

**ARIEL “AGA” MUHLACH, COMPLAINANT, VS.
EXECUTIVE JUDGE MA. ANGELA ACOMPAÑADO-ARROYO,
REGIONAL TRIAL COURT, SAN JOSE CITY, CAMARINES SUR,
RESPONDENT.**

A.M. No. RTJ-15-2439 (Formerly OCA IPI No. 12-3989-RTJ). August 26, 2015

Ponente: PEREZ, J.

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PEREZ, J.:

This resolves the complaint dated 6 November 2012 filed by Ariel "Aga" Muhlach (complainant) charging Executive Judge Ma. Angela Acompañado-Arroyo (EJ Arroyo), Regional Trial Court (RTC), San Jose City, Camarines Sur with gross ignorance of the law and abuse of discretion.

ANTECEDENT FACTS

On 5 October 2012, Francisco Perico Dizon, Edgar Malate, Crispin Imperial and Ferdinand Fernando Felix Monasterio filed a petition before the Municipal Circuit Trial Court (MCTC) of San Jose-Presentacion, Camarines Sur praying for the exclusion of Ariel and Charlene Mae G. Muhlach (Spouses Muhlach) from the list of voters of Precinct No. 10A, Brgy. San Juan, San Jose, Camarines Sur. The case was docketed as Spec. Pro. No. 80.

On even date, Hon. Angel A. Tadeo, MCTC, San Jose-Presentacion, Camarines Sur voluntarily recused himself from hearing the case on the ground that petitioner Edgar Malate is a cousin of his late mother-in-law and Francisco Perico-Dazon is the son-in-law of the his former clerk of court, Florecito V. Patrocinio.[1]

Acting on such inhibition, EJ Arroyo scheduled the raffle of the case among judges of the first level courts within her administrative jurisdiction to determine who among them will be assigned to try and decide the case.

The case was eventually raffled to Judge Ricky C. Begino (Judge Begino).

In an Order[2] dated 12 October 2012, Judge Begino set the case for hearing on 16 October 2012.

On 15 October 2012, Spouses Muhlach filed a motion to dismiss Spec. Procs. No. 80.

In the morning of 16 October 2012, the Office of the Clerk of Court received a copy of the Order of Inhibition of Judge Begino, which states that:

An (sic) oral motion of the counsel of the respondents, undersigned judge hereby inhibit (sic) himself from further trying and ruling of this case to avoid any doubt as to the impartiality of this court.[3]

In the morning of 16 October 2012 also, the counsel for Spouses Muhlach filed with MCTC, San Jose-Presentation an Urgent Omnibus Motion: 1) to inhibit the Judge Begino; and 2) to re-raffle and assign the case to another judge.

In the afternoon of the same date, EJ Arroyo issued the assailed order which rendered ineffective the order of

inhibition of Judge Begino. It further directed Judge Begino to continue to hear and decide the case. EJ Arroyo noted that the counsel for Spouses Muhlach's oral motion failed to state the grounds to justify the inhibition of the judge. It likewise did not explain why doubts as to the impartiality of the court could exist.[4]

Judge Begino proceeded with the hearing of the case and on 19 October 2012, resolved, among others, the 16 October 2012 Urgent Motion to Inhibit filed by counsel for the Spouses Muhlach. He ruled, thus:

The Court is not convinced of the merit being shown by [Spouses Muhlach] for the Undersigned Judge (Judge for brevity) to inhibit from hearing and deciding this case.

The movants miserably failed to show what judicial actuations made by the Judge which may be perceived that he has already pre-determined the facts and issues involved in this case. If, the judicial actuations they are referring to is in connection with the Order of the Judge denying their Motion to Dismiss, the same is not sufficient for a Judge to inhibit himself from hearing and deciding the case considering that the denial was based on law.

x x x x

All told, the [Spouses Muhlach[s] belief that the Judge and his sibling Agnes are political allies of Mr. Fuentebella is unfounded, untrue and baseless.

x x x x

WHEREFORE, the Urgent Omnibus Motion to Inhibit the Honorable Presiding Judge Ricky C. Begino and to Re-Raffle and Assign Case to Another Presiding Judge is hereby ordered DENIED. The undersigned Judge will continue to hear and decide this case with the assurance to all parties concerned that he will take his role to dispense justice according to law and evidence without fear or favor.[5]

Dissatisfied, Spouses Muhlach filed on 23 October 2012 an Urgent Motion for Reconsideration (of the Orders dated 17 and 19 October 2012).

