

FIRST DIVISION

[A.M. No. MTJ-13-1834 (Formerly OCA I.P.I. No. 12-2541-MTJ), October 02, 2013]

JESUS D. CARBAJOSA, COMPLAINANT, VS. JUDGE HANNIBAL R. PATRICIO, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, PRESIDENT ROXAS, CAPIZ, RESPONDENT.

DECISION

REYES, J.:

This is an administrative case for *Gross Ignorance of the Law, Manifest Bias and Partiality* against Judge Hannibal R. Patricio (Judge Patricio), commenced thru a verified Complaint^[1] filed before the Office of Court of Administrator (OCA) by Jesus D. Carbajosa (Carbajosa).

Carbajosa is the private complainant in Criminal Case No. 2540 for grave coercion against accused Dolores Bieles (Bieles), heard and tried before the Municipal Circuit Trial Court (MCTC) of President Roxas-Pilar, President Roxas, Capiz, in the sala of then Presiding Judge Geomer C. Delfin. The charge stemmed from Bieles' menacing and intimidating attitude in preventing Carbajosa from bringing to Iloilo City fifteen (15) sacks of milled corn by removing and unloading the same out of the latter's Efren Bus Liner.

In a Decision^[2] dated August 6, 2002, the MCTC convicted Bieles of the crime charged and sentenced her to imprisonment of four (4) months and one (1) day of *arresto mayor* as minimum to six (6) months of *arresto mayor* as maximum, and ordered her to pay: (1) a fine of P500.00 with subsidiary imprisonment in case of insolvency; and (2) the amount of P20,000.00 representing the fifteen (15) sacks of milled corn or its equivalent value as the first lien on judgment.

On appeal, the Regional Trial Court (RTC) of Roxas City, Branch 18, affirmed Bieles' conviction but modified her sentence by increasing the maximum penalty imposed to two (2) years, four (4) months and one (1) day of *prision correccional*.^[3] This modified judgment was later affirmed by the Court of Appeals (CA) in a Decision^[4] dated October 26, 2006 and eventually by this Court when Bieles' petition for review on *certiorari* was denied in a Resolution^[5] dated August 13, 2008 for late filing and for absence of reversible error in the appealed judgment. Likewise denied was Bieles' ensuing motion for reconsideration.^[6] The Court thereafter issued an Entry of Judgment^[7] stating that the Resolution of August 13, 2008 has become final and executory on January 15, 2009. Undeterred, Bieles filed a Motion to Set Aside Entry of Judgment but the same was denied in the Resolution^[8] dated June 1, 2009.

Meanwhile, Carbajosa filed a motion before the RTC for the remand of the case to the court of origin for proper execution. The motion was granted in the RTC's

Order^[9] dated December 21, 2009. Carbajosa thereafter filed a *Motion for Execution of Judgment* before the MCTC presided by herein respondent Judge Patricio. Bieles opposed the motion stating that she sent a letter addressed to the Chief Justice, Honorable Reynato S. Puno asking for a review of her case on the merits. She claimed that the letter was favorably acted upon as evidenced by the first endorsement dated January 25, 2010 requesting the Clerk of Court of the Third Division to include the case in its agenda.^[10]

Judge Patricio resolved the conflict by issuing an Order^[11] dated April 7, 2010 wherein he reckoned that it will be best to hold in abeyance the resolution of Carbajosa's *Motion for Execution of Judgment* and await the result of the referral/endorsement made by the Chief Justice before a ruling on the propriety of the issuance of a writ of execution is made, viz:

It is the honest belief of the undersigned, that the resolution of the issuance of the writ of execution, opposition, and objection of the parties in the above-entitled case be held in abeyance, considering that the Chief Justice of the Supreme Court had referred to the Clerk of Court of the Third Division the letter of [Bieles].

