

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. JOSE D. AZARRAGA AND JOHN REY PREVENDIDO, RESPONDENTS.

G.R. Nos. 187117 and 187127. October 12, 2011

Ponente: SERENO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-187117/>

SERENO, J.:

In the present Petition for Prohibition with Prayer for Temporary Restraining Order/Preliminary Mandatory Injunction under Rule 65 of the Rules of Court, petitioner questions the legality of Chapter V, Section 9 of A.M. No. 03-8-02-SC or the "Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties" issued by this Court on 27 January 2004, in relation to Section 90 of the Comprehensive Dangerous Drugs Act of 2002.

The antecedent facts are as follows:

On 7 February 2009, petitioner filed two (2) Informations[1] before the Regional Trial Court (RTC) of Iloilo City against private respondent John Rey Prevendido for Violation of Article II, Sections 5 and 11 of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. The cases were raffled to Branch 36, a designated special court pursuant to R.A. 9165, presided by Judge Victor E. Gelvezon. Soon after, however, Judge Gelvezon disclosed that Coreen Gemarino, the Philippine Drug Enforcement Agency (PDEA) operative who conducted the entrapment operation against private respondent, had close family ties with him. Thus, in order to preserve the integrity of the court, Judge Gelvezon issued an Order[2] dated 17 February 2009 inhibiting himself from trying the case. The cases were then reassigned to the other special court, Branch 25, presided by Judge Evelyn E. Salao.

On 24 February 2009, Judge Salao also issued an Order[3] whereby she inhibited herself for the reason that Coreen Gemarino was a cousin; thus, the cases were endorsed to the Office of the Executive Judge for reassignment.

Citing Chap. V, Sec. 9 of A.M. No. 03-8-02-SC, Executive Judge Antonio M. Natino ordered the Clerk of Court to forward the entire records of the cases to Branch 37 presided over by public respondent, the pairing judge of Branch 36, which was the special court that originally handled the cases.[4]

On 16 March 2009, however, as soon as public respondent proceeded with the cases, Prosecutor Kenneth John Amamanglon filed a Motion to Transfer Case to a Branch of Competent Jurisdiction.[5] He questioned the jurisdiction of public respondent to hear the cases, citing Sec. 90 of R.A. 9165. Prosecutor Amamanglon also claimed that, as the prosecutor assigned to Branch 37, he was not among the prosecutors who had been designated to handle cases exclusively involving violations of R.A. 9165.

On the same day, respondent judge denied the motion on three grounds, to wit:

- This motion ought not to have been filed in this court for lack of legal basis;

- This court is not without jurisdiction to hear the instant case;
- The matter about the appearance of Trial Prosecutor Kenneth John Amamanglon should have been addressed to the Department concerned.[6]

Respondent judge thus set the hearing on the Motion for Admission to Bail[7] filed on 10 February 2008. He directed the city prosecutor to assign an assistant city prosecutor to handle the case effective 20 March 2009.

Prosecutor Amamanglon, however, moved for a reconsideration[8] of respondent judge's Order, contending that the trial court needed a special designation from this Court in order to have jurisdiction over the cases. Thus, Prosecutor Amamanglon concluded, absent the special designation, respondent court should remand the cases to the Office of the Executive Judge for re-raffling to another court specially designated pursuant to R.A. 9165. To support its contention, petitioner further cited this Court's 11 October 2005 Resolution in A.M. No. 05-9-03-SC, which clarified whether drug courts should be included in the regular raffle.

Respondent judge denied the Motion for Reconsideration in its Order dated 20 March 2009.[9] He held that A.M. No. 03-8-02-SC should be deemed to have modified the designation of special courts for drug cases. He declared that, under the circumstances enumerated in A.M. No. 03-8-02-SC, Branch 37 itself became a special court. He further ruled that A.M. No. 05-9-03-SC was inapplicable.

On 23 March 2009, the city prosecutor endorsed the assailed Orders of respondent judge to the Office of the Solicitor General for the appropriate review and filing of the necessary action.[10] Thus, on 24 March 2009, petitioner filed the present petition before this Court.

On 27 March 2009, while the Petition for Prohibition was pending, respondent judge issued an Order[11] inhibiting himself from hearing the case after private respondent alleged that the former was biased for the prosecution. The cases were thereafter transferred to Branch 35, also a regular court, presided by Judge Fe Gallon-Gayanilo.

Absent a temporary restraining order from this Court, the trial court proceeded to hear the cases.

The present petition raises two (2) issues, to wit:

- WHETHER OR NOT RESPONDENT JUDGE HAS JURISDICTION OVER THE DRUG CASES IN CRIMINAL CASE NOS. 09-68815/16 DESPITE HIS ASSIGNMENT TO A REGULAR COURT
- WHETHER OR NOT A.M. NO. 03-8-02-SC IS IN CONFORMITY WITH SECTION 90 OF REPUBLIC ACT NO. 9165, MANDATING THE DESIGNATION OF SPECIAL COURTS TO EXCLUSIVELY TRY AND HEAR DRUG CASES[12]

At the outset, it is an established policy that parties must observe the hierarchy of courts before they can seek relief directly from this Court. The rationale for this rule is twofold: (a) it would be an imposition upon the limited time of this Court; and (b) it would inevitably result in a delay, intended or otherwise, in the adjudication of cases, which in some instances, had to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as better equipped to resolve the issues because this Court is not a trier of facts.[13] It is only for special and compelling reasons that this Court shall exercise its primary jurisdiction over the extraordinary remedy of writ of prohibition. However, in the case at bar, since it is only the Supreme Court itself that can clarify the assailed guidelines, petitioner is exempted from this rule.

The petition, however, must fail.

The crux of the matter in the present case is whether or not this Court violated Sec. 90 of R.A. 9165 when it

issued A.M. 03-8-02-SC, particularly Chap. V, Sec. 9, which prescribes the manner in which the executive judge reassigns cases in instances of inhibition or disqualification of judges sitting in special courts. Petitioner insists that should respondent judge (now Judge Fe Gallon-Gayanilo of Branch 35) continue hearing and trying the case, it "would result in the circumvention of the legislative conferment of jurisdiction to a court to exclusively try and hear drug offenses only." [14]

Contrary to the assertion of petitioner, this Court did not commit any violation of R.A. 9165 when it issued the assailed guidelines. Rather, it merely obeyed Article VIII, Sec. 5(5) of the 1987 Constitution, which mandates that the rules promulgated by this Court should provide a simplified and inexpensive procedure for the speedy disposition of cases, in conformity with the right of all persons to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies. [15] As this Court stated in *San Ildefonso Lines v. Court of Appeals*, [16] there must be a renewed adherence to the time-honored dictum that procedural rules are designed not to defeat, but to safeguard, the ends of substantial justice.

Petitioner grounds its assertion on Sec. 90 of R.A. 9165, which states:

Jurisdiction. -- The Supreme Court shall designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of this Act. The number of courts designated in each judicial region shall be based on the population and the number of cases pending in their respective jurisdiction.

... ..

Trial of the case under this Section shall be finished by the court not later than sixty (60) days from the date of the filing of the information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case for resolution.

Petitioner interprets the above provision to mean that a court must be specifically designated by the Supreme Court as a special court. But what is Chap. V, Sec. 9 of A.M. No. 03-8-02-SC if not an express designation of a special court?

Chap. V, Sec. 9 of A.M. No. 03-8-02-SC provides:

Raffle and re-assignment of cases in special courts where judge is disqualified or voluntarily inhibits himself/herself from hearing case. -- (a) Where a judge in a court designated to try and decide

... ..

(3) cases involving violations of the Dangerous Drugs Act, or ...

is disqualified or voluntarily inhibits himself/herself from hearing a case, the following guidelines shall be observed:

... ..

(ii) Where there are more than two special courts of the same nature in the station, the Executive Judge shall immediately assign the case by raffle to the other or another special court of the same nature. In case the Presiding Judge of the other special court is also disqualified or inhibits himself/herself, the case shall be forwarded to the pairing judge of the special court which originally handled the said case. If the pairing judge is also disqualified or inhibits himself/herself, the case shall be raffled to the other regular courts. At the next raffle, an additional case shall be assigned to the disqualified or inhibiting judge/s to replace the case so removed from his/her/their court... (Emphasis supplied.)

Under R.A. 9165, Congress empowered this Court with the full discretion to designate special courts to hear, try

and decide drug cases. It was precisely in the exercise of this discretionary power that the powers of the executive judge were included in Chap. V, Sec. 9 of A.M. No. 03-8-02-SC vis-à-vis Sec. 5(5) of Article VIII of the 1987 Constitution. Thus, in cases of inhibition or disqualification, the executive judge is mandated to assign the drug case to a regular court in the following order: first, to the pairing judge of the special court where the case was originally assigned; and, second, if the pairing judge is likewise disqualified or has inhibited himself, then to another regular court through a raffle. Under these exceptional circumstances, this Court designated the regular court, ipso facto, as a special court - but only for that case. Being a "designated special court," it is likewise bound to follow the relevant rules in trying and deciding the drug case pursuant to R.A. 9165.

Petitioner also contends that the legislative intent of R.A. 9165 is "to make use of the expertise of trial judges in complicated and technical rules of the special drug law." Thus, petitioner suggests that in instances in which all the judges of special courts have inhibited themselves or are otherwise disqualified, the venue for the affected drug cases should be transferred to the nearest station that has designated special courts.

