

**\*\*Title:\*\*** Kilosbayan Foundation and Bantay Katarungan Foundation v. Leoncio M. Janolo, Jr., et al.

**\*\*Facts:\*\***

The case originated from a petition filed by private respondent Gregory Ong under Rule 108 of the Rules Court for the amendment of his citizenship status on his birth certificate, which was docketed as Sp. Proc. No. 11767-SJ and assigned to the RTC of Pasig City. Petitioners Kilosbayan Foundation and Bantay Katarungan Foundation, opposed Ong's petition in the RTC, raising concerns about the impartiality of the presiding judge, Leoncio Janolo, Jr., due to affiliations with the San Beda Law Alumni Association. The RTC denied the petitioners' motion for voluntary inhibition and subsequently declared them in default for failing to file the required opposition. The RTC then granted Ong's petition, recognizing him as a natural-born Filipino citizen.

Petitioners elevated the matter to the Supreme Court, asserting that the RTC judge erred: (a) in not voluntarily inhibiting himself from the case, (b) in declaring the petitioners in default, and (c) in granting Gregory S. Ong's petition for citizenship correction.

**\*\*Issues:\*\***

1. Whether the RTC judge should have voluntarily inhibited himself due to perceived bias or actual conflict of interest.
2. Whether the declaration of the petitioners in default was proper.
3. Whether the grant of Ong's petition for the amendment of his citizenship entry was made with grave abuse of discretion.

**\*\*Court's Decision:\*\***

The Supreme Court dismissed the petition. It found no grave abuse of discretion on the RTC judge's part for not voluntarily inhibiting himself from the proceedings. The Court ruled that mere membership in the same alumni association did not constitute sufficient basis for inhibition, noting the absence of clear and convincing evidence to prove bias or partiality.

Regarding the declaration of default, the Supreme Court held that the RTC properly declared the petitioners in default for their failure to file an opposition within the given time frame, despite the extension granted. The Court also found the petitioners' motion to lift the order of default lacked the requisite affidavit of merit, was unverified, and did not provide justifiable reasons for their failure to answer.

Lastly, in dismissing the petition, the Court refrained from delving into the substantial

merits of Ong's citizenship correction, basing its decision on procedural aspects and the lack of grave abuse of discretion by the lower court.

**\*\*Doctrine:\*\***

The decision reinforced the principle that judges' voluntary inhibition is a matter of conscience and discretion, only warranting intervention upon clear evidence of bias or partiality, which was not demonstrated in this case. It also highlighted procedural requirements in contesting orders of default and emphasized the paramount importance of adhering to procedural timelines.

**\*\*Class Notes:\*\***

1. Voluntary Inhibition: A judge's discretion based on conscience, requiring substantial justification beyond mere association or alumni membership.
2. Order of Default: Must comply with procedural timelines and requirements; a valid order of default necessitates adherence to rules and the opportunity for the party to file an opposition.
3. Petition under Rule 108: Concerns the correction or amendment of entries in the civil registry; Proceedings are adversarial in nature, ensuring due process and representation of conflicting interests.

A motion to lift an order of default requires (a) a verified motion, (b) justification of the failure to answer due to fraud, accident, mistake, or excusable negligence, and (c) a meritorious defense.

**\*\*Historical Background:\*\***

The case emerged in the context of the Philippine legal system's efforts to ensure the integrity of legal proceedings in the correction of public records, specifically citizenship status. Reflecting on broader concerns about impartiality in the judiciary, the decision underscores the judiciary's commitment to fairness and the central role of procedural adherence in maintaining the legal process's integrity.