In a Decision[6] dated 25 October 2012, Judge Begino granted the petition for exclusion filed by Francisco Perico Dizon, Edgar Malate, Crispin Imperial and Ferdinand Fernando Felix Monasterio. The dispositive portion of the decision reads:

WHEREFORE, PREMISES CONSIDERED, the petition to exclude ARIEL AQUINO MUHLACH and CHARLENE MAE BONNIN MUHLACH from the list of voters of Precinct No. 10A Barangay, San Juan, San Jose, Camarines Sur is hereby GRANTED. The Election Registration Board is hereby ordered to EXCLUDE THE NAMES OF THE PRIVATE RESPONDENTS FROM THE LIST OF VOTERS OF PRECINCT NO. 10A BARANGAY SAN JUAN, SAN JOSE, CAMARINES SUR and REMOVE THEIR REGISTRATION RECORDS FROM THE CORRESPONDING BOOK OF VOTERS and to ENTER THE ORDER OF EXCLUSION therein; and thereafter, to PLACE THE RECORDS IN THE INACTIVE FILE, for lack of residency requirement.[7]

Aggrieved, complainant filed the instant administrative complaint against EJ Arroyo. He accused EJ Arroyo of having issued the Order dated 16 October 2012 with abuse of authority and with gross ignorance of law and procedure. Complainant contended that EJ Arroyo had no authority to reverse Judge Begino's order inhibiting himself as such power is vested solely in the Supreme Court.

In her comment,[8] EJ Arroyo explained that immediately upon receipt of Judge Begino's order of inhibition, she noticed that the order, on its face, was improper or defective. She stressed that the procedure prescribed for the disqualification of a judge must be substantially followed, citing the resolution of the Supreme Court dated 31 August 1978 in A.M. No. 2128-JC.[9] She averred that she was not ignorant of Administrative Circular No. 1

dated 28 January 1998 when she issued the questioned order. Under the cited circular, the duty of the executive judge is to appoint another trial judge under his/her supervision to handle the inhibited case or to elevate the matter to the Supreme Court. Considering that the inhibition order issued by Judge Begino was "patently defective," she saw no point in referring the same to the Court, through the Office of the Court Administrator, for evaluation "because in the first place, there was nothing for the latter to evaluate."

EJ Arroyo further explained that the subject case is a petition for exclusion of the names of Spouses Muhlach from the list of voters which should be decided within ten days from its filing as provided for under Republic Act (R.A.) No. 8189.[10] In view of the status of the Spouses Muhlach, EJ Arroyo claimed that no judge would want to handle the case. Thus, when she received a copy of Judge Begino's order of inhibition, she felt that it was her duty as executive judge to ensure that the case is decided, as much as possible, within the period prescribed under the law. She reasoned that if she were to approve Judge Begino's inhibition order which, on its face, was defective, nothing would stop other judges from recusing themselves from the case on flimsy grounds. She felt that it would result in an endless cycle leaving the case unresolved.

EJ Arroyo surmised that the complaint was filed for the sole purpose of delaying the resolution of Spec. Pro. No. 80. She alleged that after Judge Begino decided the case in favor of the petitioners and ordered the exclusion of Spouses Muhlach from the voters list, Spouses Muhlach appealed the decision to the RTC. It was raffled to Branch 40 presided over by Judge Noel Paulite (Judge Paulite) who eventually rendered a decision affirming the decision of Judge Begino. Spouses Muhlach thereafter filed a Motion for the Inhibition of Judge Paulite on 13 November 2012, after the instant complaint was filed on 7 November 2012. EJ Arroyo submits that should Judge Paulite grant the motion for inhibition, a dilemma would arise because the case would be assigned to Branch 58 where she is the presiding judge, there being only two branches in RTC San Jose. She claimed that such scenario would lead her to inhibit from the case because of the administrative complaint filed against her. Consequently, the case will be referred to the nearest RTC and raffled among the judges in that jurisdiction. She opined that other delaying tactics may be employed, and soon, it would already be elections day without the case having decided.[11]

Finally, she averred that she had been a judge for 11 years and this is the first time that an administrative case has been filed against her.

We find the charges of ignorance of the law and abuse of discretion bereft of merit.

The rule on inhibition and disqualification of judges is set forth in Section 1, Rule 137 of the Rules of Court, to wit:

Section 1. Disqualification of judges. - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above. (Emphasis supplied.)

