTS.**— The explanation of respondent Go Guan is untenable. Even granting for the sake of argument that there existed such Government Form No. 41, at the time respondent Go Guan filed his application for citizenship, the law is, nevertheless, clear that respondent should state in his petition all his "former places of residence." This requirement of the law already existed when he filed his petition for naturalization