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EN BANC

[A.M. No. 97-9-94-MTCC. December 8, 1999]

ATTY. REYNALDO Q. MARQUEZ, *complainant, vs.* **JUDGE ARCADIO I. MANIGBAS, MTCC, LIPA CITY,** *respondent.*

SYNOPSIS

Respondent Judge Arcadio I. Manigbas was charged by complainant of violating the Code of Judicial Conduct for: (a) allowing his wife, a practicing lawyer, to appear in his sala; (b) undue delay in the resolution of Civil Case No. 94-2665; and, (c) maneuvering the designation of Judge Norberto P. Mercado to be his Assisting Judge. The investigating justice designated by the Court found respondent judge guilty of all the charges. The report of the investigating justice was referred to the Office of the Court Administrator for report and recommendation which thereafter adopted the report and recommended the dismissal of respondent judge from the service.

The Supreme Court dismissed the complaint for lack of merit. According to the Court, the records clearly showed that respondent judge did not preside over the cases of his wife and it was Judge Mercado, his Assisting Judge duly designated by the Chief Justice, who presided over the cases. No proof was ever presented to show any single instance wherein respondent Judge presided over the cases handled by his wife. The Court also found nothing on record to indicate that respondent judge manipulated the appointment of Judge Mercado as Assisting Judge. That respondent judge informed Judge Mercado of his need for an Assisting Judge is not tantamount to maneuvering his appointment. The Court also found the undue delay in the disposition of Civil Case No. 94-2665 justifiable and can only be attributed to the sudden deluge of cases brought about by the unprecedented expansion of the jurisdiction of the municipal trial courts and the fact that MTCC-Lipa City is a single-sala court.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; FACT THAT RESPONDENT JUDGE INFORMED HIS WOULD BE ASSISTING JUDGE OF HIS

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NEED FOR AN ASSISTING JUDGE NOT TANTAMOUNT TO MANUEVERING HIS APPOINTMENT. — There is nothing on record to indicate that Judge Manigbas manipulated the appointment of Judge Mercado as Assisting Judge. That Judge Manigbas informed Judge Mercado of his need for an Assisting Judge is not tantamount to maneuvering his appointment. To conclude that Judge Manigbas arranged the designation of Judge Mercado would be equivalent to saying that this Court, although it wields the exclusive supervisory power over all the courts in the land, is susceptible to undue influence by a municipal trial court judge!

2. **ID.; ID.; ALLEGED UNDUE DELAY ATTRIBUTED TO SUDDEN DELUGE OF CASES BROUGHT ABOUT BY UNPRECEDENTED EXPANSION OF JURISDICTION OF MUNICIPAL TRIAL COURTS.** — This Court finds that there was no *undue* delay in the disposition of Civil Case No. 94-2665. If there was any delay at all it can only be attributed to the sudden deluge of cases brought about by the unprecedented expansion of the jurisdiction of the municipal trial courts, one of which is the sala of respondent Judge, with more than seven hundred (700) cases added to his original caseload of 1,217, or a total caseload now of almost 2,000 cases, without correspondingly increasing the number of salas in Lipa City. MTCC-Lipa City is a single-sala court.

3. **ID.; ID.; NO PROOF PRESENTED TO SHOW SINGLE INSTANCE WHEREIN RESPONDENT JUDGE PRESIDED OVER CASES HANDLED BY WIFE.** — Respondent admits that his lawyer-wife has several cases pending in his sala but denies presiding over them. He clarifies that it was Judge Mercado, his Assisting Judge duly designated by the Chief Justice, who presided over those cases. Save for complainant's mere insinuations, no proof was ever presented to show any single instance wherein respondent Judge presided over the cases handled by his wife. The records clearly show that respondent Judge did not preside over the cases of his wife. In fact, even the complainant himself admits that it was Judge Mercado instead who heard the subject cases.

APPEARANCES OF COUNSEL

Fornier & Fornier Law Firm for complainant.
Ranin & Ranin Law Offices for respondent.

