

## EN BANC

**[ A.M. No. RTJ-20-2578 (Formerly A.M. No. 19-11-268-RTC ), January 28, 2020 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
PRESIDING JUDGE JOSELITO C. VILLAROSA, FORMERLY OF  
BRANCH 66, REGIONAL TRIAL COURT, MAKATI CITY,  
RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

This resolves the administrative case against Presiding Judge J oselito C. Villarosa (Judge Villarosa) of Branch 66, Regional Trial Court (RTC), Makati City brought about by the article of Ramon Tulfo (Tulfo) involving three Makati judges entitled "What's Happening to Makati Judges?" printed in the July 7, 2015 issue of the *Philippine Daily Inquirer*.

#### Facts of the Case

On July 7, 2015, the *Philippine Daily Inquirer* published an article written by Tulfo, one of its columnists, entitled "What's Happening to Makati Judges?" Allegedly, three Makati judges committed certain irregularities in the discharge of their judicial functions. Among the three judges is Judge Villarosa of Branch 66, RTC, Makati City. According to the said article, Judge Villarosa favored moneyed litigants in commercial cases, even if their cases are unmeritorious. Tulfo further claimed that Judge Villarosa is part of a syndicate composed of Makati judges who decide big commercial cases based on money and not on the merits. In his article entitled "Controversial Decisions" published on April 28, 2015, Tulfo described Judge Villarosa as having a "history of issuing decisions which were eventually reversed or revoked by the Court of Appeals." Aside from that, Tulfo revealed a number of other irregularities by Judge Villarosa including the issuance of a temporary restraining order (TRO) against the Department of Transportation and Communications (DOTC) in the procurement of 48 train cars amounting to P3.77 Billion on motion of a losing bidder.

In view of the foregoing, the Office of the Court Administrator (OCA) issued a Memorandum dated July 8, 2015 directing Atty. Rullynn S. Garcia (Atty. Garcia), Judicial Supervisor, to investigate the circumstances of the cases referred to in Tulfo's article. Atty. Garcia was specifically tasked to confer with the judges to get their reaction to the said article, examine the records of the subject cases, and bring the case records to the OCA if necessary.

Atty. Garcia, however, did not confer with Judge Villarosa since at that time, there was an ongoing judicial audit being conducted in Judge Villarosa's court from May 14 to May 20, 2015.<sup>[1]</sup>

In the Judicial Audit Report dated June 2, 2015, the judicial team headed by Atty. Garcia released its findings against Judge Villarosa, to wit:

1. The court failed to transfer the following commercial cases, which have not yet reached the trial stage, to Branch 137, Regional Trial Court, Makati City, after Branch 66 was relieved of its designation as a Special Commercial Court, in violation of the Court's Resolution dated 08 July 2014 in A.M. No. 03-3-03-SC, which was received by the court on 18 July 2014, directing Branch 66 to transfer all commercial cases to Branch 137, except those cases in the trial stage and those already submitted for decision:

	<b>Case No.</b>	<b>Title</b>	<b>Nature</b>	<b>Date Filed</b>	<b>Last Action Taken/ Remarks</b>
1	11-1059	Pinoycare Health Systems, Inc., et al. vs. Rex Redentor Berdes, et al.	Intra-Corporate Controversies vs. under RA 8799	25 Oct. 2011	Order dated 13 March 2015 requiring the plaintiffs to file comment/opposition to the: (a) court-appointed rehabilitation receiver's motion to confirm the engagement of the auditing firm Salvio-Leonida Panganiban & Co.; and (b) defendants' motion to terminate the JDR proceedings[.]
2	2 12-189	Optimax Int'l. Corp. vs. Beccomax Property and Development Corp., et. al.	Derivative Suit of a Stockholder	05 March 2012	order dated 12 May 2015 resetting the JDR proceedings to 23 June 2015[.]
3	12-851	Asia Special Situations M3 P2 (SPV-MC) vs. John Huang, et al.	Derivative Suit	13 [Sept.] 2012	Order dated 07 May 2015 resetting the JDR proceedings to 08 June 2015. Based on the Notice of Hearing dated 06 [Sept.] 2013 of Atty. John Ivan B. Tablizo, Clerk of Court, Branch 66, this case was

