

SECOND DIVISION

[A.M. No. 01-6-192-MCTC, October 05, 2001]

**REQUEST TO DESIGNATE ANOTHER JUDGE TO TRY AND DECIDE
CRIMINAL CASE NO. 3713 (SF-99) PENDING BEFORE THE MCTC,
SAN FABIAN-SAN JACINTO, PANGASINAN**

D E C I S I O N

MENDOZA, J.:

This refers to a letter of Aurora Arabos seeking the designation of another judge to try and decide a criminal case filed by her on the ground that the regular judge, Judge Aniceto L. Madronio, Sr., is biased. In the alternative, complainant seeks the transfer of venue of her case.

The facts are as follows:

Aurora Arabos, a barangay kagawad, is the complainant in a case for grave oral defamation before the Municipal Circuit Trial Court of San Fabian-San Jacinto, Pangasinan presided over by Judge Aniceto L. Madronio, Sr. The case, docketed as Criminal Case No. 3713 (SF-99), was set for pre-trial on October 1, 1999, at 2:00 p.m. On the said date, the pre-trial was terminated and the case was set for hearing. It appears, however, that Judge Madronio, Sr. again set the case for pre-trial on May 5, 2000, after the prosecution had presented two witnesses. However, when the date arrived for the pre-trial, only the complainant and the accused appeared. Seeing that the counsels for both parties failed to attend the scheduled pre-trial, Judge Madronio, Sr. tried to persuade complainant either to settle the case against the accused or to withdraw it. When he failed to do so, Judge Madronio, Sr. reset the pre-trial to June 2, 2000.

Complainant filed a motion for Judge Madronio, Sr. to inhibit himself from the case on the ground that the judge had shown partiality towards the accused. Her motion for inhibition and for suspension of the proceedings was denied by Judge Madronio, Sr. in an order, dated September 8, 2000. Instead, the judge set the hearing of the case on September 22, 2000 at 1:30 p.m.

Judge Madronio, Sr. claimed that he merely wanted the parties to settle their case amicably because both belonged to the barangay council of Barangay Lekep, San Fabian, Pangasinan. He denied that he asked complainant to withdraw her case against the accused. Judge Madronio, Sr. stated that he told the accused, Carlos T. Villanueva, after that conference to see complainant either in her house or in the barangay council and try to settle with her. Judge Madronio, Sr. explained that he thought it was his duty, as a former prosecutor and now Judge of the MCTC, to try to bring the parties to an amicable settlement for the sake of peace and harmony in the community. Anent his order, dated September 8, 2000, denying complainant's motion for inhibition and suspension of the proceedings of the case, Judge Madronio,