784 Phil. 267

FIRST DIVISION

[A.M. No. RTJ-16-2455 (Formerly OCA I.P.I. No.10-3443-RTJ). April 11, 2016]

NEMIA CASTRO, COMPLAINANT, VS. JUDGE CESAR A. MANGROBANG, REGIONAL TRIAL COURT, BRANCH 22, IMUS, CAVITE, RESPONDENT.

R E S O L U T I O N

LEONARDO-DE CASTRO, J.:

This is an administrative complaint for Gross Inefficiency, Neglect of Duty, Gross Ignorance of the Law and Manifest Bias and Partiality, filed by Nemia Castro (Castro) against Judge Cesar A. Mangrobang (Judge Mangrobang) of the Regional Trial Court, Branch 22 (RTC-Branch 22), Imus, Cavite, relative to Civil Case No. 2187-00, entitled *Nemia Castro v. Rosalyn Guevarra, sued with her husband, Jamir Guevarra.*

The complaint arose from the following facts:

Civil Case No. 2187-00 was an action for Cancellation and/or Discharge of Check and Defamation/Slander with Damages instituted on October 5, 2000 before the RTC of Imus, Cavite, by Castro against spouses Jamir and Rosalyn Guevarra (spouses Guevarra). The case was raffled to RTC-Branch 90 of Imus, Cavite, presided by Judge Dolores Español (Judge Español). In her complaint, Castro sought the cancellation of her undated Far East Bank and Trust Company (FEBTC) Check No. 0133501 in the amount of P1,862,000.00 payable to the order of Rosalyn Guevarra, contending that the total obligation for which said check was issued had already been fully paid. Castro also prayed that her FEBTC Check Nos. 0133574 and 0133575, dated March 24, 2000 and March 31, 2000, respectively, in the amount of P10,000.00 each, be declared without value; that Rosalyn Guevarra be ordered to return the excess payments Castro had made amounting to P477,257.00, plus interest; and that Castro be awarded exemplary damages, moral damages, and attorney's fees. Spouses Guevarra, in their defense, alleged that the personal checks in question were issued by Castro in their favor in exchange for rediscounted checks in Rosalyn Guevarra's possession; and that of Castro's P1,862,000.00 obligation to the spouses Guevarra, only P230,000.00 had been paid.

By reason of Castro's stop payment order to the bank for the three checks, spouses Guevarra filed before the Municipal Trial Court (MTC) of Imus, Cavite, three criminal complaints under the Bouncing Checks Law against Castro. During trial of Civil Case No. 2187-00, spouses Guevarra moved for the issuance of *subpoena ad testificandum* and *subpoena duces tecum* for certain bank officials and documents, but said motions were denied by Judge Español. Spouses Guevarra challenged Judge Español's denial of their motions for subpoena *via* a Petition for *Certiorari* before the Court of Appeals, docketed as CA-G.R. SP No. 80561. Given the pendency of CA-G.R. SP No. 80561, spouses Guevarra did not file a Formal Offer of Evidence before RTC-Branch 90 and instead filed on December 15, 2003 a Motion to Defer Action in Civil Case No. 2187-00.

Judge Español of RTC-Branch 90 rendered a Decision on December 22, 2003 in Civil Case No. 2187-00 with the following dispositive portion:

> WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff [Nemia Castro] and against defendants Rosalyn Guevarra and Jamir Guevarra ordering the discharge of Far East Bank and Trust Co. (FEBTC) Check No. 0070789 and its replacement FEBTC Check No. 0133501, which, defendants subsequently affixed the date July 15, 2000 thereto, both in the amount of P1,862,000.00, the same are hereby cancelled if not returned to the plaintiff. Further, FEBTC Checks Nos. 0133574 and 0133575 dated March 24, 2000 and March 30, 2000, respectively, each in the amount of P10,000.00, are also hereby declared as without value. Likewise, the defendants are ordered to return to the plaintiff the amount of P477,257.00 representing the excess payment made by plaintiff plus legal interest of 12% per annum, from the filing of this complaint until fully paid. Further, defendants are ordered to pay plaintiff moral damages of P400,000.00, exemplary damages of P100,000.00, attorney's fees of P200,000.00 and the costs of suit.
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> Furthermore, for lack of factual and legal basis, Criminal Case No. 8624-01, entitled People of the Philippines vs. Nemia Castro, for Estafa under Article 315 (2-d), RPC in relation to P.D. 818, is hereby DISMISSED. Thus, the Clerk of Court is directed to furnish the Municipal Trial Court of Imus, Cavite, with a copy of this decision for its information and guidance with regard to the Criminal Cases involving FEBTC Checks Nos. 0133574 and 0133575 pending before the said court.[1]

In the body of the same Decision, Judge Español mentioned that the spouses Guevarra's Motion to Defer Action was denied "pursuant to Section 7, Rule 65 of the 1997 Rules of Civil Procedure."

