

## EN BANC

**[ A.M. No. RTJ-16-2470 (Formerly OCA IPI No. 12-3987-RTJ), January 10, 2018 ]**

**PROSECUTOR LEO T. CAHANAP, COMPLAINANT, V. JUDGE LEONOR S. QUIÑONES, REGIONAL TRIAL COURT, BRANCH 6, ILIGAN CITY, LANA DEL NORTE, RESPONDENT.**

### DECISION

#### CAGUIOA, J:

Complainant Prosecutor Leo T. Cahanap (Complainant) filed the instant administrative complaint on October 30, 2012, charging respondent Judge Leonor S. Quinones (respondent Judge) with Gross Ignorance of the Law, Gross Misconduct and violation of the Code of Judicial Conduct for the following alleged acts of respondent Judge:

*First*, Complainant alleged that in his last two (2) years as a prosecutor in Branch 6, he suffered unbearable and intolerable oppression in the hands of respondent Judge.

[1]

In the case of *People v. Inot*, docketed as Criminal Case No. 6-15566, respondent Judge got angry and objected to the leading questions asked during complainant's re-direct examination, notwithstanding the fact that no objections were raised by the defense counsel.[2]

In the case of *People v. Badelles*, docketed as Criminal Case No. 06- 15405, respondent Judge issued an order blaming complainant for the failure of the forensic chemist to bring the chemistry reports for the other accused in the case because complainant did not sufficiently specify the chemistry reports due to the court.[3] In the same case, respondent Judge gave complainant a lecture on the proper demeanor and conduct in court while he was making a formal offer of a testimony, causing extreme embarrassment to complainant.[4]

Complainant asserted that the prosecutors, who previously appeared before respondent Judge, opted to be assigned to other courts as they too experienced humiliation and harsh treatment from her. Further, respondent Judge's staff themselves were subjected to respondent Judge's insolent behavior.[5]

*Second*, Complainant further accused respondent Judge of habitual tardiness which delayed the start of court sessions, usually at 9:30 or 10:00 in the morning, earning for her sala the monicker "*Branch 10*." [6]

*Third*, in the proceedings for the case of *People v. Heck* (Heck Case), docketed as Criminal Case Nos. 15144, 15149, 15151 and 15153 for Estafa, pending before respondent Judge's sala, respondent Judge, in open court and heard by the public,

asked private complainant, Hanna Mamad, to go to her house because she was interested in buying jewelry items from her.<sup>[7]</sup>

Respondent Judge ordered her staff to provide Mamad with directions to her house.<sup>[8]</sup> Complainant averred that when he called Mamad on September 13, 2012, Mamad confirmed that respondent Judge bought jewelry from her. Court personnel have also testified that respondent Judge showed off the jewelry she bought from Mamad.<sup>[9]</sup>

*Fourth*, in proceedings in the case of *People v. Macapato* (Macapato Case), docketed as Criminal Case No. 16089 for Attempted Murder, respondent Judge issued an Order dated June 18, 2012, directing the release of accused Dimaampao's vehicle despite the prosecution's written opposition on the ground that the vehicle has yet to be presented as evidence in court and has yet to be formally offered before the court could acquire jurisdiction.<sup>[10]</sup>

Respondent Judge immediately set accused's subject motion for the release of accused Dimaampao's vehicle for hearing a day after it was filed, in violation of the three-day notice rule.<sup>[11]</sup> The Transcript of Stenographic Notes (TSN) of the hearing revealed that respondent Judge showed her bias and practically acted as defense counsel, prompting the prosecution to move for the inhibition of respondent Judge.<sup>[12]</sup>

*Fifth*, in the case of *People v. Tingcang* (Tingcang Case), docketed as Criminal Case No. 6-6115 for Murder, respondent Judge dismissed the case provisionally without prejudice to its refile upon the availability of the prosecution's witnesses on the ground of speedy trial.<sup>[13]</sup> The prosecution lamented that the delay in the proceedings was due to the absence of the accused who has been in hiding since 1996.<sup>[14]</sup>

*Sixth*, in the case of *People v. Casido* (Casido Case), docketed as Criminal Case No. 6-16034, respondent Judge dismissed a complaint for Attempted Murder due to the absence of a fatal wound on the victim, which the prosecution believed to be misplaced in an information for Attempted Murder.<sup>[15]</sup>

*Seventh and lastly*, complainant averred that respondent Judge also mistreated her court staff. On July 29, 2011, respondent Judge allegedly shouted at a court stenographer, and called her "*bogo*" which meant dumb.<sup>[16]</sup>

Respondent Judge berated another stenographer and shouted at the latter "*punyeta ka*"<sup>[17]</sup> and "*buwisit ka*"<sup>[18]</sup>.

