

JIMMY BARNES A.K.A. JAMES L. BARNES, PETITIONER, VS. TERESITA C. REYES, ELIZABETH PASION, MA. ELSA C. GARCIA, IMELDA C. TRILLO, MA. ELENA C. DINGLASAN, AND RICARDO P. CRISOSTOMO,...

G.R. No. 179583. September 03, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

Assailed in this petition for review on certiorari under Rule 45 of the Rules of Court are the June 28, 2007 Decision[1] and the September 18, 2007 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 94016. The relevant antecedent facts and proceedings follow.

In 1999, petitioner filed before the Regional Trial Court (RTC) of Quezon City, Branch 215 a complaint for specific performance with damages docketed as Civil Case No. Q-99-37219. On motion of respondents, the complaint was dismissed. The appellate court later affirmed the dismissal in CA-G.R. SP No. 69573. This Court, however, in its decision in G.R. No. 160753 on September 30, 2004, reversed and set aside the order of dismissal and remanded the case to the trial court with the instruction that the same be heard and tried with deliberate dispatch.[3] On June 28, 2005, the Court denied with finality the motion for the reconsideration of the said decision.[4]

RTC, Branch 215, of Quezon City, thus, proceeded to hear Civil Case No. Q-99-37219. On February 23, 2006, however, petitioner filed his motion for the inhibition[5] of the presiding judge, Ma. Luisa C. Quijano-Padilla, allegedly to preclude doubts or apprehensions of partiality and to give the parties breathing space and peace of mind in the course of the adjudication of the proceedings.

After respondents filed their opposition, the RTC judge issued the March 7, 2006 Order[6] declaring that she was voluntarily inhibiting herself from hearing the case and that she was granting the motion in order to dispel any doubt and perception of bias, and so that the faith and confidence in the justice system would not be eroded.

Disagreeing with the trial judge, respondents, on April 10, 2006, filed before the CA their Petition for Mandamus with Prayer for the Issuance of a Temporary Restraining Order and a Writ of Preliminary Injunction.[7] Respondents contended in the main that there was no sufficient ground for the trial judge to inhibit herself from hearing the case.

On June 28, 2007, the CA rendered the assailed Decision[8] granting the petition for mandamus, reversing and setting aside the inhibitory order issued by the trial court, and directing the said court to hear and decide the civil case with deliberate dispatch. It ruled, among others, that the allegations of preconceived bias and partiality thrown against the trial judge were more imaginary than real; that the records bore no suspicious circumstances that would create doubt on the impartiality, fairness and objectivity of the trial judge; that no extrinsic evidence appeared on the records to establish that the trial judge acted with bad faith, malice or corrupt purpose all

throughout the proceedings; and that there was no just and valid cause for the disqualification of the trial judge from presiding over the case.

The appellate court, in the further assailed September 18, 2007 Resolution,[9] denied petitioner's motion for reconsideration. Aggrieved, petitioner brought the matter to this Court via the instant Rule 45 petition.

The Court denies the petition.

Section 1, Rule 137 of the Rules of Court provides that--

Section 1. Disqualification of judges.--No judge or judicial officers 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 the 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.

The first paragraph of the section relates to the mandatory inhibition of judges; the second, to their voluntary inhibition.

The discretion referred to in the second paragraph is a matter of conscience and is addressed primarily to the judges' sense of fairness and justice.[10] Indeed, as this Court has held in *Pimentel v. Salanga*,[11] judges may not be legally prohibited from sitting in a litigation. However, when suggestion is made of record that they might be induced to act with bias or prejudice against a litigant arising out of circumstances reasonably capabl

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