Spouses Guevarra filed on January 26, 2004 a Motion for Reconsideration assailing the validity of the Decision dated December 22, 2003 in Civil Case No. 2187-00 on the grounds that it was promulgated after Judge Español's retirement; it was contrary to law and the facts of the case; and it was rendered without due process as they were denied the right to present evidence. Spouses Guevarra filed two days later, on January 28, 2004, a Motion to Re-Raffle Case considering Judge Español's mandatory retirement on January 9, 2004 and the uncertainty of when a new judge would be appointed to replace her. Judge Norberto Quisumbing, Jr., Executive Judge of the RTC of Imus, Cavite, issued an Order[2] dated January 28, 2004 granting spouses Guevarra's Motion to Re-Raffle Case, and consequently, Civil Case No. 2187-00 was raffled to RTC-Branch 22, presided by Judge Mangrobang.

On December 15, 2004, Judge Mangrobang issued an Omnibus Order resolving spouses Guevarra's (1) Motion to Defer Action, and (2) Motion for Reconsideration of the Decision dated December 22, 2003. Judge Mangrobang found merit in spouses Guevarra's Motion for Reconsideration, thus:

> After a thorough study of the positions of both parties, this Court is of the opinion that defendants [spouses Guevarra] had clearly presented a meritorious contention in proving that the questioned decision is null and void. Circumstantial and concrete evidence had been established by defendants which will show that the said decision was clearly promulgated after the Honorable Judge Dolores Español had retired from service.
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> As correctly pointed out by defendants, the certified photocopy of the original of the subject decision dated December 22, 2003, which they secured on January 14, 2004 from the court and attached to their Motion for Reconsideration, does not show that it has been filed with the clerk of court from the time it was written until it was promulgated or sent to the parties. Unfortunately, plaintiff [Castro] failed to disprove said defendants' claim. The failure of the former judge to file the said decision with the clerk of court is very vital and cannot just be considered as one simple procedural lapse.
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> As held by the Honorable Supreme Court:

> *"The rule is well-established that the filing of the decision, judgment or order with the clerk of court, not the date of writing of the decision or judgment, nor the signing thereof or even the promulgation thereof, that constitutes rendition. (Echaus vs. CA G.R. 57343, July 23, 1990; Marcelino vs. Cruz, Jr. supra, p. 55; Castro vs. Malazo, 99 SCRA 164, 170 [1968]; Comia v. Nicolas, 29 SCRA 492 [1969].*
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> "What constitutes rendition of judgment is not the mere pronouncement of the judgment in open court but the filing of the decision signed by the judge with the Clerk of Court (Quintana Sta. Maria v. Ubay, 87 SCRA 179).

Evidently, although the decision is dated December 22, 2003, the same was mailed to the parties on January 12, 2004 and the neighboring Municipal Trial Court furnished on January 13, 2004. A considerable length of time therefore had lapsed from the time the said decision was presumably written up to the time it was actually served upon the parties. The Court cannot find a justifiable excuse in not serving the decision, during the incumbency or before the retirement of the former Judge Dolores Español, taking into account that there were occasions wherein the sheriff of this Court had caused the service of orders of lesser importance to the defendants.

x x x x

The decision dated December 22, 2003 having been considered as null and void, the other issues raised by the defendants in their Motion for Reconsideration are rendered moot and academic.[3]

Ultimately, Judge Mangrobang decreed in his Omnibus Order:

WHEREFORE, for being meritorious, defendants' [spouses Guevarra's] Motion for Reconsideration is hereby granted, and the Court's decision dated December 22, 2003 is hereby reconsidered and set aside.

Further, in order not to intricate matters in this case considering that a Petition for Certiorari had been filed by the defendants before the Honorable Court of

> Appeals, let the proceedings of this case be held in abeyance until after the Court of Appeals shall have ruled on the pending petition.[4]

The Court of Appeals rendered a Decision on July 20, 2006 in CA-G.R. SP No. 80561 dismissing spouses Guevarra's Petition for *Certiorari*. According to the appellate court, the issues raised in said petition had become moot and academic because of the Decision dated December 22, 2003 rendered by RTC-Branch 90 in Civil Case No. 2187-00.

