

SECOND DIVISION

[A.M. No. RTJ-04-1827 (Formerly OCA IPI No. 03-1907-RTJ), June 30, 2005]

**ATTY. FRIOLO R. ICAO, JR., CHIEF, N.B.I., PAGADIAN DISTRICT
OFFICE, COMPLAINANT, VS. HON. REINERIO B. RAMAS,
RESPONDENT.**

DECISION

PUNO, J.:

Before us is an administrative complaint filed by complainant Atty. Friolo R. Icao, Jr against Hon. Reinerio B. Ramas^[1] alleging that the latter colluded with the Prosecutor to frustrate the ends of justice in dismissing Criminal Case Nos. 6515-2K2 and 6516-2K2.

Complainant is the Chief of the National Bureau of Investigation's Pagadian Office. His office conducted an investigation and applied for the issuance of a search warrant against Rogelio Pangasian, Eliong Sumalpong and Daisy Catipay (hereafter referred to as the "Accused"). Complainant claims that the respondent judge 1) deferred the arraignment of the Accused *motu proprio* to give the defense counsel time to file their motions to quash; 2) drafted the Prosecutor's "Comment to the Motions to Quash" and 3) made him sign the same.^[2] To support his allegations, the complainant alleged that the typewritten comment of Prosecutor Briones dated 2 August 2002 and the order of Judge Ramas dated 8 October 2002 were drafted using the same typewriter. Respondent judge averred that the complaint was baseless.^[3]

On 9 February 2004, we referred the administrative complaint to Justice Aurora Santiago-Lagman of the Court of Appeals for investigation, report and recommendation.

Justice Lagman submitted her report on 18 May 2004. Her findings are reproduced below:

A very careful study of the records and the evidence adduced by both parties in the instant case, discloses that the complaint is devoid of merit.

Except for his bare allegations, complainant has failed to adduce any shred of evidence to substantiate his charge of collusion against respondent.

The complainant's assertion that no initiative was taken by the defense counsels to defer the arraignment on June 24, 2002 was refuted by the defense counsels themselves in their Joint Affidavit dated June 5, 2003, filed by registered mail and received by the Office of the Court