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DECISION

BELLOSILLO, *J.*:

JUDGE ARCADIO I. MANIGBAS of the Municipal Trial Court in Cities (MTCC), Lipa City, is charged by Atty. Reynaldo Q. Marquez of violating the Code of Judicial Conduct allegedly for: (a) allowing his wife, Atty. Isabelita Bathan-Manigbas, to appear in his sala where she has at least twenty (20) pending cases; (b) undue delay in the resolution of Civil Case No. 94-2665; and, (c) maneuvering the designation of Judge Norberto P. Mercado to be his Assisting Judge.

Asserting his innocence, Judge Manigbas explains that it was inevitable that the cases handled by his wife be lodged in his sala considering that the MTCC in Lipa City is a single-sala court. In fact, to avoid impropriety or the appearance of it, respondent Judge inhibited himself from those cases and turned them over to Assisting Judge Norberto P. Mercado. Respondent Judge likewise claims there was no undue delay in the resolution of Civil Case No. 94-2665. Although the case was decided ninety-six (96) days after it was submitted for decision the delay was caused by the addition of more than seven hundred (700) cases in his sala as a result of the expansion of the jurisdiction of the municipal trial courts. Corollarily, he denies having maneuvered the designation of Judge Mercado to be Assisting Judge. On the contrary, he insists that it was Judge Mercado himself who requested the Executive Judge of Lipa City, and later the Office of the Court Administrator, for his designation as Assisting Judge of Lipa City, as a result of which the Chief Justice issued A.O. No. 144-95 directing the detail of Judge Mercado to assist respondent Judge, as may be seen hereunder.

The complaint of Atty. Reynaldo Q. Marquez was nonetheless referred to Retired Justice Pedro A. Ramirez, Consultant to the Court Administrator, for investigation, report and recommendation. In his Investigation Report, Justice Ramirez found respondent Judge liable for violation of the *Code of Judicial Conduct* for supposedly allowing his wife to appear

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before his court, for maneuvering the designation of Judge Mercado to be Assisting Judge, and for failing to decide Civil Case No. 94-2665 within the reglementary period. Thusly, Justice Ramirez recommended the dismissal of Judge Manigbas from the service.

In this Court's Resolution of 23 February 1999 the sealed report of Justice Ramirez was referred to the Office of the Court Administrator for evaluation, report and recommendation which thereafter adopted the report and recommended the dismissal of respondent Judge from the service. The OCA did not lend credence to the claim that it was Judge Mercado, and not respondent Judge, who presided over the cases handled by his wife.

Respondent admits that his lawyer-wife has several cases pending in his sala but denies presiding over them. He clarifies that it was Judge Mercado, his Assisting Judge duly designated by the Chief Justice, who presided over those cases. Indeed, save for complainant's mere insinuations, no proof was ever presented to show any single instance wherein respondent Judge presided over the cases handled by his wife.

The records clearly show that respondent Judge did not preside over the cases of his wife. In fact, even the complainant himself admits that it was Judge Mercado instead who heard the subject cases. Thus —

Atty. Manigbas:

> On page 18 of the transcript of stenographic notes taken on February 13, 1998, one of the purposes for which the exhibits were offered was, I will quote: "to prove again that all the cases in the court to which Judge Arcadio Manigbas presided as the judge, Atty. Isabelita Bathan-Manigbas appeared as counsel for one of the parties in said cases." Also, Your Honor, there is here a statement as appearing on the aforesaid page of the transcript of stenographic notes which states: "A certification with respect to the cases pending in the Municipal Trial Court in Cities presided by Judge Arcadio Manigbas wherein his wife, Atty. Isabelita Bathan Manigbas is actively appearing as counsel for one

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of the parties," we would like to comment, Your Honor, that the purpose for which the exhibits have been offered is misleading. As admitted by the complainant all the cases that Atty. Isabelita Bathan-Manigbas have been handling —

Justice Ramirez:

Well, you better put your comment in writing, if there are so many comments you would like to make.

Atty. Manigbas:

A few comments only, Your Honor. x x x *That the cases Atty. Manigbas were handling were not being heard or presided by Judge Arcadio Manigbas as cited in the purpose but they were being presided and being heard by the Assisting Judge, Judge Norberto Mercado, Your Honor* (italics supplied). That's our only comment x x x

We will be presenting as our first witness the respondent Judge Arcadio Manigbas, Your Honor.

xxx x x x x x x

Atty. Manigbas:

We will be presenting this witness, Your Honor, in order to prove the material allegations in the comment admitted by the respondent dated May 22, 1995. But before we present this witness and pose the questions for direct examination we would just like to make manifest on record that in the letter-complaint marked as Exhibit "A" for the complainant which is the letter to the Hon. Ernani Cruz Paño dated April 19, 1995, *the complainant admitted that all the cases being handled by Atty. Isabelita Manigbas were being heard by the Assisting Judge, Judge Norberto Mercado* (italics supplied).

xxx x x x x x x

Atty. Manigbas:

In this complaint filed against you by Atty. Marquez which is marked as Exhibit "A" it is alleged that Atty. Manigbas is handling cases which are being heard by Judge Norberto Mercado, the assisting Judge, could you explain before the Honorable Court what is the arrangement in connection with

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the cases filed which are being handled by Atty. Isabelita Bathan-Manigbas?

Judge Manigbas:

I instructed my Clerk of Court that if it appears from the record that one of the counsel for the litigants happens to be Atty. Isabelita Bathan-Manigbas said case should be assigned for disposition to the Assisting Judge x x x

Q: So, in all the cases being handled by Atty. Isabelita Manigbas who is the one assigning these cases to Judge Norberto Mercado?

A: It is the Clerk of Court who assigns the cases to Assisting Judge, Judge Mercado.

Q: Who has the full disposition in connection with all the cases being handled by Atty. Isabelita Bathan-Manigbas?

A: It is Judge Mercado who has full control of the cases being heard by him.

Q: Now, in all the cases being handled by Atty. Isabelita Manigbas, which according to you and as admitted by the complainant in the complaint are being heard by Judge Norberto Mercado, did you participate whatsoever in any proceeding in connection with the cases?

A: No, I never participated directly or indirectly for cases assigned to Judge Mercado wherein one of the litigation counsel is Atty. Isabelita Manigbas because he has the full disposition and control over that cases.[1]

The above allegations of respondent Judge remain unrebutted by the complainant. In fact it was stated in his letter of 19 April 1995 to former Court Administrator Ernani Cruz Paño —

x x x The undersigned is not unaware of the fact that there is an assisting judge in the MTCC of Lipa City in the person of Judge Norberto Mercado who, admittedly, hears all the cases handled by Atty. Isabelita Bathan-Manigbas.[2]

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[1] TSN, 20 April 1998, pp. 4-8.

[2] *Rollo*, p. 47.

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Quite significantly, there is only one MTCC in Lipa City. As such, it is inevitable and unavoidable that the cases handled by Atty. Isabelita Bathan-Manigbas would be brought before the sala of respondent Judge. But, to avoid impropriety, or any appearance of it, respondent Judge would endorse, as he did, all the cases of his wife to his Assisting Judge.

Yet complainant finds fault in the endorsement of the cases by respondent Judge to Judge Mercado and insists that respondent manipulated the designation of Judge Mercado in order to give semblance of legality to an otherwise improper and illegal arrangement.

We cannot find logic in complainant's argument. Clearly, as the records show, the designation of Judge Norberto P. Mercado as Assisting Judge of MTCC-Lipa City was through his own initiative. Thus —

September 2, 1994

Hon. Norberto P. Mercado
Presiding Judge, Municipal Trial Court of Padre Garcia
Province of Batangas

S i r :

Anent your letter dated August 30, 1994 offering your services as assisting judge of the Municipal Trial Court of Lipa City, which was favorably recommended by Hon. Arcadio I. Manigbas, Presiding Judge of the said Court and in the interest of public service and the speedy administration of justice, you are hereby designated as assisting judge of the Municipal Trial Court of Lipa City in addition to your regular duties as Municipal Trial Judge of Padre Garcia, Batangas, without prejudice to whatever compensation and/or allowance you may be entitled to under the law . x x x

(Sgd) VICENTE F. LANDICHO
Executive Judge[3]

When the administrative jurisdiction over MTCC-Lipa City and MTC-Padre Garcia, Batangas was transferred to the supervision of former Executive Judge Angelito C. Teh, Judge

[3] *Rollo*, p. 12.

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Norberto P. Mercado requested the conformity of the former to his designation as Assisting Judge of MTCC-Lipa City. Executive Judge Teh offered no objection to his designation as such. Finding no impediment to the designation of Judge Mercado as Assisting Judge, Judge Teh endorsed the same to then Court Administrator Ernani Cruz Paño.

On 27 October 1995, upon recommendation of Court Administrator Ernani Cruz Paño, former Chief Justice Andres R. Narvasa in his Administrative Order No. 144-95 designated Judge Norberto P. Mercado as Assisting Judge to Judge Manigbas in the MTCC-Lipa City —

In the interest of an efficient administration of justice and pursuant to Sec. 5(3), Art. VIII of the Constitution, the HON. NORBERTO P. MERCADO, Presiding Judge of the Municipal Trial Court at Padre Garcia, Batangas, is hereby DESIGNATED Assisting Judge of Hon. Arcadio I. Manigbas of the Municipal Trial Courts in Cities at Lipa City, in addition to his regular duties in his own court, without additional compensation except reimbursement of traveling expenses and per diems, effective immediately and to continue until the appointment and assumption to duty of the new appointee to the position thereat, or until further orders from this Court.[4]

We are satisfied with the explanation of Judge Manigbas that he did not "maneuver" the designation of Judge Mercado as his Assisting Judge. As respondent Judge explained —

5.01.01. On August 30, 1994 Judge Mercado, who presumed that my caseload in my court has tremendously increased due to the implementation of RA 7691, the Act Expanding the Jurisdiction of the inferior courts, had requested me in writing that he should be designated as an Assisting Judge in my court. His reason is that the case load in his sala was still in the average and/or manageable.

5.01.02. I endorsed the letter-request of Judge Mercado to the Executive Judge, Regional Trial Court, Lipa City for whatever action he might take on the matter. Please take note that Padre Garcia at that time was under the judicial administrative territorial district of the Regional Trial Court of Lipa City.

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[4] *Rollo*, p. 15.

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5.01.03. The request of Judge Mercado was granted in writing dated September 2, 1994 by the Executive Judge of Lipa City, a copy of the designation is hereto attached as Annex "a" hereof.

5.01.04. When the Padre Garcia Municipal Trial Court (of Judge Mercado) was removed from the administrative jurisdiction of the Regional Trial Court of Lipa City and was simultaneously transferred to the Regional Trial Court of Rosario, Batangas, the designation of Judge Mercado as Assisting Judge in my court was revoked in writing dated July 17, 1995 by the Executive Judge/ Presiding Judge, Regional Trial Court, Rosario, Batangas.

5.01.05. Sometime thereafter, Judge Mercado again requested in writing dated July 26, 1995 and addressed to Hon. Reynaldo L. Suarez, Deputy Court Administrator, Supreme Court, thru channel, that he be re-designated as an Assisting Judge in my court. His request was not objected to by the Executive Judge, Regional Trial Court of Rosario. His reason, among others, is that his original designation as Assisting Judge had improved his skill as a presiding judge of a municipal trial court x x x

5.01.06. I endorsed in writing the request of Judge Mercado for his designation as Assisting Judge in my court to my Executive Judge, the Regional Trial Court, Lipa City.

5.01.07. The Executive Judge, Lipa City endorsed in writing dated July 27, 1995 the said written request of Judge Mercado to the Office of the Court Administrator, Supreme Court, Manila.

5.01.08. The Supreme Court, in its Administrative Order No. 144-95 dated October 27, 1995, approved the subject request of Judge Mercado and, thereby enabling Judge Mercado to act again as Assisting Judge in my court since then and through the present . . .