Spouses Guevarra filed on October 20, 2006 before the RTC-Branch 22 a Motion to Revive Proceedings and/or New Trial in Civil Case No. 2187-00, to enable them to complete their presentation of evidence by submitting newly discovered evidence which could disprove Castro's claims. Judge Mangrobang issued an Order[5] dated March 23, 2007 granting spouses Guevarra's Motion and setting new trial of the case on April 27, 2007 at 8:30 in the morning.

It was now Castro's turn to file on July 19, 2007 before the Court of Appeals a Petition for *Certiorari,* Prohibition and Mandamus with prayer for issuance of Temporary Restraining Order (TRO), docketed as CA-G.R. SP No. 99763, directly challenging Judge Mangrobang's Order dated March 23, 2007 and also collaterally attacking his Omnibus Order dated December 15, 2004, for having been issued with grave abuse of discretion. In its Decision dated April 26, 2010, the appellate court denied Castro's petition. It opined that the petition should have been dismissed outright for Castro's failure to file a motion for reconsideration of Judge Mangrobang's Order dated March 23, 2007. The Court of Appeals also ruled that the issuance of the Order dated March 23, 2007 was not tainted with grave abuse of discretion as Judge Mangrobang acted within the bounds of his authority and in the exercise of his sound discretion. Castro filed a Motion for Reconsideration but it was denied by the Court of Appeals in a Resolution dated June 29, 2010. Castro filed before the Court a Petition for Review on *Certiorari,* docketed as G.R. No. 192737. On April 25, 2012, the Court rendered a Decision denying Castro's petition. The Court sustained Judge Mangrobang's Omnibus Order dated December 15, 2004, reasoning that: (1) Civil Case No. 2187-00 was properly assigned and transferred to RTC-Branch 22, vesting Judge Mangrobang with the authority and competency to take cognizance and to dispose of the case and all pending incidents therein, such as the spouses Guevarra's Motion for Reconsideration of Judge Español's Decision dated December 22, 2003; and (2) Judge Mangrobang's Omnibus Order dated December 15, 2004 had already attained finality after Castro failed to avail herself of any of the available remedies for questioning the same. The Court though found that the

Court of Appeals should have given due course to Castro's Petition for *Certiorari* as an exception to the general rule requiring the prior filing of a motion for reconsideration because there was no basis at all for Judge Mangrobang's Order dated March 23, 2007 granting spouses Guevarra's motion for new trial. A motion for new trial is only available when relief is sought against a judgment and the judgment is not yet final. Spouses Guevarra's motion for new trial in Civil Case No. 2187-00 was premature as RTC-Branch 22 has not yet rendered any decision in said case. Yet, in the interest of justice, the Court deemed it fair and equitable to allow the spouses Guevarra to adduce evidence in Civil Case No. 2187-00 before RTC-Branch 22 and thereafter make their formal offer. If Castro would no longer present any rebuttal evidence, RTC-Branch 22 could already decide the case on the merits.[6]

In the meantime, Castro filed on July 20, 2007 before RTC-Branch 22 a Motion to Suspend Proceedings[7] in Civil Case No. 2187-00 by reason of her Petition for *Certiorari* filed before the Court of Appeals just the day before. On November 3, 2008, Judge Mangrobang issued an Order denying Castro's Motion because the Court of Appeals had not issued a TRO or writ of preliminary injunction despite the lapse of more than a year since the filing of the Petition for *Certiorari.*

Complainant Castro then filed a Motion and Manifestation to Secure Services of Counsel after her third lawyer's withdrawal of services. During the hearing on April 16, 2009, Castro herself spoke before Judge Mangrobang reiterating her request to suspend the hearing of Civil Case No. 2187-00 to give her time to look for another lawyer and accord the Court of Appeals the opportunity to resolve her Petition for *Certiorari* in CA-G.R. SP No. 99763. Judge Mangrobang granted Castro only until May 28, 2009 to secure the services of a new lawyer but denied her motion to suspend the hearing of Civil Case No. 2187-00 while her Petition for *Certiorari* was pending before the appellate court.