Petitioner's suggestion is ill-advised. To subscribe to this suggestion is to defeat the purpose of the law. Undoubtedly, petitioner's unwarranted suggestion would entail the use of precious resources, time and effort to transfer the cases to another station. On the other hand, the assailed guidelines provide for a much more practical and expedient manner of hearing and deciding the cases. To reiterate, over and above utilizing the expertise of trial judges, the rationale behind Sec. 90 of R.A. 9165 and Chap. V, Sec. 9 of A.M. No. 03-8-02-SC is to effect an efficient administration of justice and speedy disposition of cases, as well as to breathe life into the policy enunciated in Sec. 2 of R.A. 9165, to wit:

Declaration of policy. - It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills.

Toward this end, the government shall pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects. The government shall however aim to achieve a balance in the national drug control program so that people with legitimate medical needs are not prevented from being treated with adequate amounts of appropriate medications, which include the use of dangerous drugs.

It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation. (Emphasis supplied.)

As a matter of fact, this Court also issued similar guidelines with regard to environmental cases,[17] election cases involving elective municipal officials,[18] and cases that involve killings of political activists and members of media.[19] Foremost in its mind is the speedy and efficient administration of justice.

Petitioner further points out that this Court issued A.M. No. 05-9-03-SC to define the phrase "to exclusively try and hear cases involving violations of this Act" to mean "...[c]ourts designated as special courts for drug cases shall try and hear drug-related cases only, i.e., cases involving violations of RA 9165, to the exclusion of other courts." Hence, petitioner submits, drug cases should not be assigned to regular courts according to the procedure provided in A.M. No. 03-8-02-SC; in other words, the two issuances contradict each other.

Again, this Court disagrees.

Petitioner underestimates the rule-making power of this Court. Nothing in A.M. No. 05-9-03-SC or in A.M. No. 03-8-03-SC suggests that they contradict each other. In fact, both were issued with a common rationale, that is, to "expeditiously resolve criminal cases involving violations of R.A. 9165," especially in the light of the strict time frame provided in Sec. 90 of R.A. 9165. Both provide for the guidelines regarding the assignment of drug cases to special courts. Thus, A.M. No. 05-9-03-SC provides for the exemption of special courts from the regular raffle under normal circumstances, while A.M. No. 03-8-02-SC provide for the assignment of drug cases to special courts except under special circumstances that would warrant reassignment to a regular court.

Moreover, the exemption of special courts from the regular raffle was not established as an ironclad rule. A.M. No. 05-9-03-SC does in fact allow special courts to acquire jurisdiction over cases that are not drug cases. In the interest of justice, executive judges may recommend to the Supreme Court the inclusion of drug courts in the regular raffle, and this Court has the discretion to approve the recommendation, as the Resolution states:

WHEREFORE, Executive Judges and presiding judges of special courts for drug cases shall hereby observe the following guidelines:

... ..

4. If, in the opinion of Executive Judges, the caseload of certain drug courts allows their inclusion in the regular raffle without adversely affecting their ability to expeditiously resolve the drug cases assigned to them and their inclusion in the regular raffle becomes necessary to decongest the caseload of other branches, the concerned Executive Judges shall recommend to this Court the inclusion of drug courts in their jurisdiction in the regular raffle. The concerned drug courts shall remain exempt from the regular raffle until the recommendation is approved. (Emphasis supplied.)

In conclusion, the two sets of guidelines are examples of this Court's foresight and prudence in the exercise of its rule-making power. These guidelines were issued to prevent or address possible scenarios that might hinder the proper administration of justice.

WHEREFORE, in view of the foregoing, the Petition for Prohibition is DISMISSED for lack of merit.

SO ORDERED.

Carpio, (Chairperson), Brion, Reyes, and Perlas-Bernabe,[*] JJ., concur.

[*] Designated as Acting Member of the Second Division vice Associate Justice Jose P. Perez per Special Order No. 1114 dated 3 October 2011.

[1] Rollo, pp. 27-28.

[2] Id. at 33-36.

[3] Id. at 37.

[4] Id. at 38-39.

[5] Id. at 42-43.

[6] Id. at 49-50.

[7] Id. at 30-31.

[8] Id. at 44-48.

[9] Id. at 25-26.

[10] Id. at 51.

[11] Id. at 58-60.

[12] Id at 10.

[13] Heirs of Bertuldo Hinog v. Hon. Achilles Melicor, G.R. No. 140954, 12 April 2005, 455 SCRA 460; Liga ng Mga Barangay Motional v. Atienza, Jr., G.R. No. 154599, 21 January 2004, 420 SCRA 562.

[14] Rollo, p. 15.

[15] Constitution, Art. III, Sec. 16.

[16] G.R. No. 119771, 24 April 1998, 289 SCRA 568.

[17] Supreme Court Administrative Order No. 23-08, Designation of Special Courts to Hear, Try and Decide Environmental Cases, 28 January 2008.

[18] Supreme Court Administrative Order No. 54-07, Designation of Special Courts to Hear, Try and Decide Election Contests Involving Elective Municipal Officials, 11 May 2007.

[19] Supreme Court Administrative Order No. 25-07, Designation of Special Courts to Hear, Try and Decide Cases Involving Killings of Political Activists and Members of Media, 1 March 2007.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.