

THIRD DIVISION

[A.M. No. RTJ-98-1416, August 06, 1999]

REYNALDO V. ABUNDO, COMPLAINANT, VS. JUDGE GREGORIO E. MANIO JR., REGIONAL TRIAL COURT, BRANCH 40, DAET, CAMARINES NORTE, RESPONDENT.

DECISION

PANGANIBAN, J.:

Judges are the visible representations of law and justice. They are required not only to be objective, but also to appear objective; indeed, every litigant is entitled to nothing less than the cold neutrality of an impartial judge. Due process would be meaningless if the ultimate decision in a controversy is rendered by a partial or biased judge.

The Case

On December 10, 1996, the Office of the Court Administrator received a verified Complaint^[1] dated November 20, 1996, filed by Reynaldo V. Abundo charging Judge Gregorio E. Manio Jr., (Regional Trial Court, Branch 40, Daet, Camarines Norte) with (1) partiality, (2) fraternizing with a party-litigant and lawyer who had a pending case before him, and (3) ignorance of the basic rules of procedure.

After respondent submitted his Comment on the Complaint, the Court in its Resolution of September 16, 1998, referred the matter to Court of Appeals Justice Marina L. Buzon for investigation, report and recommendation.^[2] After conducting an investigation and receiving the Memoranda of the parties, she filed her Report dated April 30, 1999.

The Antecedent Facts

From the pleadings and the documentary evidence submitted in this case, Justice Buzon relates the factual antecedents of this case as follows:^[3]

"Complainant Reynaldo V. Abundo was the General Manager of Camarines Norte Electric Cooperative, Inc. (CANARECO for brevity). On February 18, 1994, an Information for falsification of public document, docketed as Criminal Case No. 8145, was filed against complainant before the Regional Trial Court, Branch 40, Daet, Camarines Norte, presided over by respondent Judge Gregorio E. Manio. Complainant was charged with having falsified the 1992 Summary Reports of the annual meeting of CANORECO.

"On April 4, 1994, complainant filed a motion to defer his arraignment scheduled on April 5, 1994, in view of the pendency of the petition for

review he filed with the Department of Justice. At the hearing on April 5, 1994, complainant reiterated his motion but the same was opposed by the public prosecutor and the complaining witness, Atty. Jose D. Pajarillo. Respondent denied the motion in open court and ordered the arraignment of complainant, who then entered a plea of not guilty to the charge against him.

"The petition for review filed by complainant was given due course by the Department of Justice, which subsequently directed the provincial prosecutor to move for the dismissal of Criminal Case No. 8145. However, respondent denied the motion to dismiss filed by the provincial prosecutor in an Order dated May 5, 1995.

"On October 20, 1995, an Information for libel, docketed as Criminal Case No. 8632, was filed against Atty. Jose D. Pajarillo for having allegedly uttered defamatory remarks against the complainant. Said case was raffled to the court presided over by respondent. In an Order dated December 4, 1995, respondent suspended the proceedings in said case in order not to render moot and nugatory the action that might be taken by the Department of Justice on the appeal of Atty. Pajarillo. Another Order dated March 29, 1996 was issued by respondent reiterating his earlier Order opting to await the resolution of the Department of Justice before proceeding with Criminal Case No. 8632.

"A petition for injunction and damages, docketed as Civil Case No. 6681, was filed on July 2, 1996 by the members of the board of directors of CANORECO against complainant and other employees of CANORECO. Said case was raffled to the court presided over by respondent. On July 3, 1996, the petition was amended. On the same date, respondent issued a temporary restraining order enjoining complainant and his co-respondents in said case from performing any act pertaining to the office of the General Manager of CANORECO or any other act pertaining to any other office thereat. The hearing on the petition for preliminary mandatory injunction was set on July 22, 1996.

"On November 27, 1996, complainant filed a complaint against respondent for partiality, fraternizing with Atty. Jose D. Pajarillo, a party litigant, and ignorance of the rules on civil procedure.

"Complainant claims that respondent and Atty. Jose D. Pajarillo are very close friends considering that the latter was a former judge in Naga City and the two used to ride the same car in going to and from Daet and Naga City; that respondent frequently receives Atty. Pajarillo in his chambers and in his house and that they are always seen together in public places; that respondent displayed bias and partiality in favor of Atty. Pajarillo when the former granted the latter's motion to defer the proceedings in Criminal Case No. 8632 by reason of the pendency of a petition for review before the Department of Justice, but denied his (complainant's) motion to defer his arraignment in Criminal Case No. 8145 on the same ground, and in allowing Atty. Pajarillo to participate in the hearing on the petition for preliminary mandatory injunction in Civil Case No. 6681 although the latter [was] not a party litigant or counsel in

said case; that respondent fraternizes with Atty. Pajarillo, who is the accused in Criminal Case No. 8632 and the complaining witness in Criminal Case No. 8145, both pending before the court presided over by the former, and that respondent issued the temporary restraining order in Civil Case No. 6681 without complying with the provisions of Administrative Circular No. 20-95 which require that the complaint should be raffled only after notice to the adverse party and that a summary hearing should be conducted before issuing a temporary restraining order.