Castro filed on April 23, 2009 a Motion for Inhibition,[8] charging Judge Mangrobang with manifest bias and partiality in favor of the spouses Guevarra in violation of Castro's right to due process. Spouses Guevarra filed an Opposition (To the Motion for Inhibition), to which Castro filed a Reply. On July 30, 2009, Judge Mangrobang issued an Order[9] which stated that Castro failed to submit a reply to the spouses Guevarra's Opposition (To the Motion for Inhibition) and she was already deemed to have waived her right to file the same. At the end of said Order, Judge Mangrobang adjudged:

> WHEREFORE, in view of the foregoing, plaintiffs [Castro's] Motion for Inhibition is hereby denied.
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> Accordingly, let the hearing for this case be set on September 9, 2009 at 2:00 o'clock in the afternoon. The plaintiff is hereby sternly warned that she should appear with a lawyer on that date. Otherwise, she would be deemed to have waived her right to present her evidence and the Court would be [constrained] to allow the defendants [spouses Guevarra] to start their presentation of evidence.[10]

Castro, through new counsel, filed on August 26, 2009 an Omnibus Motion with Leave of Court (*ad cautelam*)[11] praying for, among other remedies, a reconsideration of Judge Mangrobang's Order dated July 30, 2009 which denied her Motion for Inhibition. Castro additionally filed on September 18, 2009 a Manifestation and Motion to Admit Postmaster's Certification[12] to prove that her Reply to spouses Guevarra's Opposition (To the Motion for Inhibition), under Registry Receipt No. 15718, was delivered in a sealed envelope to RTC-Branch 22 and received by Orlando G. Nicolas on June 15, 2009.

Castro eventually received a Notice of Hearing, setting the continuation of the hearing of Civil Case No. 2187-00 on June 3, 2010, prompting Castro to file an Urgent Motion for Postponement citing again her lack of counsel and Judge Mangrobang's failure to rule on her Omnibus Motion and Motion to Admit Postmaster's Certification.

Based on the foregoing events, Castro filed a Complaint-Affidavit against Judge Mangrobang before the Office of the Court Administrator (OCA) on June 15, 2010.

Castro takes Judge Mangrobang to task for his failure to promptly act on her two pending Motions in Civil Case No. 2187-00, stressing that a judge must act on all motions and interlocutory matters pending before their courts within the 90-day period provided in the Constitution, unless the law requires a lesser period. Failure by the judge to promptly dispose the court's business within the periods prescribed by law and the rules constitutes gross inefficiency and warrants administrative sanction.

Castro further questions Judge Mangrobang's Omnibus Order dated December 15, 2004 which granted spouses Guevarra's Motion to Defer Action and held in abeyance the proceedings in Civil Case No. 2187-00 until after the Court of Appeals have ruled on spouses Guevarra's Petition for *Certiorari* in CA-G.R. SP No. 80561. Castro argues that said

Omnibus Order was in violation of Section 7, Rule 65 of the Revised Rules of Court which provides that "[t]he petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case[;]" and that such rule is so elementary that "not to know, or to act as if one does not know the same, constitutes gross ignorance of the law, even without the complainant having to prove malice or bad faith."

In addition, Castro contends that Judge Mangrobang exhibited bias and partiality in granting spouses Guevarra's Motion to Defer Action by reason of their pending Petition for *Certiorari* before the Court of Appeals, but later denying Castro's Motion to Suspend Proceedings also on the basis of her pending Petition for *Certiorari* before the Court of Appeals. According to Castro, Judge Mangrobang's undue preference to spouses Guevarra constitutes neglect of his duty to administer justice impartially under Rule 1.02 of The Code of Judicial Conduct, and of his obligation to conduct himself free of any whiff of impropriety.

Castro lastly avers that Judge Mangrobang had acted maliciously, deliberately, and in bad faith in issuing his Orders dated December 15, 2004, March 23, 2007, November 3, 2008, April 16, 2009, and July 30, 2009. Castro maintains that it was not true that Judge Español did not rule on the spouses Guevarra's Motion to Defer Action when she obviously did by denying the same in her Decision dated December 22, 2003. In still granting the spouses Guevarra's Motion to Defer Action, Judge Mangrobang deliberately allowed himself to be used as a tool by said spouses in getting a "TRO," which the Court of Appeals already denied in its Resolution dated February 18, 2004 in CA-G.R. SP No. 80561. For said Orders, Judge Mangrobang could be held liable for gross ignorance of the law, as well as gross misconduct.

In Judge Mangrobang's Comment[13] dated September 8, 2010, he dismisses Castro as a "disgruntled litigant" who would always cry that an injustice was committed against her. Judge Mangrobang asserts that as a matter of public policy, not every error or mistake committed by a judge in the performance of his/her official duties renders him/her administratively liable; and that, in the absence of fraud, dishonesty, or deliberate intent to do an injustice, acts done in the judge's official capacity, even though sometimes erroneous, do not always constitute misconduct.

