

Title:

*Judge Martonino R. Marcos (Retired) vs. Hon. Perla V. Cabrera-Faller, Presiding Judge,
Regional Trial Court, Branch 90, Dasmariñas City, Cavite*

Facts:

1. **Incident**: The case stems from the hazing death of Marc Andrei Marcos during the initiation rites of Lex Leonum Fraternitas on July 29, 2012.
2. **Preliminary Investigation**: The Office of the City Prosecutor (OCP) issued a May 8, 2013 resolution recommending that several Lex Leonum members be prosecuted under the Anti-Hazing Law (R.A. No. 8049). Cornelio Marcelo, Marc Andrei’s “angel” during the initiation rites, was recommended for discharge as a state witness.
3. **Filing of the Information**: Information was filed against twelve accused individuals before the RTC, docketed as Criminal Case No. 11862-13.
4. **Court Orders**:
 - On June 3, 2013, Judge Cabrera-Faller found probable cause and issued warrants of arrest while ordering the case to be archived due to the non-arrest of the accused.
 - On June 13, 2013, responding to an Omnibus Motion, Judge Cabrera-Faller recalled the warrants of arrest for three accused, citing inadvertence.
5. **Dismissal of the Case**:
 - On August 15, 2013, upon motion from the accused for the determination of probable cause and motions to quash the arrest warrants, Judge Cabrera-Faller quashed the warrants and dismissed the case against all accused. She found the evidence insufficient, citing inconsistencies and improbabilities in witness testimonies.
6. **Administrative Complaint**: Retired Judge Martonino Marcos filed an administrative complaint against Judge Cabrera-Faller alleging ignorance of the law, misconduct, violation of anti-graft and corrupt practices act, and rendering an unjust decision.

Procedural History:

- **Filing of Information and Issuance of Warrants**:

The information against the accused was filed on May 10, 2013. Judge Cabrera-Faller issued the arrest warrants on June 3, 2013, and then recalled some of them on June 13, 2013.

- **Dismissal of Criminal Case**:

Criminal Case No. 11862-13 was dismissed on August 15, 2013, leading Martonino Marcos to file an administrative complaint.

Issues:

1. **Procedural Compliance**: Whether Judge Cabrera-Faller properly followed procedural

A.M. No. RTJ-16-2472 Formerly OCA IPI No. 13-4141-RTJ). January 24, 2017 (Case Brief / Digest) rules, involving the issuance, recall, and archiving of warrants and case records.

2. **Judicial Overreach**: Whether Judge Cabrera-Faller appropriately exercised her discretion in determining probable cause and dismissing the criminal case.
3. **Misconduct Allegations**: Whether the respondent judge's actions constituted gross ignorance of the law, demonstrated bias, or were motivated by improper considerations.

Court's Decision:

Issue 1: Procedural Compliance

- Judge Cabrera-Faller violated A.C. No. 7-A-92 by prematurely archiving the case records without waiting for six months or any warrant return.

Issue 2: Judicial Overreach

- The recall of warrants citing inadvertence without valid explanation indicated failure to comply with the constitutional mandate of personal evaluation for probable cause determination.

Issue 3: Misconduct Allegations

- Judge Cabrera-Faller acted with haste in dismissing the case. Her finding of no probable cause despite substantial evidence and detailed testimonies was seen as gross ignorance of the law.
- The OCA highlighted that her actions created doubts about her integrity and impartiality.

Doctrine:

1. **Judicial Determination of Probable Cause**: Judges must personally determine the existence of probable cause based on a thorough evaluation of evidence, as mandated by the Constitution and procedural rules.
2. **Archiving Procedures**: Cases should not be archived prematurely without confirming the criteria set in Administrative Circular No. 7-A-92.
3. **Legal Prudence**: Proper judicial discretion requires careful and deliberate evaluation of evidence before case dismissal.

Class Notes:

- **Probable Cause**: The determination by judges should be based on sufficient evidence to maintain the prosecution, evaluated personally.
- **Archiving of Cases**: Permissible only under specific conditions, e.g., if the accused remains at large for six months or pending certain indefinite suspensions.
- **Judicial Integrity**: Judges' procedural missteps and haste in decision-making, especially

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against substantial contrary evidence, can demonstrate gross ignorance and misconduct.

- **RA 8049 (Anti-Hazing Law)**: Explains that officers and members participating in hazing resulting in injury or death are presumed liable unless they prevent the commission of acts.

Historical Background:

The case is situated within the context of ongoing legal discourses on hazing and fraternity-related violence in the Philippines. Republic Act No. 8049 was enacted in response to frequent hazing incidents resulting in severe injuries or deaths, emphasizing the judiciary's role in upholding the law against such heinous acts. The judiciary's diligence in dealing with such cases reflects societal efforts to eradicate hazing and enforce judicial accountability.