

FIRST DIVISION

[**A.M. NO. RTJ-06-2012 [OCA-IPI NO. 04-2106-RTJ], August 04, 2006**]

IGNACIO E. MAYLAS, JR., COMPLAINANT, VS. JUDGE MANUEL L. SESE, REGIONAL TRIAL COURT OF MASBATE CITY, BRANCH 45, RESPONDENT.

RESOLUTION

YNARES-SANTIAGO, J.:

In this administrative complaint, respondent Judge Manuel L. Sese of the Regional Trial Court of Masbate City, Branch 45, was charged by complainant Ignacio E. Maylas, Jr. with gross ignorance of the law, incompetence, violation and willful disregard of the Rules of Court in connection with Criminal Case No. 10911 entitled *People v. PSI Jeremias A. Sanchez and SPOI Emilio G. Quime*.

Complainant alleged that the accused in Criminal Case No. 10911 filed a Motion to Quash on the ground that the **facts alleged do not constitute an offense**. However, on October 14, 2003, respondent judge granted the motion to quash not on the ground alleged by the accused but **on lack of probable cause**.

The motion for reconsideration filed by the public prosecutor was denied by the respondent judge; hence, a petition for certiorari was filed before the Court of Appeals which was docketed as CA-G.R. SP No. 82283. On August 30, 2004, the Court of Appeals rendered a Decision^[1] the dispositive portion of which reads:

WHEREFORE, premises considered, the present petition is hereby GIVEN DUE COURSE and the writ prayed for accordingly GRANTED. The assailed Orders dated October 14, 2003 and December 3, 2003 dismissing Criminal Case No. 10911 and denying the motion for reconsideration filed by the public prosecutor, respectively, are hereby both ANNULLED and SET ASIDE. Criminal Case No. 10911 is hereby REINSTATED and the Regional Trial Court of Masbate City, Branch 45 is hereby DIRECTED to continue with the proceedings in accordance with the provisions of the Revised Rules of Criminal Procedure, as amended (effective December 1, 2000).

SO ORDERED.

In his Comment, respondent judge alleged that the assailed Order was issued after careful evaluation of the information and relevant pieces of evidence; that he was merely exercising his adjudicative functions so he cannot be administratively charged; that the complaint did not impute malice or bad faith on his part; that the filing of the complaint is premature because judicial remedies are available.

In the Report dated June 19, 2006, the Office of the Court Administrator (OCA)