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# [ A.C. No. 102. July 15, 1968 ]

## PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU), COMPLAINANT, VS. HON. EMILIANO C. TABIGNE, ASSOCIATE JUDGE OF THE COURT OF INDUSTRIAL RELATIONS, RESPONDENT.

## R E S O L U T I O N

**DIZON, J.:**

On May 31, 1966, the Philippine Association of Free Labor Unions (PAFLU) filed administrative charges against the respondent judge of the Court of Industrial Relations for alleged serious misconduct and inefficiency. As the complaint was properly verified, the same was given due course and on June 22, 1966, said respondent was required to file his answer within fifteen days from notice. Said answer was filed on August 15 of the same year. Thereupon, We referred the case for proper investigation, report and recommendation to Mr. Justice Angel H. Mojica of the Court of Appeals. After carefully investigating the charges, with both parties given an opportunity to present their respective evidence, Justice Mojica submitted his report which contains the following:

"SUMMARY AND RECOMMENDATION

> It appearing that the charges against the respondent in connection with Case No. 118-INJ entitled 'Luzon Tinsmith Co. vs. PAFLU, et al' have not been substantiated by clear and satisfactory evidence; that in Case No. 125-INJ, entitled 'Goya Products Co. vs. PAFLU', respondent issued a Writ of Preliminary Injunction Ex-parte, after hearing the evidence of the petitioner, in the exercise of his sound judicial discretion and only after the filing of sufficient bond 'in order to prevent untoward incidents in the strike area'; that the allegations in paragraph 8 of the complaint in connection with Case No. 1177-MC, entitled 'In the Matter of the Certification Election at Shell Refinery, PAFLU Petitioner' are unfounded and that respondent was not to blame for the alleged delay; that as regards the allegations in paragraphs 9, 10 and 11 of the complaint, evidence is wanting that respondent employed all means within his power 'to retaliate against and persecute complainant'; that respondent has satisfactorily explained his orders and dissents in the cases therein mentioned and we find same to be in accordance with the evidence and law. As to the allegations in paragraphs 12, 13, 14 and 15, the same were found to be without basis; the actuations of the respondent in the

cases mentioned in said paragraphs are fully justified by the law and evidence, and as regards the allegations in the supplemental complaint, it has been satisfactorily shown that respondent has resolved the motion for the issuance of a writ of execution four (4) days after it was submitted for resolution; that complainant's 'Petition for Examination of Debtor of Judgment Creditor' was resolved by respondent twelve (12) days 'after Atty. Estacio showed that the writ was returned unsatisfied'; and that complainant's 'Ex-parte Petition to Cite Ko Kim to Appear in Court and be Examined under Oath' was decided to be moot and academic on the second day after it was filed.

WHEREFORE, it is hereby recommended that the respondent be exonerated from the 'complaint' filed against him."

After considering the case in the light of the evidence presented by the parties, the report and recommendation of the investigator above named, We find that the findings and conclusions contained in said report are fully justified by the evidence.

**WHEREFORE,** approving the recommendation made by the investigator, We hereby exonerate the respondent from the charges filed against him in the present case.

*Concepcion, C.J., Reyes, JBL, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Angeles* and *Fernando, JJ.,* concur.

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