

### Title:

**\*\*Ferdinand A. Cruz vs. Judge Priscilla Mijares: A Study on Litigation by Non-Lawyers and Judicial Inhibition\*\***

### Facts:

The case revolves around Ferdinand A. Cruz, a fourth-year law student, who sought to litigate personally in a civil case for abatement of nuisance (Civil Case No. 01-0410) which he filed in the Regional Trial Court (RTC), Branch 108, Pasay City. Cruz based his right to litigate on Section 34 of Rule 138 of the Rules of Court, which allows non-lawyers to personally conduct their litigation.

During pre-trial, Judge Priscilla Mijares mandated Cruz to obtain written permission from the Court Administrator to appear as counsel for himself, a directive with which Cruz disagreed. This disagreement was followed by a Motion to Dismiss filed by the opposing counsel, which Cruz objected to, alleging that such a motion is impermissible post-answer filing. Subsequently, Cruz filed a Manifestation and Motion to Inhibit, requesting Judge Mijares' voluntary inhibition from the case due to perceived partiality; this was denied in Orders dated April 19 and May 10, 2002. Cruz's motion for reconsideration was also denied on July 31, 2002.

Cruz then directly filed a Petition for Certiorari, Prohibition, and Mandamus with the Supreme Court challenging the RTC's decisions and Judge Mijares' refusal to inhibit herself.

### Issues:

1. Whether the extraordinary writs of certiorari, prohibition, and mandamus could be issued in this context.
2. Whether the respondent court acted with grave abuse of discretion in denying Cruz's personal appearance as a litigant and in Judge Mijares' refusal to voluntarily inhibit.

### Court's Decision:

The Supreme Court took cognizance of the case notwithstanding the usual adherence to judicial hierarchy, due to the novel legal issues it presented.

1. **\*\*On Cruz's appearance as a litigant:\*\*** The Court held that Cruz had the right to litigate personally under Section 34 of Rule 138, without needing to comply with Rule 138-A, which applies specifically to law students representing indigent clients under a legal clinic

program. The court observed that Cruz aimed to represent himself, not as a law student under Rule 138-A, but as a party exercising his right to personal litigation.

2. **On Judge Mijares' refusal to inhibit:** The Court did not find any grave abuse of discretion in Judge Mijares' refusal to voluntarily inhibit herself. The Court ruled that a motion for inhibition must prove bias and prejudice by clear and convincing evidence—a standard not met by Cruz.

### ### Doctrine:

The Supreme Court reiterated two critical doctrines:

1. **Right of Self-Representation:** A party has the right to conduct his litigation personally or with the aid of an attorney, as stated in Section 34, Rule 138 of the Rules of Court.
2. **Judicial Inhibition:** The decision for a judge to voluntarily inhibit from a case is a matter of personal conscience and discretion, requiring clear and convincing evidence of bias or prejudice to mandate such inhibition.

### ### Class Notes:

- **Right of Self-Representation:** Under Section 34, Rule 138, parties to a lawsuit can represent themselves in court proceedings without being lawyers. This facilitates access to justice but also subjects the parties to the technicalities of legal procedures.
- **Judicial Inhibition:** A judge's decision to inhibit from a case is discretionary, driven by ethical considerations, and must be supported by substantial evidence of partiality or bias to succeed.

### ### Historical Background:

This case underscores the judiciary's openness to allow parties—whether law students or not—to represent themselves, fostering a more inclusive legal system. It also exemplifies the judiciary's mechanism in maintaining fairness and impartiality through the voluntary inhibition doctrine, emphasizing the high threshold required to demonstrate judicial bias or partiality.