

IN RE: TRANSFER OF HEARING OF A.M. No. 07-11-592- RTC CRIMINAL CASE NOS. 13308 (PP v. CRISOSTOMO ARMAMENTO) and 13337 (PP. v. MARK ANTONY PEREZ) FROM RTC – BR. 4, BATANGAS CITY ...

A.M. No. 07-11-592-RTC. March 14, 2008

Ponente: REYES, R.T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-07-11-592/>

REYES, R.T., J.:

AS far as practicable, the judge who hears the case should be the one to decide it, as he had the opportunity to observe firsthand the deportment of witnesses and the presentation of evidence. The practice of allowing one judge to conduct trial and another to render decision in the same case based only on records should be avoided.

This administrative matter concerns two criminal cases pending before Branch 4, Regional Trial Court (RTC), Batangas City, to wit:

1.)

Criminal Case No. 13308, entitled "People v. Crisostomo Armamento" for violation of Section 5, Article II of Republic Act (R.A.) No. 9165;[1] and

2.)

Criminal Case No. 13337, entitled "People v. Mark Antony Perez for Murder."

The accused in both cases are currently detained and serving sentence in the New Bilibid Prisons, Muntinlupa, Metro Manila. Whenever hearings are conducted, they are brought to the RTC in Batangas City.

On November 6, 2007, the Office of the Court Administrator (OCA) received an undated letter from Judge Albert A. Kalalo of Branch 4 of the RTC in Batangas City. He seeks guidance on the course of action to be taken in the subject cases considering that these are undergoing trial.

Taking into consideration the risks involved and the expenses incurred by the Government whenever the accused are brought to court for hearings, the OCA, in its evaluation and recommendation of November 13, 2007, recommends that the following courses of action be taken:

- the undated letter of Hon. Albert A. Kalalo, RTC, Branch 4, Batangas City informing this Office that the accused in Criminal Case Nos. 13308 entitled "People of the Philippines vs. Crisostomo Armamento" and 13337 entitled "People of the Philippines vs. Mark Antony Perez" are detained and already serving sentence at the Bureau of Corrections, New Bilibid Prisons, Muntinlupa City be NOTED;
- the Branch Clerk of Court, RTC, Branch 4, Batangas City be DIRECTED to forward the records of Criminal Case Nos. 13308 and 13337 to the executive judge, RTC, Muntinlupa City for raffle of the subject cases among the courts thereat;
- the judge to whom the cases are assigned be DIRECTED to conduct the entire trial of the aforesaid cases

within the premises of the Bureau of Corrections, Muntinlupa City. For this purpose, the judge shall be assisted by at least two (2) of his personnel;

- thereafter, the records of the cases shall be RETURNED to RTC, Branch 4, Batangas City for the preparation of the decisions; and

- after which, the records of the cases shall be RETURNED to RTC, Muntinlupa City for the promulgation of the decisions.

We cannot give our nod to the recommendations.

It is settled that findings of fact of the trial court are accorded greatest respect by the appellate court absent any abuse of discretion.[2] In fact, should there be no indication of grave error committed by the trial court, all appellate courts are bound to respect such findings of facts.[3]

There is good reason behind this time-honored legal precept. The trial judge has the opportunity to directly observe the witnesses and to determine by their demeanor on the stand the probative value of their testimonies. The Court in *People v. Yadao*,[4] elucidated thus:

x x x The witnesses reveal much when they testify that is not reflected in the transcript, which only records what they say but not how they said it. The meaningful pause, the ready reply, the angry denial, the elusive eyes or the forthright stare, the sudden pallor when a lie is exposed or the flush of face that accentuates a sincere assertion - these and many other tell-tale marks of honesty or invention are not lost on the trial judge. It is for this reason that his factual findings are generally not disturbed by the appellate court unless they are found to be clearly biased or arbitrary. x x x[5]

Such rationale ceases to exist should it become acceptable to split the burden of work in one case between two or more judges - one to conduct the hearings, and another to write the decision based on the records alone. This should be discouraged. Indeed, it should only be allowed when there is no other viable option.

The doctrine laid down in *U.S. v. Abreu*,[6] that it is not necessary that the judge who prepares and signs the decision be the one who heard the case, stems from an entirely different factual milieu. In said case, the judge who had received evidence resigned before deciding the case. It was held by the Court that his successor may decide the case on the evidence already taken; and that where competent and admissible evidence is properly taken by a judge who dies, retires or resigns before a decision is promulgated, his successor must necessarily be able to continue his predecessor's functions without a retrial.

The case at bar does not involve circumstances where the judge who hears the trial is no longer available by reason of death, retirement or resignation to render the decision. Hence, it is to the best interest of justice that the judge who hears the trial be the one to decide the case.

WHEREFORE, Judge Albert A. Kalalo is O R D E R E D to go to Muntinlupa City and conduct the rest of the trial of the subject cases within the premises of the Bureau of Corrections.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, and Nachura, JJ., concur.

[1] Comprehensive Dangerous Drugs Act of 2002.

[2] *People v. San Gabriel*, 323 Phil. 102, 108 (1996).

[3] Dy v. Sacay, G.R. Nos. L-78535-36, September 19, 1988, 165 SCRA 473, 484.

[4] G.R. Nos. 72991-92, November 26, 1992, 216 SCRA 1.

[5] People v. Yadao , id. at 7.

[6] 30 Phil. 402 (1915).

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