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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

[Adm. Matter No. 438-MJ. March 4, 1976]

SECOND DIVISION

ROMAN CASTRO, complainant, *vs.* MUNICIPAL JUDGE NEMESIO M. MANGLINONG San Fabian, Pangasinan, respondent.

ADMINISTRATIVE CHARGE against a municipal judge.

SYNOPSIS

Complainant, a farmer, charged Municipal Judge Manglinong of San Fabian, Pangasinan, with having extorted ₱1,000 and having shouted at him. The respondent denied the charge. The case was investigated by the Executive Judge.

At the hearing, the complainant disavowed his allegations as to the shouting incident and made statements contrary to the averments in his complaint, stating that he could not substantiate the extortion charge. The investigating judge recommended respondent's exoneration.

The Supreme Court dismissed the case.

SYLLABUS
of the Ruling of the Court

ADMINISTRATIVE CHARGES; DISMISSAL; COMPLAINANT'S *VOLTE-FACE.*– Complainant's *volte-face* at the hearing, which destroyed the underpinning of his charge, has precluded this Court from taking disciplinary action against the respondent.

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APPEARANCES OF COUNSEL

Maria Theresa Simbre counsel for complainant.
Benigno Gubatan counsel for respondent.

RESOLUTION

AQUINO, *J.*:

Roman Castro, a farmer residing at Barrio Anonang, San Fabian, Pangasinan, in his verified complaint in the dialect dated April 10, 1973, charged Judge Nemesio M. Manglinong of that municipality with having extorted one thousand pesos from him on March 26, 1973 on the occasion when he bought a parcel of land from Soledad Lagera, Roman Lagera and Juan Lagera. The deed was prepared and notarized by Judge Manglinong.

The respondent denied the charge. His denial is supported by the joint affidavit of the Lageras dated July 5, 1973 that they (not the respondent) received one thousand pesos from Castro. Judge Manglinong also submitted the joint affidavit of Arturo Z. Aquino, the clerk of court of his court, and Arturo Estares, an alleged companion of the Lageras. They swore that the sum of one thousand pesos was delivered by Castro to the Lageras.

The charge was investigated by Hon. Felipe P. de Vera, the Executive Judge of the Court of First Instance of Pangasinan, Dagupan City Branch.

At the hearing Castro disavowed the allegation in his complaint that Judge Manglinong shouted at him and told him to pay ₱5,000 to the Lageras, the vendors of the land. Contrary to the averments in his complaint, Castro testified

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that Judge Manglinong explained to him the contents of the deed of sale, which was in English; that the judge said that if the Lageras filed a complaint against him, he (Castro) might be imprisoned, and that the amount of one thousand pesos was paid to the Lageras and not to respondent judge.

Castro said that he committed an honest mistake in his complaint and that he could not substantiate the extortion charge. At the hearing he was assisted by Atty. Maria Theresa Simbre. She moved for the dismissal of the complaint. Judge De Vera recommended respondent's exoneration.

Complainant Castro's *volte-face* at the hearing, which destroyed the underpinning of his charge, has precluded this Court from taking disciplinary action against the sixty-six-year old respondent who has been serving as municipal judge (originally justice of the peace) of San Fabian for more than thirty years.

WHEREFORE, this administrative case is dismissed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and *Concepcion Jr., JJ.,* concur.

Administrative case dismissed.