The holding in abeyance of the resolution is in [deference] to the first endorsement made by the Chief Justice. The undersigned deemed it proper to first wait the result of the referral of the Chief Justice before it will rule on the propriety of the issuance of the writ of execution.^[12]

On April 19, 2010, Carbajosa manifested his objection to the foregoing order and insisted on the issuance of a writ of execution averring that in the absence of any restraining order, its issuance is imperative so as not to unduly delay the administration of justice.^[13]

On May 24, 2010, Judge Patricio issued an Order^[14] reiterating his previous stance that there is a necessity to await the result of the referral made by the Chief Justice to the Third Division Clerk of Court, thus:

Wherefore, the previous order of this Court granting the holding in abeyance [of] the issuance of a writ of execution still stands.

Furnish copy of this order to the offended party, the private prosecutor, as well as [Bieles] and their counsel for their information.

SO ORDERED.^[15]

Bieles thereafter moved that the property bond she initially posted be substituted by a cash bond because the former was already needed by her bondsman. The motion was vehemently opposed by Carbajosa. On May 31, 2011, Judge Patricio issued an Order^[16] granting Bieles' motion explaining that the same is not covered by Section 4, Rule 114 of the Rules of Court prohibiting an accused to put up a bail bond when there is already a final and executory judgment. Judge Patricio clarified that this is not a case for the posting of a bond but rather, the substitution of one posted at the beginning stage of the case.

In the same Order, Judge Patricio disclosed that he sent a query to the OCA regarding the effect of the Chief Justice's endorsement of Bieles' letter to the implementation of the final judgment of her conviction. In an endorsement dated September 29, 2010, Deputy Court Administrator (DCA) Raul Villanueva referred his query to Atty. Wilhelmina Geronga (Atty. Geronga), Chief of the OCA-Legal Office for comment.

In a letter^[17] dated September 5, 2011, Atty. Geronga informed Judge Patricio that the subject matter of his query is judicial in nature hence, beyond the mandate of the OCA. Also, as a matter of policy, the OCA refrains from rendering an opinion on matters that may later on be brought to the Court for judicial determination. Atty. Geronga suggested that the issue be resolved based on pertinent jurisprudence and relevant laws.

In the meantime, two (2) motions were awaiting Judge Patricio's ruling, viz: (a) Carbajosa's motion to recall the Order dated May 31, 2011 approving the substitution of Bieles' property bond by a cash bond; and (b) motion to suspend proceedings filed by Bieles.

Both motions were resolved in an Order^[18] dated January 6, 2012. Carbajosa's motion was denied for being filed out of time while Bieles' motion to suspend proceedings was granted.

In so ruling, Judge Patricio ratiocinated that the motion to recall the Order dated May 31, 2011 can be likened to a motion for reconsideration that must be filed within fifteen (15) days from receipt of the Order sought to be reviewed. Having been filed two (2) months after June 17, 2011, the date Carbajosa received the Order dated May 31, 2011, the motion to recall is considered filed out of time.

Anent the granting of Bieles' motion to suspend proceedings, Judge Patricio again reasoned that any action on the issuance of the writ of execution should await the resolution by the Third Division of the Supreme Court on Bieles' letter as endorsed by the Chief Justice, thus:

WHEREFORE, premises considered, the court hereby grants the instant motion to suspend proceedings filed by [Bieles] until the indorsement made by the then Chief Justice Reynato Puno for the review of this case had been resolved by said Division.

Furnish copy of this order [to] the parties and counsels.

SO ORDERED.^[19]

These circumstances prompted Carbajosa to institute the herein administrative complaint^[20] imputing gross ignorance of the law, manifest partiality and evident bad faith against Judge Patricio in continuously deferring the issuance of a writ of execution for the final and executory judgment in Criminal Case No. 2540.

In his Comment^[21], Judge Patricio admitted postponing the resolution of Carbajosa's motion for the issuance of a writ of execution but he denied that he acted in bad faith and/or with partiality. He claimed that he was merely abiding by