REQUEST TO DESIGNATE ANOTHER JUDGE TO TRY AND DECIDE CRIMINAL CASE NO. 3713 (SF-99) PENDING BEFORE THE MCTC, SAN FABIAN-SAN JACINTO, PANGASINAN

A.M. No. 01-6-192-MCTC. October 05, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

This refers to a letter of Aurora Arabos seeking the designation of another judge to try and decide a criminal case filed by her on the ground that the regular judge, Judge Aniceto L. Madronio, Sr., is biased. In the alternative, complainant seeks the transfer of venue of her case.

The facts are as follows:

Aurora Arabos, a barangay kagawad, is the complainant in a case for grave oral defamation before the Municipal Circuit Trial Court of San Fabian-San Jacinto, Pangasinan presided over by Judge Aniceto L. Madronio, Sr. The case, docketed as Criminal Case No. 3713 (SF-99), was set for pre-trial on October 1, 1999, at 2:00 p.m. On the said date, the pre-trial was terminated and the case was set for hearing. It appears, however, that Judge Madronio, Sr. again set the case for pre-trial on May 5, 2000, after the prosecution had presented two witnesses. However, when the date arrived for the pre-trial, only the complainant and the accused appeared. Seeing that the counsels for both parties failed to attend the scheduled pre-trial, Judge Madronio, Sr. tried to persuade complainant either to settle the case against the accused or to withdraw it. When he failed to do so, Judge Madronio, Sr. reset the pre-trial to June 2, 2000.

Complainant filed a motion for Judge Madronio, Sr. to inhibit himself from the case on the ground that the judge had shown partiality towards the accused. Her motion for inhibition and for suspension of the proceedings was denied by Judge Madronio, Sr. in an order, dated September 8, 2000. Instead, the judge set the hearing of the case on September 22, 2000 at 1:30 p.m.

Judge Madronio, Sr. claimed that he merely wanted the parties to settle their case amicably because both belonged to the barangay council of Barangay Lekep, San Fabian, Pangasinan. He denied that he asked complainant to withdraw her case against the accused. Judge Madronio, Sr. stated that he told the accused, Carlos T. Villanueva, after that conference to see complainant either in her house or in the barangay council and try to settle with her. Judge Madronio, Sr. explained that he thought it was his duty, as a former prosecutor and now Judge of the MCTC, to try to bring the parties to an amicable settlement for the sake of peace and harmony in the community. Anent his order, dated September 8, 2000, denying complainant's motion for inhibition and suspension of the proceedings of the case, Judge Madronio, Sr. maintained that he had not shown bias towards the accused and requested that he be allowed to hear the case in order to prove his impartiality.

This case was referred to the Office of the Court Administrator which, in its report dated June 14, 2001, recommended that the request of Kagawad Aurora Arabos for the designation of a new judge to replace Judge Madronio, Sr. or to transfer the venue of the action be denied on the ground that under Circular 7, dated

November 10, 1980, "all orders arising from motions for inhibition should not be treated as administrative in character but should be considered as judicial. The party who alleges to be aggrieved may apply for the appropriate legal remedy. In the absence of such proceeding, the order either for or against inhibition stands."

This recommendation is well taken.

Indeed, all orders arising from motions for inhibition cannot be treated as administrative matters. As stated in paragraph 7 of Administrative Circular No. 1, dated January 28, 1988, "inhibitions and disqualifications are judicial actions which do not require prior administrative approval. Administrative intervention is necessary only when the inhibition is by a judge of a single sala court, and the case has to be transferred to another judge of another station."

As held in Flores v. Abesamis,[1] disciplinary proceedings and criminal actions against judges are not complementary or suppletory of, nor a substitute for, judicial remedies which a party may avail of under the Rules of Court. It is only after the available judicial remedies have been exhausted and the appellate tribunals have ruled with finality that an inquiry into the criminal, civil, or administrative liability of a judge may be conducted. Complainant's remedy, therefore, is to file an appropriate judicial proceeding against the order of Judge Madronio, Sr.

In this case, although the Municipal Circuit Trial Court of San Fabian-San Jacinto, Pangasinan is a single sala court, administrative intervention is not warranted as Judge Madronio, Sr. has not inhibited himself and there is consequently no want for a judge to try Criminal Case No. 3713 (SF-99). The administrative supervision by this Court is not required to designate a new judge from another station to try and decide the subject criminal case. Neither would a transfer of venue of the case be proper.

The Office of the Court Administrator recommends that Judge Madronio, Sr. be reprimanded for allegedly failing to comply with Circular No. 38-98 and Rules 118 and 119 of the Revised Rules of Criminal Procedure of 2000 with regard to the procedure for pre-trial and trial and to observe Rule 2.01, Canon 2 of the Code of Judicial Conduct as he apparently exhibited partiality towards the accused in the subject criminal case. However, since as already stated, the question of inhibition of Judge Madronio, Sr. should be determined in an appropriate judicial proceeding, any administrative sanction against Judge Madronio, Sr. must await the outcome of the said judicial proceeding.

WHEREFORE, the instant case is DISMISSED without prejudice to the filing of the appropriate judicial remedy against the order of Judge Aniceto L. Madronio, Sr.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

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[1] 275 SCRA 302 (1997) cited in Ang Kek Chen v. Andrade, 318 SCRA 11 (1999).

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