

[ADMINISTRATIVE ORDER NO. 354, July 17, 1973]

IN RE ADMINISTRATIVE CASE AGAINST MR. GODOFREDO B. GALINDEZ, FORMER MUNICIPAL JUDGE OF SULTAN SA BARONGIS, COTABATO

This is an administrative case against Municipal Judge Godofredo B. Galindez of Sultan sa Barongis, Cotabato, since compulsorily retired, filed by Atty. Estanislao V. Valdez for ignorance of the law and gross negligence in connection with his actuations in Criminal Case No. 732 and Special Proceedings No. 88 of his court. The case was formally investigated by District Judge Abelardo Aportadera of the Court of First Instance of Cotabato City.

A. With respect to Criminal Case No. 732 (homicide thru reckless imprudence), the evidence adduced at the investigation shows that respondent Judge issued a subpoena for the appearance of the accused in said criminal case on September 20, 1969; that for failure of the accused to appear on that date, respondent ordered his arrest; that when the accused was brought before the respondent on September 24, 1969, the former's lawyer prepared a waiver of preliminary investigation which was mailed on the same day; and that notwithstanding the explanation of the accused, respondent on the same day, ordered the detention of the accused and the cancellation of his bail bond, without giving notice to the sureties and notwithstanding his waiver of preliminary investigation. It was not until the accused had been detained for three (3) days that respondent lifted his order cancelling the bail bond and ordered the release of the accused. Also, despite the accused's waiver of preliminary investigation, respondent set the case for arraignment and trial instead of remanding it immediately to the Court of First Instance.

The single failure of the accused to comply with a subpoena did not justify respondent in cancelling his bail bond in the face of the former's explanation that such failure was not intentional. The evidence thus bears out the conclusion of the investigating Judge that respondent was ignorant of the law, as demonstrated not only by the detention of the accused upon the cancellation of his bail bond but also by the undue delay in the proceedings caused by respondent's setting the case for arraignment and trial instead of remanding it immediately to the Court of First Instance after the waiver by the accused of the preliminary investigation.

B. As regards Special Proceedings No. 88 of his court, it was duly established that respondent collected on November 1, 1969, the amount of P32 as filing fees but turned over said amount to the Municipal Treasurer as required by law only on April 27, 1971, after more than one (1) year and five (5) months and only after he was informed of the instant complaint against him.

After a careful review of the case, I agree with the Secretary of Justice that respondent is guilty as charged. However, considering that respondent has