					transferred to Branch 149 for JDR proceedings. However, in [the Order] dated 11 Oct. 2013 of this case was returned to Branch 66 stating that the "JDR proceeding of the instant case should be conducted by the court where the same was raffled."
4	13-245	Franklin Financial Consultancy Phils., Inc. vs. Borough Financing Corp.	Infringement under the Intellectual Property Code	08 March 2013	Order dated 28 April 2015 submitting the motion for summary judgment for resolution[.]  On 14 Aug. 2014, a Notice was issued for the continuation of marking of exhibits before the Branch Clerk of Court on 01 [Sept.] 2014[.]
5	13-538	Planters Environmental Solutions, Inc. vs. Compliant Solutions Corp., et al.	Unfair Competition	09 May 2013	Order dated 13 May 2015 of Judge Cesar Untalan of Branch 149 resetting the JDR proceedings to 22 July 2015[.]
6	13-951	Burgundy Corporate Tower Office Owners Association vs. Wilfredo Serafica, et al.	Intra-Corporate Controversies	06 Aug. 2013	Order dated 24 June 2015 of Judge Untalan resetting the JDR proceedings to 05 Aug. 2015[.]
7	13-1202	Angping & Associates - Securities, Inc. vs.	Declaration of Nullity of Resolution for Capital Call	10 Oct. 2013	Receipt on 03 March 2015 of the Mediator's Report returning the case

		Peak Condominium Corp., et al.	Contribution for Peak Rehabilitation Project		to the court for failure of the parties to arrive at an amicable settlement.
8	14-324	Victoria Murphy, et al. vs. Greenbelt Park Place Condominium[,], et al.	Declaration of Nullity of General Assembly Annual Meeting	21 March 2014	Order dated 4 Nov. 2014 denying the: (a) motion, for reconsideration of the Order dated 12 May 2014 granting petitioners' motion to admit the amended petition; and (b) motion to cite respondent Liza Villavicencio in contempt of court[.]  The case has not yet been referred to the PMC for mediation[.]

2. The court transferred cases to Branch 149 for Judicial Dispute Resolution (JDR) proceedings in violation of the *Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-Annexes Mediation (CAM) and Judicial Dispute Resolution (JDR)*,<sup>[2]</sup> which provides that "the judge to whom the case has been originally raffled, or the JDR judge, shall preside over the first stage of the judicial proceedings, *[i.e.]*, from the filing of a complaint to the conduct of CAM and JDR during the pre-trial stage."<sup>[3]</sup> For example:

Case No.	Title	Nature	Date Filed	Date of Notice of Setting the JDR Before Judge Cesar O. Untalan of Branch 149, RTC,	Date of Termination of JDR

					<b>Makati City</b>	
1	09-216	Pioneer Insurance & Surety Corp. vs. Sulpicio Lines, Inc., et al.	Damages	14 April 2009	11 Nov. 2009	03 Dec. 2009
2	09-264	Philam Insurance Co., Inc. vs. RCL Container Lines, et al.	Damages	24 March 2009	05 Feb. 2010	11 Nov. 2010
3	09-524	Pioneer Insurance & Surety Corp. vs. Albert Y. Pingoy, et al.	Damages	17 June 2009	10 March 2010	08 April 2010
4	13-245	Franklin Financial Consultancy Phils. Inc . vs. Borough Financial Corp.	Infringement under the Intellectual Property Code	08 March 2013	07 Oct. 2013	14 Nov. 2013
5	13-538	Planters Environmental Solutions, Inc. vs. Complaint Solutions Corp., et al.	Unfair Competition	09 May 2013	02 June 2014	(Still ongoing -Order dated 13 May 2015) of Judge Untalan, Proceedings to 22 July 2015[.] )
6	13-951	Burgundy Corporate Tower Office Owners Association vs. Wilfredo Serafica, et al.	Intra-Corporate Controversies	06 Aug. 2013	Order dated 18 June 2014 of Judge Joselito C. Villarosa, referring the case for JDR to Branch 149 pursuant to par. IV of A.M. No. 04-01-12-SC-	(Still ongoing - Order dated 24 April 2015 resetting the JDR to 5 Aug. 2015[.] )