

THIRD DIVISION

[A.M. NO. MTJ-04-1542, March 30, 2006]

ATTY. VICENTE B. DE ASIS, COMPLAINANT, VS. JUDGE ARTURO G. DORONILA, PRESIDING JUDGE OF THE MUNICIPAL CIRCUIT TRIAL COURT OF JORDAN- BUENAVISTA-NUEVA VALENCIA, GUIMARAS, RESPONDENT.

DECISION

CARPIO, J.:

The Facts

On 3 September 2002, this Court issued Administrative Order No. 128-2002 (AO 128-2002)^[1] designating Judge Ronaldo P. Melliza, Jr. ("Judge Melliza") of the 10th Municipal Circuit Trial Court, Calinog-Bingawan, Iloilo, as Assisting Judge of the Municipal Circuit Trial Court of Jordan-Buenavista-Nueva Valencia, Guimaras ("MCTC-Guimaras") in addition to Judge Melliza's duties in his own court. The designation was to take effect immediately and to continue until further orders from the Court. AO 128-2002 also directed Judge Melliza to try and decide newly filed cases at the MCTC-Guimaras as of the date of the issuance of the order. On the other hand, in the same AO 128-2002 the Court directed respondent Judge Arturo G. Doronila ("respondent Judge Doronila") to try and decide pending cases including those cases submitted for decision.

On 7 February 2003, a criminal case for Arson docketed as Criminal Case No. 6024-B was filed against Atty. Vicente B. De Asis ("De Asis") before the MCTC-Guimaras. Respondent Judge Doronila conducted an examination, in writing and under oath, of the complainant and the witnesses. Later, respondent Judge Doronila issued a warrant of arrest against De Asis.

De Asis filed the instant administrative Complaint for violation of AO 128-2002. De Asis claims that respondent Judge Doronila acted without authority and with grave abuse of discretion amounting to lack or excess of jurisdiction in hearing the criminal case and in issuing the warrant of arrest in violation of AO 128-2002.

In his Comment to the Complaint, respondent Judge Doronila argues that because of the inability of Judge Melliza to act as Assisting Judge of MCTC-Guimaras and the absence of a substitute, respondent Judge Doronila acted on the new cases despite AO 128-2002. Respondent Judge Doronila points out that there was no one to act on these new cases until the designation of Judge Domingo C. Diamante as Assisting Judge to substitute for Judge Melliza. Respondent Judge Doronila asserts that he could be subjected to administrative complaints if he did not act on new cases filed with the MCTC-Guimaras.

In his Reply to Comment, De Asis contends that there was no immediate and