

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 136

REPRIMANDING MUNICIPAL JUDGE FELIPE ELEOSIDA OF KIDAPAWAN, COTABATO.

This is an administrative case instituted against Municipal Judge Felipe T. Eleosida of Kidapawan, Cotabato, arising from charges filed by Mr. Nemesio Loma, for grave abuse of discretion, grave misconduct in office, high-handedness, partiality, ignorance of the law and/or incompetence. All the charges relate to respondent's actuations in Civil Case No. 12 of the Justice of the Peace Court of Makilala, Cotabato, which case was assigned to him after the inhibition of the regular incumbent. The complaint was formally investigated by the District Judge of Cotabato.

A perusal of the record shows that there is no sufficient basis to find the respondent indubitably guilty of the charges of abuse of authority, partiality and incompetence. The finding of the District Judge that respondent was guilty of undue delay in acting on the case which, being one for unlawful detainer, is a summary proceeding, based on complainant's allegations denied by respondent, that he was absent or late on the dates and time set for the hearing, may not be given full credit, as the documentary evidence submitted in the investigation of this case does not bear out the alleged misfeasances of the respondent.

It is observed, however, as noted by the District Judge, that there were occasions when respondent was remiss in his obligation to promote a speedy administration of justice, especially in proceedings of a summary character. In the absence of a showing that such a failing was willful and malicious, or intended to favor one party or obstruct the administration of justice to all litigants alike, it is believed that, as held by the incumbent Secretary of Justice, such conduct does not render the respondent unfit to continue in the judiciary of which he is a member of long standing.

Wherefore, and as recommended by the Secretary of Justice, Municipal Judge Felipe Eleosida of Kidapawan, Cotabato, is hereby reprimanded and warned that repetition of the same or similar acts tending to unduly delay the administration of justice will be dealt with more severely.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and sixty-five.

By the President:

SALVADOR L. MARIÑO

Acting Executive Secretary

Salvador L. Mariño
Felipe Eleosida