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FIRST DIVISION

[A.M. No. P-294. September 5, 1975]

THE MUNICIPAL COUNCIL OF CASIGURAN, QUEZON, *complainant, vs.* **ANTONIO VALENCIA, Clerk-Stenographer, Municipal Court of Casiguran, Quezon,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE COMPLAINT; MAY BE DISMISSED FOR INSUFFICIENCY OF EVIDENCE.—Where the evidence to support the charges against respondent are insufficient, and the complaints after the investigation submitted joint affidavits to the effect that the complaint "arose merely on pure misunderstanding" and prayed for the dismissal of the administrative case, the Supreme Court will dismiss the complaint against respondent.

RESOLUTION

MUÑOZ PALMA, *J.*:

This administrative case against respondent Antonio Valencia, clerk-stenographer of the Municipal Court of Casiguran, Subprovince of Aurora, Quezon, is the offshoot of a complaint filed by the Municipal Council of Casiguran, contained in its Resolution No. 93 which is also designated as Resolution No. 91 (see pp. 4-10, *Rollo*) dated August 22, 1972, wherein it was alleged that herein respondent had been absent from his office since June 15, 1972 to the prejudice of the service.

It may be well to mention at this instance that in the same resolution of the Municipal Council, Municipal Judge Virgilio Morales of Casiguran was likewise charged with "absenteeism" and this particular complaint against said municipal judge was the subject of Administrative Matter No. 81 MJ entitled "*Municipal Council of Casiguran, Quezon versus Municipal Judge Virgilio Morales*" which was resolved together with

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Administrative Matter No. 559-MJ, entitled: "*Tomas Manzanero versus Municipal Judge Virgilio Morales*" which were both decided on November 13, 1974, by this Court resulting in the removal from office of said respondent Municipal Judge. (61 SCRA 13)

The complaint against now respondent Valencia was referred to District Judge Ernesto P. Valencia of the Court of First Instance of Aurora Subprovince, Quezon, for investigation.

In his report dated July 29, 1974, Judge Ernesto P. Valencia gave an extensive narration of the evidence adduced by the complainant councilors and the respondent on the basis of which he recommended the dismissal of the charges for insufficiency of evidence to show that respondent was not in his station in Casiguran, Quezon, from June 15, to August 22, 1972, the date of the Resolution. (pp. 252-300, *Rollo*).

On July 14, 1975, the Court received a joint affidavit submitted by the following, namely: Dalmacio Meneses, Agaton Miano, Sr., Alejandrina Fernandez, Fausto T. Torre, Teodorico Molina, Jr., Venancio Angara, Jr., Jose P. Moral, Sr., and Jesus J. Torre, Sr., who claimed to be the incumbent members of the municipal council of Casiguran stating that after an investigation conducted by them into the matter of the alleged frequent absences of respondent Antonio Valencia from the municipal court of Casiguran, they discovered that the passage of the resolution complaining against respondent "arose merely on pure misunderstanding' and therefore they pray for the dismissal of this administrative case. (pp. 294-295, *Rollo*)

WHEREFORE, on the basis of the findings and recommendation of the Investigating Judge and the aforementioned joint affidavit of the incumbent members of the municipal council of Casiguran, Quezon, this administrative complaint is hereby DISMISSED.

Castro (Chairman), Teehankee, Makasiar, Esguerra, and *Martin, JJ.*, concur.