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IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Teehankee and *Barredo, JJ.*, concur.

[Adm. Case No. 153-J. December 26, 1969]

MANUEL MONTEMAYOR, complainant, *vs.* HON. ERLITO L. ECHIVERRI, respondent.

SYLLABUS

ADMINISTRATIVE CASE; JUDGES; ADMINISTRATIVE CASE DISMISSED FOR FAILURE TO SUPPORT CHARGES.— An administrative case against a judge will be dismissed if complainant fails to support with sufficient evidence the charges against the judge.

RESOLUTION

DIZON, *J.*:

On August 21, 1969 Manuel Montemayor filed administrative charges against the Honorable Erlito L. Echiverri, Judge of the Court of First Instance of Lanao del Norte, Branch IV. The complaint was given due course and the respondent filed his answer thereto on September 26 of the same year. Thereafter, the case was forwarded to Justice Cecilia Muñoz Palma, of the Court of Appeals, for appropriate investigation, report and recommendation.

The case was set for hearing on November 20, 1969, but while the respondent judge appeared, neither the complainant nor a lawyer in his behalf appeared. Consequently, the respondent was allowed to present his evidence.

On the basis of the evidence of record, Justice Cecilia Muñoz Palma found: (1) that while there was some delay, on the part of the respondent, in acting on the motion to cancel bail mentioned in the complaint, His Honor succeeded in giving "understandable and satisfactory" explanation thereof; (2) that, complainant's claim that the prosecution witnesses in the double murder case

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against Willy Bagatan, and the members of the family of their deceased victim, were being threatened by Bagatan and his co-accused, was not mentioned at all in the motion to cancel bail as a supporting ground, and that, as a matter of fact, the private prosecutor himself, Atty. Tolentino, admitted that he was not aware of any threat against the prosecution witnesses; (3) that there is no evidence sufficiently showing undue familiarity between the respondent judge and the accused Bagatan; (4) that, in connection with the alleged grave error and serious misconduct committed by the respondent judge in calling Criminal Case No. 1642 for trial even before resolving the motion for the cancellation of the bail bond mentioned heretofore, the respondent committed no such error or misconduct and that, as a matter of fact, had respondent delayed the arraignment and trial of the case, he could have been rightly charged with favoring the defendants by the consequent delay.

On the basis of the findings made, as summarized above, Justice Muñoz Palma recommends that the complaint against the respondent judge be dismissed.

After a careful review of the record, We entirely agree with the findings and recommendation mentioned above.

WHEREFORE, the present administrative case against the respondent, the Honorable Erlito L. Echiverri, is hereby dismissed.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Teehankee and *Barredo, JJ.*, concur.

[G.R. No. L-19842. December 26, 1969]

REPUBLIC OF THE PHILIPPINES, plaintiff-appellee, *vs.* CENTRAL AZUCARERA DEL DANAO, defendant-appellant.