

[ADMINISTRATIVE ORDER NO. 41, March 29, 1967]

**REMOVING MR. VICENTE M. SALUMBIDES FROM OFFICE AS
MUNICIPAL JUDGE OF TAGKAWAY QUEZON**

This is an administrative case against Municipal Judge Vicente M. Salumbides of Tagkawayan, Quezon for neglect and dereliction of duty.

From the records, it appears that respondent conducted the preliminary investigation of Criminal Case No. 1535 of his court charging Feliciano Balais with qualified seduction. The complainant and offended party therein is the same complainant herein. After the termination of the second stage of the preliminary investigation on November 21, 1961, counsel for complainant was informed on February 21, 1962, by respondent that the case would be transmitted to the Court of First Instance of Quezon Province. On May 10, 1962, counsel for complainant verified that the records of the case had not been sent either to the Court of First Instance or the Office of the Provincial Fiscal, thus he wrote respondent on May 18, 1962, requesting that the records be immediately transmitted to the Court. Respondent did not answer this letter.

On July 18, 1962, counsel for complainant again inquired from respondent about the records of the case and was informed that the latter gave the papers to the chief of police of Tagkawayan but that the same could not be transmitted because of the lack of available postage stamps. However, on August 17, 1962, respondent informed counsel for complainant that the records had long been sent to Gumaca, Quezon, thus the latter wrote to the clerk of Court requesting him to show the "records to the Assistant Provincial Fiscal assigned therein so that proper action can be taken." The clerk of Court, however, answered that the records of the case had, not been received by his office. The chief of police also stated on September 8, 1962, that he does not remember having received from respondent the records in question. Up to August 24, 1964, at least, the date when the Presiding Judge of the Court of First Instance of Quezon at Gumaca, and also the Investigating Judge of this case submitted his report, the records of the criminal case had not been transmitted by respondent.

Respondent, despite proper notice, neither submitted an answer nor appeared at the hearings. In fact, numerous postponements of the hearings were had just to accommodate him but in vain did the court await even the courtesy of an answer to the charges or an explanation of the delay in the transmittal of the records of Criminal Case No. 1535 of his court.

Respondent dismally failed in the discharge of his duty imposed by Section 12, Rule 112 of the Rules of Court which provides: