

EN BANC

[G.R. No. 118808, December 24, 1996]

**JUDGE ANA MARIA I. DOLALAS, EVELYN K. OBIDO AND
WILBERTO B. CARRIEDO, PETITIONERS, VS. THE HONORABLE
OFFICE OF THE OMBUDSMAN-MINDANAO AND BENJAMIN
VILLARANTE, JR., RESPONDENTS.**

RESOLUTION

ROMERO, J.:

Under consideration is the petition for certiorari with prayer for preliminary injunction and/or restraining order dated January 16, 1995. Petitioners, Judge Ana Maria I. Dolalas, Evelyn K. Obido and Wilberto B. Carriedo - Presiding Judge, Clerk of Court and Clerk II, respectively of the Municipal Circuit Trial Court of Kabasalan, Zamboanga del Sur, were charged "administratively" by private respondent Benjamin Villarante, Jr. for "miscarriage of justice, dishonesty, gross neglect of duty, unnecessary delay in the administration of justice and for failure to prosecute Criminal Case No. 5881 for an unreasonable length of time" before public respondent Office of the Ombudsman-Mindanao.

The letter-complaint addressed to the Office of the Ombudsman-Mindanao dated July 6, 1994 arose out of said criminal case of alarms and scandals filed against private respondent by a police officer. Private respondent alleged that after submitting his counter-affidavit relative to the said criminal case before petitioner's court, there has been no pre-conference, arraignment or pre-trial held or conducted by petitioner judge. Private respondent claimed that the said criminal case was maliciously filed by one P/Sgt. Salutillo in connivance with petitioner judge in order to discourage the former from instituting a criminal complaint against said police officer's men for abuse of authority and police brutality with physical injury.^[1]

Private respondent also claimed that said criminal case filed against him has been unnecessarily delayed in that P/Sgt. Salutillo and petitioner-judge "totally failed to prosecute" their own malicious action within a reasonable length of time thus prejudicing the constitutional right of the former to an impartial investigation and a fair and speedy trial. Said criminal case against private respondent also held in abeyance his own complaint against the police officers allegedly to his prejudice.^[2]

On the basis of the letter-complaint filed by herein private respondent, Graft Investigation Officer I Melinda Alconsel Dayanghirang of public respondent Office of the Ombudsman-Mindanao directed petitioners to submit their respective counter-affidavits. Petitioners' motion to dismiss dated September 14, 1994 as well as their motion for reconsideration dated December 2, 1994 were denied by public respondent, hence the petition before this Court.

In this petition, petitioners pray that for the preservation of their rights pending this

proceeding, a preliminary injunction and/or restraining order be issued against the Office of the Ombudsman-Mindanao commanding said office to desist from further proceeding with the case against the petitioners. A temporary restraining order was issued by this Court in a resolution dated May 23, 1995.

Petitioner was basically being charged with "undue delay in the disposition of the said criminal case" filed before petitioner's court. The issue posed, therefore, in this petition is whether or not the Office of the Ombudsman may take cognizance of the complaint against petitioner for purposes of investigation and possible prosecution in accordance with its mandate under Section 13 (1) and (2) of Article XI of the 1987 Constitution^[3] for alleged violation of the Anti-Graft and Corrupt Practices Act.^[4]

Petitioner-judge contends that the Office of the Ombudsman has no jurisdiction to initiate an investigation into the alleged "undue delay in the disposition of the case" as said charge relates to a judge's performance of her official duties over which the Supreme Court has administrative control and supervision, as mandated under Section 6, Rule VIII of the 1987 Constitution.^[5] Public respondent Ombudsman-Mindanao, however, contends that referral to the Supreme Court is not essential in this case as what will be investigated is not whether there was undue delay in the disposition of a simple criminal case for five years, which it admits is administrative in nature. It added that what is sought to be determined by the investigation is whether or not any undue delay in the disposition of the alarms and scandals case resulted in injury to private respondent through manifest partiality, evident bad faith or gross inexcusable negligence and/or undue advantage to any party, in violation of the Anti-Graft and Corrupt Practices Act.

This Court agrees with petitioner-judge. The complaint against petitioner-judge before the Office of the Ombudsman is basically administrative in nature. In essence, petitioner-judge is being charged with having violated Rule 1.02, Canon 1^[6] and Rule 3.05, Canon 3^[7] of the Code of Judicial Conduct.

It must be borne in mind that the resolution of the administrative charge of unduly delaying the disposition of the said criminal case involves the determination of whether, in resolving the alarms and scandals case, petitioner-judge acted in accordance with the guidelines provided in the Rules of Court and in the Administrative Circulars in pursuance of the ideals embodied in the Code of Judicial Conduct. Such is clearly an administrative matter. Unquestionably, this Court is mandated under Section 6, Article VIII of the 1987 Constitution to assume administrative supervision over all courts and the personnel thereof.

This Court, in the case of *Sanz Maceda v. Vasquez*, 221 SCRA 464, held that:

"Article VIII, Section 6 of the 1987 Constitution exclusively vests in the Supreme Court administrative supervision over all courts and court personnel, from the Presiding Justice of the Court of Appeals down to the lowest municipal trial court clerk. By virtue of this power, it is only the Supreme Court that can oversee the judge's and court personnel's compliance with all laws, and take the proper administrative action against them if they commit any violation thereof. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers.