

ANG KEK CHEN, PETITIONER, VS. THE HON. ABUNDIO BELLO, AS JUDGE OF THE METROPOLITAN TRIAL COURT OF MANILA, AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. Nos. 76344-46. June 30, 1988

Ponente: YAP, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-76344-46/>

YAP, C.J.:

Petitioner questions the alleged grave abuse of discretion amounting to excess of jurisdiction committed by respondent Judge Abundio Bello in violating Administrative Circular No. 7, dated September 23, 1974, regarding the raffle of Criminal Cases Nos. 021429, 021430 and 021431, and prays that the Court orders the outright dismissal of the cases.

It appears from the records that on December 28, 1977, petitioner Ang was charged before the then Manila City Court (now Metropolitan Trial Court), Branch VIII, with the crimes of "MALTREATMENT," "THREATS," and "SLIGHT PHYSICAL INJURIES," committed according to the information as follows:

Criminal Case No. 021429 (Maltreatment)

"That on or about December 26, 1977, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully and feloniously ill-treat by deed one, LE HE CO Y YU DE ANG by then and there, slapping her and giving her fist/blows on her head several times, without, however, inflicting upon said LE HE CO Y YU DE ANG any physical injury."

Criminal Case No. 021430 (Threats)

"That on or about December 25, 1977, in the City of Manila, Philippines, the said accused in the heat of anger, did then and there wilfully, unlawfully and feloniously threaten to commit a wrong and inflict bodily harm upon the person of Le He Co y Yu De Ang by then and there threatening to kill her but, accused, however, by subsequent acts, did not persist in the idea conceived in his threats."

Criminal Case No. 021431 (Slight Physical Injuries)

"That on or about December 26, 1977, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully and feloniously attack, assault and use personal violence upon the person of one LUCRECIA ANG Y GO by then and there slapping her on the face and by beating her thereby inflicting upon the said LUCRECIA ANG 7 GO physical injuries which have required and will require medical attendance for a period of more than one but not more than 9 days and incapacitated and will incapacitate the said Lucrecia Ang y Go from performing her customary labor during the said period of time."

After the prosecution had presented its evidence, Ang filed a Demurrer to Evidence which was denied by the respondent court. Ang elevated the incident to the Regional Trial Court of Manila on certiorari and prohibition with prayer for preliminary injunction and/or temporary restraining orders. The petition was likewise denied (Order dated November 18, 1983). On appeal, the Court of Appeals affirmed in toto the Regional Trial Court's

Order.

Meanwhile, the then presiding judge of MTC Branch VIII (where the cases were pending) was promoted to the Regional Trial Court of Manila. As a consequence, respondent judge, as officer-in-charge of the MTC (Manila), directed the return of the case records to the Clerk of Court for "re-affle." Petitioner, however, alleged that he received the corresponding order only on August 23, 1984, or AFTER the cases had already been actually "re-raffled" and assigned to respondent judge on August 16, 1984.

On September 27, 1984, Ang filed a motion to re-affle the cases, which was denied. The subsequent motion for reconsideration was likewise denied.¹ Hence, the present petition, alleging that:

"1. Respondent judge committed grave abuse of discretion amounting to excess of jurisdiction in the manner he conducted the raffle of Criminal Cases Nos. 021429, 021430 and 021431 Annexes 'A,' 'B' and 'C' hereof in gross violation of Circular No. 7 of this Hon. Court in his capacity as Acting Executive Judge of the Metropolitan Trial Court of Manila resulting in the assignment to the branch presided by himself of the aforesaid three (3) criminal cases and in denying peremptorily the motion for reconsideration filed by petitioner contesting the manner of said raffle.

2. This Hon. Court in the exercise of its rule making power and supervision over all lower courts as demonstrated in several cases decided by it since its reconstitution under the present administration in having displayed judicial statemanship and activism and in the exercise of its equity jurisdiction may order the outright dismissal of the said three (3) Criminal Cases Nos. 021429, 021430 and 021431 Annexes 'A,' 'B,' and 'C' of this petition."

On November 17, 1986, the Court required the public respondents to comment on the petition. On January 26, 1987, the Solicitor General, in an Urgent Manifestation and Motion, prayed that the entire records of the case be ordered transmitted from Branch XIII, Metropolitan Court of Manila, to the Solicitor General's Office, so that a comment may be prepared.

In the Comment dated June 23, 1987, the Solicitor General stated that the issue of the alleged non-compliance with the Court's circular regarding the raffle of cases was trivial, that the Court's guidelines on the matter did not vest any substantive right and a violation thereof did not per se infringe any constitutional right of the accused, and that the raffling of cases did not involve an exercise of judicial function, but was a mere administrative matter involving the distribution of cases among the different branches of the court, which could not be the subject matter of a special civil action for certiorari. The Solicitor General, however, stated in his comment that in Criminal Case No. 021430, for Light Threats, a review of the records showed no evidence on the alleged threat to kill, hence it should be dismissed. As regards Criminal Case 021429 (Maltreatment) and 021431 (Slight Physical Injuries) the Solicitor General opined that it was premature to determine petitioner's guilt or innocence, for unless rebutted, evidence on record appeared sufficient to establish the prosecution's cause.

The principal issue of alleged grave abuse of discretion in violation of Circular No. 7 of this Court, regarding the manner of raffle of cases, not denied or explained by public respondent, is not a trivial one. The raffle of cases is of vital importance to the administration of justice because it is intended to insure impartial adjudication of cases; By raffling the cases public suspicion regarding assignment of cases to predetermined judges is obviated.

A violation or disregard of the Court's circular on how the raffle of cases should be conducted is not to be countenanced. A party has the right to be heard by an impartial and unbiased tribunal.

When the respondent judge conducted the raffle of the three criminal cases in question, apparently in violation of

the Court's Circular No. 7, he did not only arouse the suspicion that he had some ulterior motive for doing so, but he violated the cardinal rule that all judicial processes must be done above board. We consider the procedure of raffling cases to be an important element of judicial proceedings, designed precisely to give assurance to the parties that the court hearing their case would be impartial. On this point, we found the petition meritorious.

Regarding the other prayer of petitioner for the outright dismissal of the cases invoking the equity jurisdiction of this Court, we are inclined to adopt the view of the Solicitor General that Criminal Case No. 021430 (for Light Threats) should be dismissed for lack of evidence. Even Hon. Manuel T. Reyes (later to become Justice of the Court of Appeals), before whom as a Regional Trial Judge the case was brought on certiorari, was of the opinion that there was "utter paucity" of evidence with respect to the charge of threats in Criminal Case No. 021430 to put to "serious doubt the legal cogency of the disputed orders of April 21 and July 20, 1983"; however, on procedural grounds he refrained from granting the petition. Considering the comment of the Solicitor General we find merit in petitioner's contention that Criminal Case No. 021430 should be dismissed.

ACCORDINGLY, the order of the respondent court denying petitioner's motion to re-raffle the criminal cases in question, except Criminal Case No. 021430 for threat which is hereby DISMISSED, is set aside and the said cases Criminal Cases No. 021429 and 021431 are remanded to the Executive Judge for re-raffle in accordance with this Court's Circular No. 7.

SO ORDERED.

Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

[1] Respondent Judge was not re-appointed when the judiciary was reorganized pursuant to the Freedom Constitution of 1986.

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.