IN RE: TRANSFER OF VENUE OF ALL ILUSORIO CASES FROM THE REGIONAL TRIAL COURT OF BAGUIO CITY TO METRO MANILA

A.M. NO. 03-6-349-RTC. August 22, 2006

Ponente: CORONA, J.

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CORONA, J.:

For resolution of this Court are (1) a motion for further clarification[1] filed by Baguio Country Club Corporation (BCC) and (2) a motion to correct resolution[2] filed by Ma. Erlinda Ilusorio-Bildner, Sylvia K. Ilusorio and Maximo K. Ilusorio. The subject of the foregoing motions is the March 8, 2004 resolution of the Court in A.M. No. 03-6-349-RTC which in turn amended a (previous) resolution dated July 14, 2003.

Prior to July 14, 2003, Erlinda K. Ilusorio requested[3] the transfer of venue of all Ilusorio cases[4] from the Regional Trial Court (RTC) of Baguio City to any RTC, preferably in Metro Manila.[5]

On July 14, 2003, the Court denied her request for lack of merit. Instead, the Court designated Judge Clifton Ganay of RTC, Branch 31, Agoo, La Union to try and decide all cases involving the Ilusorio family and BCC if the judges of the Baguio City RTC had declined to hear them. The dispositive portion of the resolution read:

> [T]he Court Resolved:
>
> - to DENY the petition of Mrs. Erlinda K. Ilusorio for the transfer of all the Ilusorio cases and/or BCC cases from RTC[-]Baguio City to any RTC, preferably in Metro Manila, for lack of merit; and
>
> - to DESIGNATE Judge Clifton Ganay of RTC, Branch 31, Agoo, La Union to try and decide all cases involving the Ilusorio family and [BCC] where the judges of the RTC-Baguio [City] have issued orders of inhibition.

Thereafter, BCC sought clarification of the foregoing designation. It wanted to know whether the Court was ordering the automatic transfer of the cases involving it to Judge Ganay if the judge trying the case had inhibited himself, even if not all the judges of the aforesaid court had done the same.

To dispel the confusion, we issued a resolution on March 8, 2004 amending paragraph (b) of the dispositive portion of the July 14, 2003 resolution to read as follows:

> [T]o designate Judge Clifton Ganay of Regional Trial Court, Agoo, La Union, Branch 31 to try and decide all cases involving the Ilusorio family and [BCC] which are Civil Case Nos. 5104-R, 1067-R, 5289-R, 4928-R, 5039-R, 1012-R, 4750-R, and 4537-R where all the judges of the Regional Trial Court, Baguio have issued orders of inhibition.

Still in a quandary, BCC filed another motion, this time for clarification[6] of the March 8, 2004 resolution.

On the other hand, Ma. Erlinda Ilusorio-Bildner, Sylvia K. Ilusorio and Maximo K. Ilusorio filed their own motion to correct the March 8, 2004 resolution.[7] They prayed for the exclusion of S.P. No. 1067-R entitled "In the Matter of the Probate of the Will of Potenciano T. Ilusorio" from the cases listed in the resolution inasmuch as

Judge Clarence Villanueva[8] opted to continue presiding over the case.

On BCC's motion (for clarification), the Court quotes with approval the memorandum of the Court Administrator dated January 19, 2004:

> ...[T]here is no automatic transfer of cases of the Ilusorio family or of [BCC] case[s] to Judge Ganay. As stated in the resolution, the request of Mrs. Erlinda K. Ilusorio to have the venue of cases transferred was that "the petitioner has not exhausted all the available remedies under the law. If she believes that some of the judges in Baguio City are impartial and she has evidence to prove the same, she can ask for their inhibition." Hence, a case goes to Judge Ganay if all the judges of the Regional Trial Court shall inhibit from trying the case. Otherwise stated, a judge of RTC [-] Baguio City cannot immediately transfer the case to Judge Ganay until all of them shall have recused themselves from hearing such case/s.

As for the Bildner group's motion (for correction of our March 8, 2004 resolution), we deny the same for the reason stated below.

The enumeration of cases in the dispositive portion of the amended (March 8, 2004) resolution of the Court was merely for the purpose of specifying the cases covered by A.M. No. 03-6-349-RTC so as to avoid any confusion that could cloud the resolution of this matter.[9] Nowhere in the resolution was it stated that the cases listed there were to be transferred automatically to Judge Ganay.

Paragraph (b) of the dispositive portion, as amended, meant that the listed cases would be transferred to Judge Ganay if and only if all judges of the Baguio City RTC inhibited from hearing them. The designation of Judge Ganay was intended to be a last resort, to take effect only in the extreme event that all judges of the aforementioned court declined to hear and decide the cases specified. It was not the intention of this Court to indiscriminately dump all cases on Judge Ganay's lap. His designation becomes operative only if all the Baguio RTC judges refuse to take part in these cases.[10]

Moreover, the 2002 Revised Manual for Clerks of Court provides:

xxx xxx xxx

> In any case where the Judge concerned is disqualified or voluntarily inhibits himself, the records shall be returned to the Executive Judge and the case shall be included in the regular raffle for re-assignment....[11]

The interpretation of the Bildner group's counsel is therefore erroneous and way out of line. There is no need to amend the resolution dated March 8, 2004 and exclude S.P. No. 1067-R from the cases listed therein.

WHEREFORE, the Court hereby resolves to DENY the motions for further clarification and to correct resolution.

Paragraph (b) of the resolution dated July 14, 2003, as amended by the March 8, 2004 resolution, is hereby reiterated.

Judge Clifton Ganay of Regional Trial Court, Agoo, La Union, Branch 31 is designated "to try and decide all cases involving the Ilusorio family and Baguio Country Club which are Civil Case Nos. 5104-R, 1067-R, 5289-R, 4928-R, 5039-R, 1012-R, 4750-R, and 4537-R where all the judges of the Regional Trial Court, Baguio [City] have issued orders of inhibition."
SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna and Garcia, JJ., concur.

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[1] Dated April 29, 2004.

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[2] Dated June 18, 2004.

[3] This request was conveyed in two letters dated June 25, 2002 and September 11, 2002, respectively.

[4] There are eight Ilusorio cases pending before the RTC of Baguio City: Civil Case Nos. 5104-R, 1067-R, 5289-R, 4928-R, 5039-R, 1012-R, 4750-R, and 4537-R.

[5] Report of the Office of the Court Administrator dated June 5, 2003.

[6] Supra note 1.

[7] Supra note 2.

[8] Judge Villanueva was dismissed from the service for immorality in the Court's resolution in A.M. No. RTJ-05-1927, Judge Ruben C. Ayson v. RTC Judges of Baguio City promulgated on June 26, 2006.

[9] Supra.

[10] Supra.

[11] Volume 1, Chapter IV, Section E, Paragraph 1.1.3.5 (b), p. 218.

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