

## THIRD DIVISION

[ A.M. No. MTJ-99-1227, May 09, 2000 ]

**FERNANDO V. TORRES, COMPLAINANT, VS. JUDGE FRANCISCO  
D. VILLANUEVA, RESPONDENT.**

### D E C I S I O N

**VITUG, J.:**

On 18 January 1994, Fernando V. Torres filed an action for "Annulment and/or Declaration of Nullity of a Deed of Absolute Sale and a Deed of Real Estate Mortgage," which deeds he had apparently entered into with one Amparo Medina, and for the cancellation of eleven (11) checks issued to the latter pursuant to their agreement. The case was docketed Civil Case No. Q-94-18962 before Branch 216, presided by Judge Mariano I. Bacalla, of the Regional Trial Court of Quezon City.

Shortly after the civil action was initiated, Amparo Medina, therein defendant, filed with the Office of the Quezon City Prosecutor criminal cases against Fernando V. Torres for violation, on several counts, of Batas Pambansa ("BP") 22 covering the eleven (11) checks involved in Civil Case No. Q-94-18962. These criminal cases, docketed Criminal Cases Numbered 26789 to 26799, inclusive, were lodged with the Metropolitan Trial Court, Branch 36, presided by respondent Judge Francisco D. Villanueva, of Quezon City. The accused, Fernando V. Torres, through counsel, filed a motion for the suspension of the proceedings and the deferment of his arraignment upon the thesis that the pendency of Civil Case No. Q-94-18962, along with the resultant prayer for the cancellation of the eleven (11) checks, raised a prejudicial question that had to be first resolved before any action could be taken on the criminal cases.

The denial of the motion for deferment by respondent Judge prompted Torres to file a "Petition for *Certiorari* and Prohibition" before Judge Marina Buzon of Branch 91 of the Regional Trial Court of Quezon City, seeking to enjoin respondent Judge Villanueva from setting the criminal cases for arraignment.

On 15 December 1994, Judge Buzon granted the Torres petition and ordered respondent Judge to suspend the scheduled arraignment; viz:

"WHEREFORE, in view of the foregoing, the petition for *certiorari* and prohibition is GRANTED. The Orders dated August 17, 1994 and September 7, 1994 are set aside and respondent Judge is directed to suspend the arraignment and trial of petitioner in Criminal Cases Nos. 26789-99 until after the prejudicial question raised in civil case no. Q-94-18962 before the Regional Trial Court, Branch 216, Quezon City, shall have been resolved.

"The petition for *mandamus* is DENIED for lack of merit."<sup>[1]</sup>

Pursuant to the aforementioned order, Judge Villanueva suspended the proceedings in the criminal cases.

On 07 March 1997, Judge Bacalla issued a decision in Civil Case No. Q-94-18962, dismissing the complaint for annulment of contract and cancellation of the questioned checks for lack of cause of action. On 13 April 1997, Torres filed a notice of appeal. On 07 May 1997, following the dismissal of Civil Case No. Q-94-18962, Amparo Medina filed a "Motion to Revive Proceedings in Criminal Cases Nos. 26789-99" with a request that the same be heard on 09 May 1997 at 8:30 in the morning. The counsel for defendant Torres received a copy of the motion on the same day of 07 May 1997. Without waiting for the hearing scheduled on 09 May 1997, and without affording the accused, Fernando Torres, the opportunity to express his stand on the motion, respondent Judge Villanueva forthwith issued an order, dated 07 May 1997, granting the prayer for the revival of the criminal proceedings and setting the arraignment and trial of the cases on 04 June 1997. Torres objected to the action taken by the judge as being a denial of his "day in court." An immediate offshoot was the filing of the instant administrative complaint against respondent Judge Francisco D. Villanueva.

Respondent Judge, in his comment, asserted that he had already resolved the issue on which the instant administrative complaint was predicated in an order, dated 14 July 1997, which denied an "Omnibus Motion for Reconsideration and Inhibition"<sup>[2]</sup> filed by complainant. He elaborated:

"The Court, in its desire to facilitate the disposition of cases in view of the numerous cases pending now in Court, resolved the Motion to Revive Proceedings and granted the same. It is the prerogative of the Court, even without waiting for the date set, if it believes that it would help in the disposition of cases with pending incidents similar to this one.

"The records will show that these informations were filed way back in July 1994 and because of the Petition for *Certiorari*, Prohibition with Preliminary Mandatory Injunction and/or Temporary Restraining Order filed by the accused, with the Regional Trial Court of Quezon City, the proceedings in these cases were suspended as the Regional Trial Court, Branch 91 of Quezon City enjoined this Court from proceedings with the arraignment of the accused. Said Petition for *Certiorari* was decided by the Regional Trial Court of Quezon City, Branch 91 dated December 16, 1994 granting said Petition and this Court was directed to suspend the arraignment and trial of these cases until after the prejudicial question raised in Civil Case No. Q-94-18962 shall have been resolved which was then pending before Branch 216 of the Regional Trial Court of Quezon City. Then, on May 7, 1997, complainant through counsel filed this Motion to Revive Proceedings attaching thereto a xerox copy of the Decision rendered by the Hon. Mariano Bacalla dated March 7, 1997 dismissing Civil Case No. Q-94-18962 hence, the order of this Court dated May 7, 1997. The Motion for Reconsideration therefore, considering the antecedent facts stated above, is hereby DENIED

"Likewise, the Motion for Inhibition, for lack of merit is hereby DENIED."

<sup>[3]</sup>