

SECOND DIVISION

[A.M. MTJ-95-1051, October 21, 1996]

EXEC. JUDGE EMERITO M. AGCAOILI, COMPLAINANT, VS. JUDGE BRICCIO A. AQUINO, RESPONDENT.

DECISION

TORRES, JR., J.:

In his letter dated February 9, 1995, Emerito M. Agcaoili, Regional Trial Court Executive Judge of Aparri, Cagayan, charged Briccio B. Aquino, Judge of Municipal Trial Court of Lal-lo, Cagayan, in his capacity as Acting Presiding Judge of Municipal Trial Court, Gattaran, Cagayan, with serious neglect of duty and/or gross ignorance of the law and insubordination for the latter's failure to file the required explanation to the October 11, 1994 directive of Judge Agcaoili relative to Criminal Case Nos. 3246 and 3247 both entitled "People vs. Cortez".^[1]

On March 17, 1995, Deputy Court Administrator Juanito Bernad directed judge Agcaoili to conduct a judicial audit on the records of the criminal complaints for rape referred to in the latter's complaint and to submit the report within forty-five days from notice thereof.^[2] Consequently, on April 10, 1995, Judge Agcaoili submitted the following report:

- "1. The criminal complaint (p. 1, record) was filed and received on 18 December 1992;
2. Preliminary examination (pages 14 to 17) was conducted on 20 January 1993;
3. A warrant of arrest was ordered issued on the same day (p. 18, record);
4. A warrant of arrest dated 20 January 1993 was issued;
5. At the back of the warrant of arrest (p. 9, record) appears the endorsement of the process server as follows:

`This warrant of arrest was served so many times but the accused Pascual Cortez was not arrested because he transfer already in Alcala, Cagayan with correct address unknown.

Gattarran, Cagayan, this 20th day of January 1994.

6. On 20 January 1994, the case was ordered archived (p. 21, rec);
7. On 03 March 1994, the record was remanded to the Office of the Provincial Prosecutor (p. 23, record);