Judge Mangrobang identifies two major issues against him in Castro's complaint: (1) his denial of Castro's Motion for Inhibition; and (2) his alleged undue delay in resolving Castro's pending Motions in Civil Case No. 2187-00.

On his refusal to inhibit himself from Civil Case No. 2187-00, Judge Mangrobang invokes Section 1, Rule 137 of the Revised Rules of Court, which states that except as to the ground of close blood relationship with either party or counsel to a case, voluntary inhibition based on good, sound, or ethical grounds is a matter of discretion on the part of the judge and the official who is empowered to act upon the request for inhibition. Judge Mangrobang also points out that requiring a judge to grant all motions for inhibition would open the floodgates to a form of forum shopping, in which litigants would be allowed to shop for a judge more sympathetic to their cause.

Judge Mangrobang adds that a litigant seeking a judge's inhibition has the burden of proving the impossibility on said judge's part to render an impartial judgment upon the matter before him/her. In the instant case, Judge Mangrobang challenges Castro to describe particular acts or conduct that are clearly indicative of his arbitrariness or prejudice. Prejudice should not be presumed. It would not benefit the judicial system to brand a judge as biased and prejudiced simply because said judge issued orders in favor of or against a party. A mere suspicion and bare allegation that the judge was partial to one party are not enough. There must be clear and convincing evidence of such partiality.

Anent the second issue against him, Judge Mangrobang informs the Court that he already resolved Castro's Omnibus Motion and Motion to Admit Postmaster's Certification in an Order dated June 8, 2010, copies of which were mailed to the parties on June 21, 2010. However, Castro's copy of the said Order, sent to the address stated in her motions, were returned to the sender for the reason that the addressee did not reside in the given address.

Judge Mangrobang then begs the indulgence of OCA, admitting that he failed to resolve Castro's aforementioned motions within the prescribed period of 90 days because of his heavy work load. Judge Mangrobang clarifies though that he already resolved Castro's Motion for Inhibition by denying the same in his Order dated July 30, 2009, and what he failed to immediately resolve was Castro's Omnibus Motion in which she sought reconsideration of the Order dated July 30, 2009. Judge Mangrobang justifies that his delay in resolving Castro's Omnibus Motion and Motion to Admit Postmaster's Certification could not be deemed unreasonable considering that the delay in the disposition of the entire case was due to several motions and postponements sought by Castro herself. Moreover, Judge Mangrobang claims that the immediate resolution of said motions was not essential to the continuation of the hearing of Civil Case No. 2187-00 since the arguments raised by Castro therein were mere rehash of her previous motions.

On April 27, 2011, OCA submitted its Report[14] with the following recommendations:

> **RECOMMENDATION**: Respectfully submitted for the consideration of the Honorable Court are the following recommendations:
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> 1. That the instant administrative case be **RE-DOCKETED** as a regular administrative matter;
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> 2. That the charges of Gross Ignorance of the Law and Manifest Bias or Partiality against respondent **Judge Cesar A. Mangrobang** of the Regional Trial Court, Branch 22, Imus, Cavite, be **DISMISSED** for being judicial in nature; and
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> 3. That respondent **Judge Cesar A. Mangrobang** of the Regional Trial Court, Branch 22, Imus, Cavite, be found **GUILTY** of Undue Delay in Rendering an Order, and be meted the penalty of **FINE** in the amount of **Ten Thousand Pesos (P10,000.00)**, with a **warning** that a repetition of the same, or any similar infraction in the future, shall be dealt with more severely.

In a Resolution dated November 21, 2011, the Court required the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Judge Mangrobang and Castro submitted their respective Manifestations[15] dated January 31, 2012 and February 13, 2012, respectively. Thereafter, the Court deemed the instant case submitted for decision.

The Court agrees with the findings and conclusion of the OCA.

There is no basis for taking any administrative action against Judge Mangrobang for his denial of Castro's Motion to Inhibit.

Section 1, Rule 137 of the Revised Rules of Court provides for when a judge is mandatorily disqualified and when a judge may voluntarily inhibit from a case. Said rule is reproduced in full below:

> Sec. 1. *Disqualification of judges*. – No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree,

> computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.
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> A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

None of the circumstances for the mandatory disqualification of a judge from a case applies to Judge Mangrobang. The question then is should Judge Mangrobang have voluntarily inhibited himself from Civil Case No. 2187-00?

The Court answers in the negative.

