

ANA MARIA C. MANGUERRA, COMPLAINANT, VS. JUDGE GALICANO C. ARRIESGADO, REGIONAL TRIAL COURT, BRANCH 18, CEBU CITY; JUDGE ANACLETO L. CAMINADE, RTC, BRANCH 6, CEBU CITY; CLERK OF...

A.M. No. RTJ-04-1854 [OCA-IPi No. 02-1379-RTJ]. June 08, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

In a verified letter-complaint,[1] Ana Maria C. Manguerra charged respondents Executive Judge Galicano C. Arriesgado, Judge Anacleto L. Caminade, Clerk of Court VII Jeoffrey S. Joaquin, Branch Clerk Myrna V. Limbaga, all of the Regional Trial Court of Cebu City, with Irregular Raffling of Cases, Dereliction of Duty and/or Incompetence and Falsification relative to Special Proceeding No. 1700-R entitled, “In the Matter of the Intestate Estate of Mariano F. Manguerra.”

The complainant alleges, in sum, that Special Proceeding No. 1700-R, pending with Branch 6 of the Regional Trial Court of Cebu City, was irregularly unloaded and clandestinely re-raffled to Branch 23 of the same court. Complainant argues that the irregular raffling of Special Proceeding No. 1700-R to Branch 23 was done to favor the oppositors therein.

In their joint Comment,[2] respondents, Branch 6 Presiding Judge Anacleto L. Caminade and Branch 6 Clerk of Court Myrna V. Limbaga, averred that Special Proceeding No. 1700-R was unloaded as a consequence of the re-raffle of Special Proceeding No. 916-R, entitled, “Intestate Estate of Vito Borromeo” (Borromeo case) to Branch 6 in view of Judge Antonio Echavez’s inhibition. Respondents explained that when a judge recuses himself from a case, it shall be assigned to another branch by regular raffle, and the branch to which it is assigned will then unload a case of similar nature and status to the judge who inhibited himself without need of raffle. This, according to them, is the established practice in the Cebu City Regional Trial Court. Hence, respondent Limbaga unloaded Special Proceeding No. 1700-R to Branch 8, presided by Judge Echavez in exchange for Special Proceeding No. 916-R.

Respondent Executive Judge Galicano C. Arriesgado averred in his Comment[3] that prior written notice of the date and time of re-raffle of the inhibited case is not given to the parties. A written order is also not a mandatory requirement to unload a particular case from the receiving branch of the inhibited case and the Presiding Judge thereof may just verbally direct his Branch Clerk to unload a case of the same kind and status. Nonetheless, if only to clear once and for all any doubts in complainant’s mind, respondent Executive Judge and the Raffle Committee would be more than willing to conduct a re-raffle with prior notice to the complainant and her counsel.

The Office of the Court Administrator recommended that the administrative complaint be referred to an Associate Justice of the Court of Appeals for investigation, report and recommendation.

In the meantime, respondent Branch Clerk Myrna V. Limbaga tendered her resignation from the service.[4] The

OCA recommended that the same be accepted without prejudice to the outcome of the instant administrative complaint,[5] which recommendation was noted by the Court in a Resolution dated February 11, 2003.[6]

Subsequently, the Court, upon the recommendation of the OCA, referred this case to Associate Justice Josefina G. Salonga of the Court of Appeals for evaluation, report and recommendation.[7]

During the investigation, complainant manifested that she was no longer interested in pursuing the case and that she believed respondents are not administratively liable. She further declared that she is no longer willing to testify against respondents.

Hence, Justice Salonga recommended the dismissal of the complaint against respondents.

We agree.

In administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in their complaints.[8] As observed by the Investigating Justice, without the testimony of the complainant and her other material witnesses, the allegations of the complaint stand unsubstantiated. In the absence of contrary evidence, as in this case, what will prevail is the presumption that the respondents regularly performed their duties.[9]

...The Rules, even in an administrative case, demand that, if the respondent judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge.[10] The Judiciary to which the respondent belongs demands no less. Before any of its members could be faulted, it should only be after due investigation and after the presentation of competent evidence, especially since the charge is penal in character.[11]

The absence of any evidence showing that respondents acted culpably reduces the charges against them into a mere indictment. We cannot, however, give credence to charges based on mere suspicion and speculation.[12]

WHEREFORE, in view of all the foregoing, the complaint is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Rollo, p. 1.

[2] Id., p. 110.

[3] Id., p. 159.

[4] Id., p. 194.

[5] Id., p. 193.

[6] Id., p. 192.

[7] Id., p. 197.

[8] Lorena v. Encomienda, 362 Phil. 248 (1999); Cortes v. Agcaoili, 335 Phil. 848 (1998).

[9] Oniquit v. Binamira-Parcia, 358 Phil. 1 (1998).

[10] Raquiza v. Castaneda, Jr., A.M. No. 1312-CFI, 31 January 1978, 81 SCRA 235.

[11] OCA v. Judge Filomeno Pascual, 328 Phil. 978 (1996).

[12] Lambino v. De Vera, 341 Phil. 62 (1997).

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