5.01.09. Parenthetically, please take note that at the time Judge Mercado was assigned as an Assisting Judge in my court, the law on expanded jurisdiction of Municipal Court/s had taken effect. This caused the docket of my court to be swamped and overloaded with new cases. And at the time that Judge Mercado was re-designated as an Assisting Judge in my court docket caseload of my court was about One Thousand Two Hundred Seventeen (1,217) cases. This fact made the assigning of an Assisting Judge in my court an urgent necessity to enable my court to dispose of its heavy case load within a reasonable time and in justice to the party litigants.[5]

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[5] *Rollo*, pp. 6-7.

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It is clear to us that the initiative to be named as Assisting Judge of MTCC-Lipa City came from Judge Mercado himself. Judge Mercado expressed his interest to be designated as Assisting Judge for his own professional growth. He insisted on his appointment as Assisting Judge considering that his caseload in his own court was very light and manageable as shown in his letter partly quoted hereunder — with only thirty-seven (37) cases in Padre Garcia and twenty-eight (28) cases in Rosario. The Executive Judge found nothing improper in the arrangement. He approved of the designation of Judge Mercado as Assisting Judge of MTCC-Lipa City, duly recommended by the Court Administrator and approved no less by the Chief Justice Andres R. Narvasa who thereafter issued A.O. No. 144-95, as already adverted to, "in the interest of an efficient administration of justice." Thus, in his letter of 26 July 1995 addressed to DCA Reynaldo L. Suarez, Judge Mercado said —

x x x As of July 21, 1995 the caseload in my court of Padre Garcia, Batangas is only 37 cases, while that of MTC, Rosario, Batangas, is only 28 cases x x x I humbly submit that the case loads of these two (2) courts are easily manageable.

I discussed the recall and withdrawal of my designation as Assisting Judge with the Presiding Judge of MTCC-Lipa City, Hon. Arcadio I. Manigbas and he told me that he urgently needed my services considering his case load of 1,217 x x x This upsurge was brought about by the effectivity of R.A. 7691, and the fact that MTCC, Lipa City has only one branch or sala. The need of Hon. Judge Manigbas for an Assisting Judge is seriously compounded by his designation as Acting Presiding Judge of MTC-Cuenca, Batangas, I am again submitting and offering my services as Assisting Judge of MTCC-Lipa City because I humbly submit that it is to my advantage for professional growth as a Presiding Judge as it has been my ambition to move forward. I assure you Sir, taking into account my young age and the proximity of Padre Garcia and Rosario, Batangas, the distance being only more or less five (5) kilometers apart, that should I be designated anew as Assisting Judge of MTCC-Lipa City, I can efficiently perform the duties and responsibilities of Judge in the speedy administration of justice in these three (3) Courts of Padre Garcia, and Rosario, Batangas and Lipa City.[6]

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[6] *Rollo*, pp. 13-14.

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Verily, there is nothing on record to indicate that Judge Manigbas manipulated the appointment of Judge Mercado as Assisting Judge. That Judge Manigbas informed Judge Mercado of his need for an Assisting Judge is not tantamount to maneuvering his appointment. To conclude that Judge Manigbas arranged the designation of Judge Mercado would be equivalent to saying that this Court, although it wields the exclusive supervisory power over all the courts in the land, is susceptible to undue influence by a municipal trial court judge!

As to the alleged undue delay in the disposition of Civil Case No. 94-2665, this Court finds that there was no *undue* delay. If there was any delay at all it can only be attributed to the sudden deluge of cases brought about by the unprecedented expansion of the jurisdiction of the municipal trial courts, one of which is the sala of respondent Judge, with more than seven hundred (700) cases added to his original caseload of one thousand two hundred seventeen (1,217), or a total caseload now of almost two thousand (2000) cases, without correspondingly increasing the number of salas in Lipa City. MTCC-Lipa City is a single-sala court.

WHEREFORE, the complaint of Atty. Reynaldo Q. Marquez dated 8 November 1996 against respondent Judge Arcadio I. Manigbas, MTCC-Lipa City, Batangas, for alleged violation of the Code of Judicial Conduct (a) in allowing his wife Atty. Isabelita Bathan-Manigbas to appear in his sala; (b) in maneuvering the designation of Judge Norberto P. Mercado as his Assisting Judge and, (c) in his undue delay in the disposition of Civil Case No. 94-2665, is *DISMISSED* for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.