The following lengthy disquisition of the Court in *Philippine Commercial International Bank v. Spouses Dy Hong Pi*[16] is pertinent in this case:

> Under the first paragraph of Section 1, Rule 137 of the Rules of Court, a judge or judicial officer shall be **mandatorily disqualified** to sit in any case in which:
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> (a) he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise; or
> (b) he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law; or
> (c) he has been executor, administrator, guardian, trustee or counsel; or
> (d) he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.
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> Paragraph two of the same provision meanwhile provides for the rule on **voluntary inhibition** and states: "[a] judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above." That discretion is a matter of conscience and is addressed primarily to the judge's sense of fairness and justice. We have elucidated on this point in **Pimentel v. Salanga**, as follows:
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> > A judge may not be legally prohibited from sitting in a litigation. But

> when suggestion is made of record that he might be induced to act in favor of one party or with bias or prejudice against a litigant arising out of circumstances reasonably capable of inciting such a state of mind, he should conduct a careful self-examination. He should exercise his discretion in a way that the people's faith in the courts of justice is not impaired. A salutary norm is that he reflect on the probability that a losing party might nurture at the back of his mind the thought that the judge had unmeritoriously tilted the scales of justice against him. That passion on the part of a judge may be generated because of serious charges of misconduct against him by a suitor or his counsel, is not altogether remote. He is a man, subject to the frailties of other men. He should, therefore, exercise great care and caution before making up his mind to act in or withdraw from a suit where that party or counsel is involved. He could in good grace inhibit himself where that case could be heard by another judge and where no appreciable prejudice would be occasioned to others involved therein. On the result of his decision to sit or not to sit may depend to a great extent the all-important confidence in the impartiality of the judiciary. If after reflection he should resolve to voluntarily desist from sitting in a case where his motives or fairness might be seriously impugned, his action is to be interpreted as giving meaning and substances to the second paragraph of Section 1, Rule 137. He serves the cause of the law who forestalls miscarriage of justice.

The present case not being covered by the rule on mandatory inhibition, the issue thus turns on whether Judge Napoleon Inoturan should have voluntarily inhibited himself.

At the outset, we underscore that while a party has the right to seek the inhibition or disqualification of a judge who does not appear to be wholly free, disinterested, impartial and independent in handling the case, this right must be weighed with the duty of a judge to decide cases without fear of repression. Respondents consequently have no vested right to the issuance of an Order granting the motion to inhibit, given its discretionary nature.

However, the second paragraph of Rule 137, Section 1 does not give judges unfettered discretion to decide whether to desist from hearing a case. The inhibition must be for just and valid causes, and in this regard, we have noted that the mere imputation of bias or partiality is not enough ground for inhibition, especially when the charge is without basis. This Court has to be shown acts or conduct clearly indicative of arbitrariness or prejudice before it can brand them with the stigma of bias or partiality. Moreover, extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose, in addition to palpable error which may be inferred from the decision or order itself. The only exception to the rule is when the error is so gross and patent as to produce an ineluctable inference of bad faith or malice.

We do not find any abuse of discretion by the trial court in denying respondents' motion to inhibit. Our pronouncement in **Webb, et al. v. People of the Philippines, et al.** is *apropos*:

> A perusal of the records will reveal that petitioners failed to adduce any extrinsic evidence to prove that respondent judge was motivated by malice or bad faith in issuing the assailed rulings. *Petitioners simply lean on the alleged series of adverse rulings of the respondent judge which they characterized as palpable errors. This is not enough.* We note that respondent judge's rulings resolving the various motions filed by petitioners were all made after considering the arguments raised by all the parties, x x x.
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> x x x x
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> We hasten to stress that a party aggrieved by erroneous interlocutory rulings in the course of a trial is not without remedy. The range of remedy is provided in our Rules of Court and we need not make an elongated discourse on the subject. *But certainly, the remedy for erroneous rulings, absent any extrinsic evidence of malice or bad faith, is not the outright disqualification of the judge*. For there is yet to come a judge with the omniscience to issue rulings that are always infallible. The courts will close shop if we disqualify judges who err for we all err.