"Required to comment on the complaint, respondent explained that he denied complainant's motion to defer his arraignment in Criminal Case No. 8145 in view of the objection of the prosecution on the grounds that said motion was a sham pleading for non-compliance with the three-day notice rule and there was no restraining order coming from the appellate court enjoining the arraignment of complainant; that he deferred the proceedings in Criminal Case No. 8632 against Atty. Jose D. Pajarillo because the Information [was] not accompanied by copies of the resolution on the preliminary investigation as well as affidavits or documents, for him to determine whether probable cause exist[ed] to justify the issuance of a warrant of arrest, so that he decided to await the action of the Department of Justice on the appeal of Atty. Pajarillo. He denied having fraternized with Atty. Pajarillo, although he admitted that when the latter was still a Judge of Naga City, they rode together in his car going to and from Daet and Naga City but Atty. Pajarillo shared in the expenses for gasoline. He further claimed that he met Atty. Pajarillo only in two public functions, *i.e.* during the IBP elections when the latter was elected President of the IBP Camarines Norte and when he administered the oath of office of the Governor and Congressman of Camarines Norte, the latter being a brother-in-law of Atty. Pajarillo. He admitted having engaged in light banter with Atty. Pajarillo, other lawyers and party litigants whenever they meet in the court premises and that Atty. Pajarillo had gone to his house on two or three occasions when the latter used his direct dial telephone in making emergency calls to his children in Metro Manila to avoid the inconvenience of lining up for several hours at the old Camarines Norte Telephone Company in order to make long distance calls.

"In a Resolution dated September 16, 1998, the Supreme Court (First Division) referred this case to the undersigned for investigation, report and recommendation.

"At the hearing on January 7, 1999 for the presentation of the evidence for complainant, only the latter's counsel appeared and manifested that he was dispensing with the presentation of testimonial evidence in view of the admissions made by respondent in his Comment. The counsel for complainant submitted the following evidence, to wit:

`Exhibit Information for falsification of public
`A' - document against complainant in Criminal
 Case No. 8145;

- `Exhibit
`B' - Transcript of stenographic notes taken during the hearing on April 5, 1994 on complainant's motion to defer his arraignment in Criminal Case No. 8145;
- `Exhibit
`C' -- Order dated May 5, 1995 denying complainant's motion to dismiss in Criminal Case No. 8145;
- `Exhibit
`D' -- Information for libel against Atty. Jose D. Pajarillo in Criminal Case No. 8632;
- `Exhibit
`E' -- Order dated March 29, 1996 deferring proceedings in Criminal Case No. 8632 to await the resolution of the Department of Justice on the petition for review filed by Atty. Pajarillo;
- `Exhibit
`F' -- Amended Petition in Civil Case No. 6681;
- `Exhibit
`G' -- Transcript of stenographic notes taken during the hearing on July 22, 1996 on the petition for the issuance of the writ of preliminary mandatory injunction in Civil Case No. 6681;
- `Exhibit
`H' -- Temporary Restraining Order in Civil Case No. 6681.

"Respondent interposed no objection to the admission of the exhibits for complainant, except for the purposes for which they were offered. In view thereof, all the exhibits of complainant were admitted and the latter rested his case.

"At the presentation of his evidence on January 15, 1999, respondent likewise dispensed with the presentation of testimonial evidence and submitted the following documentary evidence, to wit:

- `Exhibit
`I' -- Same as Exhibit "B";
- `Exhibit
`1-a' to
`1-K' -- Pages 2-12 of the transcript of stenographic notes;
- `Exhibit
`2' -- Order dated March 9, 1994 of Judge Wenifredo A. Armenta denying complainant's motion to defer proceedings in Criminal Case No. 8145 and directing the issuance of a warrant of arrest against complainant;
- `Exhibit
`2-a' -- Motion To Defer Proceedings in Criminal Case No. 8145;

- `Exhibits Motion To Defer Arraignment Other
`3' and Proceedings in Criminal Case No. 8145
`3-a' --
- `Exhibit Order dated April 5, 1994 denying the
`3-b' - motion to defer arraignment in Criminal
Case No. 8145;
- `Exhibit Same as Exhibit `C';
`4' -
- `Exhibit Cases cited in the Order;
`4-a' -
- `Exhibit Motion To Dismiss in Criminal Case No.
`4-b' - 8145;
- `Exhibit Same as Exhibit `E';
`5' -
- `Exhibit Order dated December 4, 1995 in Criminal
`5-a' - Case No. 8632;
- 'Exhibit Manifestation of Acting Provincial Prosecutor
`5-b' - Eugenio L. Abion in Criminal Case No. 8632;
- `Exhibits
`6' `6-a' to Same as Exhibit `H';
`6-c'-
- `Exhibit July 5 to 11, 1996 issue of Bicol Post;
`6-d' -
- `Exhibit Article entitled "Security Guard Killed in
`6-d-1' - CANORECO Mess;
- `Exhibit Article entitled "CANORECO shooting
`6-d-2' -- Incident ... Who is to blame?
- `Exhibits Order dated July 26, 1996 in Civil Case No.
`7' `7-a', 6681;
`7-a-1' `7-
c', `7-d'
and `7-e'-
- `Exhibit Ex-Parte Motion To Lift or Quash Restraining
`7-b' - Order;
- `Exhibit Minutes of Special Raffle of Case on July 2,
`7-c-1' -- 1996;
- `Exhibit Certification of the Branch Clerk of Court,
`7-d-1' - RTC, Branch 19, Naga City that respondent
held sessions therein from July 8-12 and 15-
19, 1996;