#### Comment dated January 12, 2013 of respondent Judge

Respondent Judge, in her Comment dated January 12, 2013, denied that she maltreated the prosecutors assigned to her sala. In support thereof, she submitted the following documents:

- 1) Certification<sup>[19]</sup> dated January 3, 2013 issued by OIC-Provincial Prosecutor Diosdado D. Cabrera, stating that Prosecutor Macacuna B. Macadatu requested for transfer for security reasons, not due to respondent Judge's maltreatment;

- 2) Letter<sup>[20]</sup> dated March 22, 2011 to former Secretary Leila M. De Lima by Prosecutor Macacuna B. Macadato, requesting for transfer of assignment from Iligan City to the Prosecutor's Office in Marawi City, due to a threat to his life;
- 3) Affidavit<sup>[21]</sup> dated December 18, 2012 executed by Prosecutor Mangontawar M. Gubat, proving that he declined to be the trial prosecutor in respondent Judge's sala for health reasons, not due to the insolent behavior of respondent Judge; and
- 4) Joint Affidavit<sup>[22]</sup> dated January 3, 2013 by Public Attorneys Nur Jaypha R. Bacaraman and Rashid A. Macarimbang, attesting that their re-assignment or subsequent transfer to other branches of the RTC in Iligan City is a matter of policy in their office, with due consideration to the caseloads of individual lawyers in the district or the balancing of work assignment, not due to the reported misbehavior of respondent Judge.

Relative to the Heck Case, respondent Judge denied having asked jewelry from Mamad, the private complainant in the subject case.<sup>[23]</sup>

Respondent Judge reasoned that she immediately acted on the motion of the defense in the Macapato Case because an urgent motion is exempted from the three-day notice rule. She maintained that the motion was granted and was issued in good faith in the performance of judicial functions.<sup>[24]</sup>

Respondent Judge also insisted that her order of dismissal in the Tingcang Case was issued in good faith in the performance of her judicial functions.<sup>[25]</sup>

Respondent Judge admitted her mistake in the Casido Case, averring that the finding of lack of probable cause on the basis of absence of a 'fatal injury' was an error but an error of judgment made in good faith.<sup>[26]</sup>

In response to the allegation that she unduly interfered in the court proceedings, respondent Judge explained that she merely reminded lawyers of the purpose of enforcing the rules and to elicit evidence with sufficient probative value to help in the search for truth. She maintained that she was just helping the prosecution and/or lawyers to propound questions to the witnesses whenever she found it necessary to clarify matters.<sup>[27]</sup>

On her alleged offensive and disrespectful attitude towards her staff, respondent Judge denied being oppressive to her staff. She claimed that she merely rebuked or admonished them in the exercise of her supervisory authority.<sup>[28]</sup>

Respondent Judge also admitted arriving late to court but denied that her tardiness was often or habitual. Assuming arguendo that she was habitually late, she countered that her sixty percent (60%) disposal rate of cases assigned to her from June 2010 to November 2012 would refute the issue of punctuality hurled against her.<sup>[29]</sup>

The Office of the Court Administrator (OCA) recommended that the charges against respondent Judge relative to the issuance of the (1) Order dated June 18, 2012 in the Macapato Case, (2) Order dated June 18, 2012 in the Tingcang Case for the dismissal of the case on the ground of violation of the accused's right to speedy trial, and (3) Order relative to the Casido Case, dismissing the same for lack of probable cause, be dismissed for involving issues judicial in nature which are beyond the purview of an administrative proceeding.<sup>[30]</sup>

The OCA reasoned that a party's remedy, if prejudiced by the orders of a judge given in the course of a trial, lies with the proper reviewing court, not with OCA by means of an administrative complaint.<sup>[31]</sup> It must be understood that the statutory mandate of the OCA extends only to the administrative supervision over court officials and personnel and does not include the authority to interfere with the judicial prerogatives of a judge to try and resolve a case and its pending incidents. For the OCA to review the merits underlying each decision and order issued by respondent Judge would result in a re-evaluation of his exercise of his judicial discretion which is definitely beyond the OCA's authority. These are clearly matters for judicial adjudication.<sup>[32]</sup> It has been stressed that questions judicial in nature ought to be threshed out in a judicial proceeding and definitely not in an administrative one.<sup>[33]</sup>