There is an absolute dearth herein of any evidence of Judge Mangrobang's bias or partiality, which would have required him to inhibit from Civil Case No. 2187-00. Judge Mangrobang's series of orders adverse to Castro and favorable to spouses Guevarra, by itself, does not constitute sufficient proof, even if characterized by palpable error/s. Castro did not allege, much less prove, any ill motive, corrupt purpose, or malicious intention behind Judge Mangrobang's orders. Unjustified assumptions and mere misgivings that the judge acted with prejudice, passion, pride, and pettiness in the performance of his functions cannot overcome the presumption that a judge shall decide on the merits of a case with an unclouded vision of its facts.[17] The Court highlights that mere imputation of bias or partiality is not enough ground for inhibition, there must be extrinsic evidence of malice or bad faith on the judge's part. Moreover, the evidence must be clear and convincing to overcome the presumption that a judge will undertake his noble role to dispense justice according to law and evidence without fear or favor.[18]

In the absence of clear and convincing evidence to prove the charge of bias and prejudice, a judge's ruling not to inhibit oneself should be allowed to stand.[19] Because voluntary inhibition is discretionary, Judge Mangrobang was in the best position to determine whether or not there was a need to inhibit from the case, and his decision to continue to hear the case, in the higher interest of justice, equity, and public interest, should be respected.[20]

Just as important is the fact that Judge Mangrobang issued the orders in the exercise of his judicial functions. The filing by Castro of an administrative case against Judge Mangrobang – to compel him to inhibit from Civil Case No. 2187-00 – is not the proper remedy. The pronouncements of the Court in *Re: Letters ofLucena B. Rallos for Alleged Acts/Incidents/Occurrences Relative to the Resolution(s) Issued in CA-G.R. SP No. 06676 by Court of Appeals Executive Justice Pampio Abarintos and Associate Justices Ramon Paul Hernando and Victoria Isabel Paredes*[21] on the voluntary inhibition of Justices of the Court of Appeals are just as relevant for judges. The Court quotes:

> Considering that the assailed conduct under both complaints referred to the performance of their judicial functions by the respondent Justices, we feel compelled to dismiss the complaints for being improper remedies. We have consistently held that an administrative or disciplinary complaint is not the proper remedy to assail the judicial acts of magistrates of the law, particularly those related to their adjudicative functions. Indeed, any errors should be corrected through appropriate judicial remedies, like appeal in due course or, in

> the proper cases, the extraordinary writs of *certiorari* and prohibition if the errors were jurisdictional. Having the administrative or disciplinary complaint be an alternative to available appropriate judicial remedies would be entirely unprocedural. In *Pitney v. Abrogar*, the Court has forthrightly expressed the view that extending the immunity from disciplinary action is a matter of policy, for "[t]o hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment."
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> In addition, the Court reminds that the disregard of the policy by Rallos would result in the premature filing of the administrative complaints – a form of abuse of court processes.

Rallos is consistent with the doctrine and policy previously recognized in *Atty. Flores v. Hon. Abesamis,*[22] thus:

> Now the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requi sites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.
>
> Flores resorted to administrative prosecution (or institution of criminal actions) as a substitute for or supplement to the specific modes of appeal or review provided by law from court judgments or orders, on the theory that the Judges' orders had caused him "undue injury." This is impermissible, as this Court had already more than once ruled. Law and logic decree that "administrative or criminal remedies are neither alternative nor cumulative to judicial review where such review is available, and must wait on the result thereof." x x x. Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, the fear of civil, criminal or

> administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions; and it is sound rule, which must be recognized independently of statute, that judges are not generally liable for acts done within the scope of their jurisdiction and in good faith; and that exceptionally, prosecution of a judge can be had only if "*there be a final declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order, and x x x also evidence of malice or bad faith, ignorance of inexcusable negligence, on the part of the judge in rendering said judgment or order*" or under the stringent circumstances set out in Article 32 of the Civil Code x x x.

The Court notes that in the instant case, Castro did have the opportunity to challenge two of Judge Mangrobang's orders, *i.e.*, Omnibus Order dated December 15, 2004 (granting spouses Guevarra's Motion for Reconsideration of the Decision dated December 22, 2003 and Motion to Defer Action) and Order dated March 23, 2007 (granting spouses Guevarra's Motion to Revive Proceedings and/or New Trial), through a Petition for *Certiorari* before the Court of Appeals in CA-G.R. SP No. 99763, and subsequently, a Petition for Review on *Certiorari* before this Court in G.R. No. 192737, To recall, the Court, in its Decision dated April 25, 2012 in G.R. No. 192737, ruled that: (1) Judge Mangrobang had the authority and competency to issue the Order dated December 15, 2004, which already attained finality; (2) Judge Mangrobang had no legal basis for granting the spouses Guevarra's motion for new trial in his Order dated March 23, 2007, but in the interest of justice, fairness, and equity, the spouses were allowed to adduce evidence in Civil Case No. 2187-00 before the RTC-Branch 22. The Court made no declaration in G.R. No. 192737 which Castro could use as basis for her charge of bias, partiality, or prejudice against Judge Mangrobang.