The aforesaid rule enumerates the specific grounds upon which a judge may be disqualified from participating in a trial. It must be borne in mind that the inhibition of judges is rooted in the Constitution, specifically Article III, the Bill of Rights, which requires that a hearing is conducted before an impartial and disinterested tribunal because unquestionably, every litigant is entitled to nothing less than the cold neutrality of an impartial judge. All

the other elements of due process, like notice and hearing, would be meaningless if the ultimate decision would come from a partial and biased judge.[12] Certainly, a presiding judge must maintain and preserve the trust and faith of the parties-litigants.

We agree with EJ Arroyo that the inhibition of Judge Begino is lacking in some elements. Judge Begino simply ruled that he is inhibiting from the case to avoid any doubts as to the impartiality of the court. Although voluntary inhibition is primarily a matter of conscience and sound discretion on the part of the judge, such should still comply with the provisions of the second paragraph of Section 1, Rule 137 of the Rules, that is, it should be based on just or valid reasons. In the subject order, the reason for the inhibition of the judge was not stated. Neither could it be determined from the motion of the Spouses Muhlach's counsel since the motion was done orally, in violation of Section 2[13] of the same rule.

When EJ Arroyo declared that Judge Begino's order of inhibition was ineffective, she was in a way, returning the case back to the presiding judge for the latter to either cure the deficiency or take cognizance of the case if he finds no basis for the motion. As EJ Arroyo explained, she was aware that she had no authority to revoke or disapprove the order of inhibition, as such is vested only in the Supreme Court. It was for that reason that she used the word "ineffective." Tersely put, EJ Arroyo did not reverse the Order of Inhibition of Judge Begino. She correctly asked that the Order be completed to comply with the Rule on Inhibition of Judges.

When Judge Begino continued with the proceedings, it was a manifestation and admission on his part that he can hear and decide the case with the cold neutrality expected from an impartial magistrate. His subsequent ruling on the Urgent Omnibus Motion filed by counsel for the Spouses Muhlach affirmed EJ Arroyo's position that the earlier order issued on the basis of the oral motion was defective. The assailed order of EJ Arroyo was issued in the proper exercise of her administrative functions.

Moreover, to be held liable for gross ignorance of the law, the judge must be shown to have committed an error that was gross or patent, deliberate or malicious.[14] Here, it was clearly established that the only intention of EJ Arroyo was to ensure that the case is decided expeditiously and within the period provided under the law. There was no showing that she was moved by ill-will or malicious intention to violate existing Court issuances. In fact, bad faith may be attributed to the complainant for filing successive motions for inhibition.

While it was pronounced in relation to the performance by judges of their judicial functions, we find that in the matter of their administrative duties, it can likewise be said that as a matter of public policy, a judge cannot be subjected to liability for any of his official acts, no matter how erroneous, as long as he acts in good faith. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.[15]

WHEREFORE, in the light of the foregoing premises, the instant administrative complaint filed by Ariel "Aga" Muhlach against Executive Judge Ma. Angela Acompañado-Arroyo, Regional Trial Court, San Jose City, Camarines Sur for ignorance of the law and abuse of discretion is hereby **DISMISSED** for lack of merit.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Perlas-Bernabe, JJ., concur.

[1] Id. at 185.

[2] Id. at 187.

[3] Id. at 188

[4] Id. at 208.

[5] Id. at 34-36.

[6] Id. at 51-57.

[7] Id. at 57.

[8] Id. at 179-184.

[9] Constante Pimentel, petitioner, Request for the designation of another judge to hear the Motion for Reconsideration and/or Petition for Relief from the decision rendered in Criminal Case No. 310-C, People v. Ruben de la Cruz of the Court of First Instance, Branch IV, Candon, Ilocos Sur, 174 Phil. 295 (1978).

[10] Providing for a General Registration of Voters, Adopting a System of Continuing Registration, Prescribing the Procedures thereof and Authorizing the Appropriation of Funds therefor.

[11] Rollo, pp. 183-184.

[12] People v. Ong, 523 Phil. 347, 356 (2006).

[13] Section 2. Objection that judge disqualified, how made and effect. — If it be claimed that an official is disqualified from sitting as above provided, the party objecting to his competency may, in writing, file with the official his objection, stating the grounds therefor, and the official shall thereupon proceed with the trial, or withdraw therefrom, in accordance with his determination of the question of his disqualification. His decision shall be forthwith made in writing and filed with the other papers in the case, but no appeal or stay shall be allowed from, or by reason of, his decision in favor of his own competency, until after final judgment in the case.

[14] Zarate v. Balderian, 386 Phil. 1, 8 (2000) citing In Re: Joaquin T. Borromeo, 241, 311 Phil. 441 (1995).

[15] Crisologo v. Daray, 584 Phil. 366, 374 (2008).

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