With respect however to the other charges, pertaining largely to the demeanor of respondent Judge, the OCA found that the same appear to be serious.<sup>[34]</sup> However, because of the conflicting versions presented by the parties, there exist factual issues that cannot be resolved merely on the basis of the records at hand, and can be ventilated only in a formal investigation where the parties can adduce their respective evidence.<sup>[35]</sup>

The OCA thus recommended that the remaining charges filed against respondent Judge be referred to the Executive Justice of the Court of Appeals, Cagayan de Oro City, for raffle among the Justices thereat for investigation, report and recommendation within sixty (60) days from receipt of the records.<sup>[36]</sup>

In a Resolution<sup>[37]</sup> dated February 11, 2015, the Third Division of the Court adopted the recommendations of the OCA.

Complainant filed a Motion for Reconsideration of the OCA's Report dated October 9, 2014, which was denied by the Court in a Resolution<sup>[38]</sup> dated July 1, 2015.

#### Report dated July 13, 2015 of Investigating Justice Maria Filomena D. Singh

Investigating Justice Maria Filomena D. Singh (Investigating Justice) recommended that respondent Judge be held administratively liable for Oppression with a fine of P40,000.00 and Habitual Tardiness with a fine of P20,000.00.<sup>[39]</sup>

The Investigating Justice also recommended that respondent Judge be transferred to a different court considering the irremediably strained relations between respondent Judge and the court staff;<sup>[40]</sup> and that the names of certain witnesses be blocked from the decision that the Court will render in this case.<sup>[41]</sup>

The testimonies of the court staff witnesses and the Branch Clerk of Court uniformly pointed to the habitual tardiness of respondent Judge in coming to work and holding

court hearings, which they consistently testified to as generally starting between 9:00 and 9:30 in the morning.<sup>[42]</sup> In the judicial affidavit of complainant, he attested that during his time as the public prosecutor in respondent Judge's sala, respondent Judge started court hearings at 9:30 a.m., instead of 8:30 a.m.<sup>[43]</sup> The successor of complainant, Assistant City Prosecutor Diaz, also confirmed that respondent Judge commenced court sessions between 9:30 a.m. and 10:00 a.m.<sup>[44]</sup>

The testimonies of court staff witnesses also revealed that respondent Judge does not want to indicate in the Minutes of the Proceedings the actual time court sessions start. A court staff testified that one of the court's casual employee was once reprimanded by respondent Judge when she wrote in the Minutes of the Proceedings that the actual time of arrival of respondent Judge was 9:30 a.m..<sup>[45]</sup> The Branch Clerk of Court even admitted under oath that the Minutes of the Hearings and Notices indicate that court hearings start at 8:30a.m. instead of the actual time the hearings commenced.<sup>[46]</sup>

Although the Minutes of the Proceedings in her court reflect that respondent Judge start court sessions regularly at 8:30 a.m., the uniform testimonies of the witnesses regarding respondent Judge's habitual tardiness, despite the risk of being held administratively and criminally liable, constitute substantial evidence to hold respondent Judge liable.<sup>[47]</sup>

On the charge of Oppression, the Investigating Justice found that respondent Judge failed to show compassion, patience, courtesy and civility to lawyers who appear before her in contravention of the mandates of the New Code of Judicial Conduct which sets the high standards of demeanor before all judges must observe.

Respondent Judge displayed antagonistic behavior towards Atty. Basher Macapado, who appeared as defense counsel in Criminal Case Nos. 15539, 15540 and 15541, during the hearing on May 14, 2012:

COURT:

Atty. Macapado, during the last hearing, it was Atty. Plando who appeared. These were already testified by this witness. Next time, if you intend to do your cross-examination you better appear so you will not be wasting the court's time and these were already testified to by the witness. Where is Atty. Plando?

ATTY. MACAPADO:

He is out of town Your Honor. As far as this is concerned Your Honor, this was not testified to by this witness. COURT: It is your question (Presiding Judge banging the gavel). What is your question before this?

ATTY. MACAPADO:

I am asking about the confirmatory test.

COURT: