JOSEFINA CRUZ-AREVALO, COMPLAINANT, VS. REGIONAL TRIAL COURT, BRANCH 217, QUEZON CITY, RESPONDENT.

A.M. NO. RTJ-06-2005. July 14, 2006

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/94b24dc333b2/

YNARES-SANTIAGO, J.:

This administrative Complaint[1] filed by Josefina Cruz-Arevalo charges Judge Lydia Querubin-Layosa[2] with manifest bias and partiality and ignorance of the law relative to Civil Case No. Q-03-50379, entitled Josefina Cruz-Arevalo and Conrado R. Cruz v. Home Development Mutual Fund and Federico S. Quimbo.

Complainant narrates that Conrado R. Cruz executed an authorization letter[3] and a special power of attorney (SPA)[4] in her favor to represent him in Civil Case No. Q-03-50379 while he undergoes medical treatment in the United States of America (USA). Notwithstanding the presentation of the authorization letter and SPA during the pre-trial, respondent judge declared Cruz non-suited due to his absence. She also refused to issue an order to that effect thus depriving Cruz the right to challenge her order by way of petition for certiorari. Complainant also assails the order of respondent judge to exclude several paragraphs in the Affidavit which was adopted as the direct testimony of her witness without giving her counsel a chance to comment on the objections raised by the defendants. Moreover, she refused to issue a written order excluding certain paragraphs thus depriving complainant the opportunity to file certiorari proceedings.

Complainant likewise accuses respondent judge of inaction, indifference or collusion by silence[5] with the defendants for not acting on her Motions for Writs of Subpoena Duces Tecum and Ad Testificandum[6] thus providing opportunity for defendant Quimbo to avoid compliance therewith. Complainant prays for the re-raffling of the case to ensure impartiality and proper dispensation of justice.[7]

On November 14, 2004, respondent judge made the following ruling in Civil Case No. Q-03-50379:

> Considering that plaintiff Josefina Cruz-Arevalo had filed a Complaint against undersigned Presiding Judge with the Office of the Court Administrator and considering further that she had also filed with said Office a motion for re-raffle of this case, on grounds of partiality and bias on the part of said Judge, while such grounds for re-raffle are unfounded and while there is no legal basis for inhibition, if only to assuage her fears of not obtaining a fair and impartial trial, and having already entertained serious doubt on her objectivity in trying and eventually deciding the case, the undersigned Presiding Judge deems it wise to voluntarily inhibit herself from trying the case.
>
> Accordingly, undersigned Presiding Judge hereby inhibits herself from trying this case.
>
> Let the entire record be forwarded to the Office of the Executive Judge through the Clerk of Court of this Court for re-raffle.[8]

In her Comment[9] dated January 12, 2005, respondent judge explains that the letter presented by complainant allegedly authorizing her to represent Cruz in the pre-trial of Civil Case No. Q-03-50379 is defective because it was not duly notarized and authenticated. She likewise found the SPA defective as it pertains to complainant's

authority to receive Cruz's contribution to the PAG-IBIG Provident Fund and not to represent him in the pre-trial of the civil case. Thus, finding the absence of Cruz during the pre-trial inexcusable and without any proper representation in his behalf, respondent judge dismissed the complaint insofar as he is concerned.

As regards the exclusion of several paragraphs in the Affidavit constituting as the direct testimony of Atty. Cecilio Y. Arevalo, Jr., respondent judge points out that she gave the other party the chance to go over the affidavit and make objections thereto like any direct testimonial evidence. She claims that no written order is necessary as demanded by complainant's counsel because her rulings were made in open court during the course of trial and are already reflected in the transcript of the stenographic notes. With regard to complainant's Motions for Writs of Subpoena Duces Tecum and Ad Testificandum, respondent judge avers that they were not given due course because the legal fees for said motions were unpaid and the person alleged to have possession or control of the documents sought to be produced is not named or specified therein.[10]

In its Report[11] dated October 18, 2005, the Office of the Court Administrator (OCA) found complainant's accusations unmeritorious and recommended the dismissal of the administrative case for lack of merit.[12]

We agree with the findings and recommendation of the OCA.

The records clearly show that Conrado R. Cruz was absent during the pre-trial of Civil Case No. Q-03-50379, despite the specific mandate of the Rules of Court for parties and their counsel to personally appear therein.[13] While non-appearance of a party may be excused if a duly authorized representative shall appear in his behalf,[14] however Cruz failed to validly constitute complainant because his authorization letter and SPA were not respectively authenticated and specific as to its purpose. Without any authorized representative, the failure of Cruz to appear at the pre-trial made him non-suited. Respondent judge thus correctly dismissed the complaint in so far as he is concerned. [15]

As regards the exclusion of certain paragraphs in the affidavit of complainant's witness, the rule is that evidence formally offered by a party may be admitted or excluded by the court. If a party's offered documentary or object evidence is excluded, he may move or request that it be attached to form part of the record of the case. If the excluded evidence is oral, he may state for the record the name and other personal circumstances of the witness and the substance of the proposed testimony. These procedures are known as offer of proof or tender of excluded evidence and are made for purposes of appeal. If an adverse judgment is eventually rendered against the offeror, he may in his appeal assign as error the rejection of the excluded evidence. The appellate court will better understand and appreciate the assignment of error if the evidence involved is included in the record of the case.[16]

On the other hand, the ruling on an objection must be given immediately after an objection is made, as what respondent judge did, unless the court desires to take a reasonable time to inform itself on the question presented; but the ruling shall always be made during the trial and at such time as will give the party against whom it is made an opportunity to meet the situations presented by the ruling.[17] Respondent judge correctly ordered the striking out of portions in Atty. Arevalo's affidavit which are incompetent, irrelevant, or otherwise improper.[18] Objections based on irrelevancy and immateriality need no specification or explanation. Relevancy or materiality of evidence is a matter of logic, since it is determined simply by ascertaining its logical connection to a fact in issue in the case. We agree with OCA's observation that:

> There is also nothing irregular when respondent [judge] did not issue an order to reflect the objections of the defense counsel to each of the allegations in the sworn affidavit which was adopted as the direct testimony of complainant's counsel as the court's rulings thereto were made during the trial. As pointed out by respondent [judge], these matters are already reflected in the transcript of stenographic notes and are not subject to written

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> order. Orders resolving motions for continuance made in the presence of the adverse party, or those made in the course of a hearing or trial, may properly be made orally. (Echaus vs. CA, GR No. 57343, July 23, 1990, [187 SCRA 672]). Moreover, the acts of a judge in his/her judicial capacity are not subject to disciplinary action even though erroneous in the absence of fraud, dishonesty or corruption which complainant failed to prove in the instant case.

Further, while records show that the person alleged to have possession or control of the documents sought to be produced is actually named or specified in the Motions for Writs of Subpoena Duces Tecum and Ad Testificandum filed by complainant in Civil Case No. Q-03-50379, respondent judge was correct not to have entertained the same as the legal fees corresponding thereto were not paid. Respondent judge is not obliged to remind complainant or her counsel regarding said fees as the rules of procedure and practice already mandate that fees prescribed in filing of pleadings or other application which initiates an action or proceeding shall be paid in full.[19] However, this issue has become moot as respondent judge subsequently issued the subpoena prayed for after the complainant paid the required fees.

Finally, complainant failed to present evidence to show the alleged bias of respondent judge; mere suspicion that a judge was partial is not enough.[20] Bare allegations of partiality will not suffice in an absence of a clear showing that will overcome the presumption that the judge dispensed justice without fear or favor. It bears to stress again that a judge's appreciation or misappreciation of the sufficiency of evidence adduced by the parties, or the correctness of a judge's orders or rulings on the objections of counsels during the hearing, without proof of malice on the part of respondent judge, is not sufficient to show bias or partiality.[21] The Court will not shirk from its responsibility of imposing discipline upon erring members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

WHEREFORE, the instant administrative complaint against Judge Lydia Querubin-Layosa, Presiding Judge, Regional Trial Court of Quezon City, Branch 217, is DISMISSED for lack of merit.

SO ORDERED.
Panganiban, C.J., (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

---

[1] Rollo, pp. 1-9.

[2] Regional Trial Court, Branch 217, Quezon City.

[3] Rollo, p. 10.

[4] Id. at 11-12.

[5] Id. at 5.

[6] Id. at 14-23.

[7] Id. at 8.

[8] Id. at 64.

[9] Id. at 38-67.

[10] Id. at 67.

[11] Id. at 102-106.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[12] Id. at 105-106.

[13] Rules of Court, Rule 18, Sec. 4.

[14] Id.

[15] Agulto v. Tecson, G.R. No. 145276, November 29, 2005, 476 SCRA 395, 402.

[16] Benchbook for Trial Court Judges, pp. 5-26, citing Rules of Court, Rule 130, Sec. 23.

[17] Rules of Court, Rule 132, Sec. 38.

[18] Rules of Court, Rule 132, Sec. 39, par. 2.

[19] Rules of Court, Rule 141, sec. 1.

[20] Barcena v. Gingoyon, A.M. No. RTJ-03-1794, October 25, 2005, 474 SCRA 65, 74.

[21] Republic of the Philippines v. Evangelista, G.R. No. 156015, August 11, 2005, 466 SCRA 544, 555.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.