Nevertheless, the Court finds merit in the charge of undue delay by Judge Mangrobang in the resolution of Castro's Omnibus Motion and Motion to Admit Postmaster's Certification, which were filed on August 26, 2009 and September 18, 2009, respectively. Judge Mangrobang only resolved said Motions in his Order dated June 8, 2010.

In *Re: Cases Submitted for Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal,* the Court held[23]:

> Article VIII, Section 15 (1) of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of 90 days. The Code of Judicial

> Conduct under Rule 3.05 of Canon 3 likewise enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the 90-day period is mandatory.
>
> Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of their cases.
>
> The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.

Castro's Omnibus Motion and Motion to Admit Postmaster's Certification were pending matters in Civil Case No. 2187-00. It took Judge Mangrobang 10 months and nine months to resolve the Omnibus Motion and Motion to Admit Postmaster's Certification, respectively.

Judge Mangrobang failed to resolve said Motions within the 90-day reglementary period for no justifiable reason. Judge Mangrobang's claim of heavy work load is unsubstantiated, and even if assumed as true, does not automatically absolve him of any administrative liability. Judge Mangrobang, upon finding himself unable to comply with the 90-day mandatory reglementary period, should have asked the Court for a reasonable period of extension to resolve Castro's Motions. The Court, mindful of the heavy caseload of judges, generally grants such requests for extension.[24] Judge Mangrobang did not make such a request.

According to Section 9(1), in relation to Section 11(B), Rule 140 of the Rules of Court, as amended,[25] undue delay in rendering a decision or order is a less serious charge, for which the respondent judge shall be penalized with either (a) suspension from office without salary

and other benefits for not less than one nor more than three months; or (b) a fine of more than PI0,000.00 but not exceeding P20,000.00.

Taking into account that Judge Mangrobang had rendered 16 years of continuous service to the Government; he readily admitted that he failed to resolve the said Motions within the 90-day mandatory reglementary period; he had already optionally retired on August 31, 2012; and as a retiree, he would be mostly relying financially on his retirement benefits, the Court agrees with OCA that a fine of PI 0,000.00 would suffice in this case.

WHEREFORE, the Court finds JUDGE CESAR A. MANGROBANG, former judge of the Regional Trial Court of Imus, Cavite, Branch 22, **GUILTY** of undue delay in resolving pending matters in Civil Case No. 2187-00, and for which he is **FINED** in the amount of **P10,000.00**, to be deducted from the retirement benefits due and payable to him. Let a copy of this Resolution be **FORWARDED** to the Office of the Court Administrator so that the remaining benefits due respondent judge are promptly released, unless there exists another lawful cause for withholding the same.

SO ORDERED.

Sereno, C.J., (Chairperson), Bersamin, Perlas-Bernabe, and *Caguioa, JJ.*, concur.

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[1] *Rollo*, pp. 19-20.

[2] Id. at 24.

[3] Id. at 27-28.

[4] Id. at 29-30.

[5] Id. at 39.

[6] See *Castro v. Sps. Guevarra,* 686 Phil. 1125 (2012).

[7] *Rollo*, pp. 40-42.

[8] Id. at 51-58.

[9] Id. at 60-62

[10] Id. at 62.

[11] Id. at 63-67.

[12] Id. at 76-77.

[13] Id. at 93-101.

[14] Id. at 109.

[15] Id. at 115, 117.

[16] 606 Phil. 615, 636-639 (2009).

[17] *Jimenez, Jr. v. People,* G.R. Nos. 209195 and 209215, September 17, 2014, 735 SCRA 596, 625.

[18] *Villamor v. Manalastas*, G.R. No. 171247, July 22, 2015.

[19] *Jimenez, Jr. v. People*, supra note 17.

[20] *Villamor v. Manalastas*, supra note 18.

[21] IPI No. 12-203-CA-J (formerly A.M. No. 12-8-06-CA) and A.M. No. 12-9-08-CA, December 10, 2013, 711 SCRA 673, 690-691.

[22] 341 Phil. 299, 313-314 (1997).

[23] 634 Phil. 378, 381-382 (2010).

[24] *Office of the Court Administrator v. Dilag*, 508 Phil. 183, 1 89 (2005).

[25] En Banc Resolution in A.M. No. 01-8-10-SC dated September 11, 2001 (Re: Proposed Amendment to Rule 140 of the Rules of Court Regarding the Discipline of Justices and Judges).

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