

## THIRD DIVISION

**[ A.M. No. RTJ-03-1810, October 21, 2004 ]**

**BERNABE L. CARRIAGA, COMPLAINANT, VS. JUDGE ISMAEL O. BALDADO, REGIONAL TRIAL COURT, BRANCH 45, BAIS CITY, NEGROS ORIENTAL, RESPONDENT.**

### DECISION

#### **PANGANIBAN, J.:**

Under Supreme Court Administrative Circular No. 1 dated January 28, 1988, inhibitions are judicial actions that are not subject to prior administrative approval. Consequently, executive judges have no power to reverse or overrule orders of inhibition of judges under their administrative supervision.

#### The Case and the Facts

In an Administrative Complaint<sup>[1]</sup> dated October 28, 2002, Bernabe L. Carriaga charged Executive Judge Ismael O. Baldado of the Regional Trial Court (RTC) of Bais City, Negros Oriental (Branch 45), with (1) bias and partiality and (2) abuse of authority. The Office of the Court Administrator (OCA) summarized the factual antecedents as follows:

“Complainant alleges that:

1. On 19 July 2002, Judge Romeo L. Anasario, Acting Presiding Judge, MCTC, Manjuyod-Bindoy-Ayungan, Negros Oriental issued an Order inhibiting himself from hearing Criminal Cases Nos. B-36-2000, B-55-2000, B-62-2000, B-08-2001, B-09-2001 and B-126-2001 on the ground that the filing of an administrative case against him by accused Bernabe L. Carriaga has already affected his “emotions and cold neutrality” as a judge;
2. Judge Ismael O. Baldado, as Executive Judge, issued an Order dated 1 August 2002 revoking Judge Anasario’s Order of Inhibition. A Motion for Reconsideration was filed but respondent judge insisted that Judge Anasario should hear the cases;
3. Complainant filed a Motion Entreating the Honorable Judge to Endorse Administrative Aspect of Inhibition to the Supreme Court, which motion respondent judge also denied;
4. The private complainant in Criminal Case No. B-55-2000, Edna Baldado Iso, is a second cousin of Judge Baldado,

while an eye witness is a nephew of Edna Baldado Iso;  
and

5. Another witness, Roque Amorganda, is the baptism sponsor of the late Bonifacio Benitez who, together with Edna Iso's father were defeated in a case filed by Carriaga. The private complainant in Criminal Case No. B-62-2000 is the husband of Edna Baldado Iso.

"In his Comment dated 4 March 2003, Judge Baldado denied the allegations in the complaint. He maintained that:

1. This is the first time that the complainant raised the issue of conflict of interest arising from his alleged blood relationship with one of the parties;
2. He does not personally know Edna Baldado Iso and has never met her. However, his late father once informed him that they have relatives in Bindoy;
3. He reversed the Order of Inhibition of Judge Anasario because the ground cited by [the latter], i.e., that the accused has filed an administrative case against him, is not meritorious. Well-settled is the rule that the filing of an administrative case against a judge is not sufficient basis for inhibiting [himself] from hearing and deciding a case;
4. He disapproved Judge Anasario's inhibition also because the other two (2) municipal court trial judges under his administrative supervision, Judges Leoncio N. Bancorro and Tirso F. Banquerigo, were already handling more than one court. If he will allow Judge Anasario to inhibit from these six (6) cases, it will be an added burden to them;
5. He should not be held administratively liable for revoking the Order of Inhibition of Judge Anasario because he merely exercised his judicial discretion and there was no manifestation of malice and bad faith on his part;
6. On several occasions, the Supreme Court had also reversed his Orders of Inhibition and ordered him to continue with the hearing of the cases; and
7. Complainant has the penchant of filing administrative cases against judges with the end view of seeking their inhibition from the cases.

"On 03 April 2003, this Office received complainant's Reply dated 17 March 2003 claiming that Judge Baldado gravely abused his discretion when he revoked the Order of Inhibition of Judge Anasario. He contended that respondent judge should have instead forwarded the matter to the

Supreme Court because the same is already beyond his authority as Executive Judge.”<sup>[2]</sup>

In a Resolution dated September 29, 2003<sup>[3]</sup>, this Court resolved to re-docket the Complaint as a regular administrative matter and to designate Judge Jayme E. Ananson of the Municipal Circuit Trial Court (MCTC) of Pamplona-Amlan-San Jose, Negros Oriental, to hear and decide the subject six (6) criminal cases at the MCTC, Bindoy-Ayungon-Manjuyod.

In his letter dated December 17, 2003<sup>[4]</sup>, Judge Ananson recused himself from hearing the criminal cases on the ground of delicadeza, because he had represented the complainant and his family in a related litigation prior to his appointment as judge. In its Resolution dated April 5, 2004,<sup>[5]</sup> this Court noted his letter and designated Judge Leoncio R. Bancoro, MCTC of Bais City, Negros Oriental, to hear the cases.

### **Evaluation and Recommendation of the OCA**

The OCA opined that Judge Baldado had exceeded his authority when he revoked the Order of Inhibition of Judge Romeo L. Anasario. The power of respondent as an executive judge was merely to designate another judge to try the case that was the subject of inhibition. He had no authority to reverse the Order, as the authority to affirm or reverse a judge’s inhibition is vested in the Supreme Court. Accordingly, the OCA recommended that Judge Baldado be fined in the amount of two thousand pesos (P2,000) for abuse of authority.

Agreeing with the reason for Judge Anasario’s inhibition, the OCA affirmed it, explaining that “the accused had lost confidence [i]n him and he believes that he could no longer hear and decide the case with the cold neutrality of an impartial judge because of the administrative case previously filed by the accused against him.” After finding that the Administrative Complaint against Judge Anasario had been instituted long before the filing of the six criminal cases, the OCA disbelieved respondent’s contention that this had been filed to force the former to inhibit himself from hearing the cases.

Since there is no sufficient proof that the action taken by respondent had been prompted by his desire to favor private complainant, the OCA recommended the dismissal of the charge of bias and partiality against the executive judge. Furthermore, the court administrator said that there was no proof of the alleged use by respondent of his position to promote his own interests.

### **The Court’s Ruling**

We agree with the findings of the OCA.

### **Administrative Liability**

A judge’s decision to recuse on account of some disqualification is not conclusive. However, orders of inhibition are not administrative in character; they are judicial in nature.<sup>[6]</sup> Questions on the inhibition or the competency of the inhibiting judge should be determined with finality in an appropriate judicial proceeding.